

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 19 December 2000
(Morning)

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2000.

Applications for reproduction should be made in writing to the Copyright Unit,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 19 December 2000

Col.

HOUSING (SCOTLAND) BILL	954
CHHOKAR INQUIRIES	965
REPORTERS	969

EQUAL OPPORTUNITIES COMMITTEE

24th 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

Peter Barry (Scottish Refugee Council)

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 19 December 2000

(Morning)

[THE CONVENER *opened the meeting at 10:06*]

The Convener (Kate MacLean): The first item on the agenda is to decide whether to take items 2 and 6 in private. Are members agreed?

Members *indicated agreement.*

10:06

Meeting continued in private.

10:10

Meeting resumed in public.

Housing (Scotland) Bill

The Convener: I welcome Peter Barry from the Scottish Refugee Council to give evidence on the Housing (Scotland) Bill. Peter Barry will speak for five or 10 minutes, after which members will ask questions. We received the submission only this morning—I understand that you had problems with your computer system.

Peter Barry (Scottish Refugee Council): Although the committee has only just received the submission, the report was written some time ago. It was forwarded but was, apparently, mislaid. I have brought an additional summary of our views, which may inform the discussion. The document that was submitted in advance to the committee was rather a long narrative—I would be unable to speak to it within five minutes.

The Scottish Refugee Council warmly welcomes the opportunity to comment on the Housing (Scotland) Bill. We have considerable concerns about provision—across the panorama of social inclusion issues—for refugees who are granted and begin their citizenship in Scotland. It is a high-profile, high-pressure area of work, given the level and the nature of the programme of dispersal from the south-east of England—especially Dover and London—to Scotland. Scotland and Glasgow—in particular—are major players in the dispersal programme. The programme creates a major challenge for Scotland's housing providers and—through its resource and service implications—creates challenges across a range of social inclusion issues, such as social work, education, community care, policing, racism and so on.

Many of the principles in the Housing (Scotland) Bill are warmly welcomed in so far as they extend the rights of individuals who are homeless or threatened with homelessness to gain access to the full range of available housing and to get clear advice on the nature of housing options. My comments will be concerned with exploring whether those measures are sensibly made available to refugees, to other minorities and to people who speak limited or no English.

On refugee needs, our concern is about the process that applies to asylum seekers—who have few citizenship rights in Scotland—and to refugees, who have the full rights of any other citizen. We are anxious that the bill should take into account the full range of the refugee experience: the trauma and mental health problems that are often evident; the critical issue of language and interpreting; poverty, isolation and

displacement; and the need to develop refugee communities. Those issues are a challenge to settlement and would affect the Housing (Scotland) Bill. For example, following a positive decision on a person's application, there is a time scale of only 14 days during which that person must access housing and social welfare support before they are evicted from national asylum support service accommodation. The major challenge for advice agencies, individuals and providers is to ensure that people do not fall through the safety net.

Historically, refugees have received limited information about their rights—especially their housing rights—and their choices at that key point in their settlement. That has been compounded by the fact that, at that point, many refugees' command of English is still fairly limited. The Scottish Refugee Council is anxious to ensure that measures are put in place to ensure that refugees have the opportunity to apply for all appropriate housing stock from different providers. I understand that the Housing (Scotland) Bill proposes new rights for people to register on their preferred housing list—that is welcome.

That right must clearly and effectively be made available to refugees and their families, to promote the development of what might be described as choice-led clusters. A cluster is a key concept in the refugee world. It describes the need to facilitate refugee and ethnic minority communities in their attempts to live in communities and to develop community identities and strengths and—through those—a voice. It is also important that the measure leads to fair distribution of desirable housing stock.

10:15

The proposal to extend the right to buy might create additional burdens for refugees who are, at the point of their application, bereft of any such right. Legislation should also ensure that the duty on local authorities to provide proper advice to applicants is extended to refugees at the point of their transition from asylum seeker to citizenship, but in a manner that is useful for refugees and other people who speak limited English.

The committee may have already seen the report, "I Didn't Come Here For Fun", which was published by Save the Children in Scotland and the Scottish Refugee Council. That report reveals a harrowing level of racist abuse and attacks on refugee and asylum seeker children since their arrival in Scotland. It throws new light on the view that Scotland always extends a warm welcome. That is of concern not only to the Scottish Refugee Council, but to legislators.

The link between racist violence and the

increase in the numbers of refugees suggests that the bill should include mechanisms to promote the personal safety and security of refugees as they strive to become integrated. Although I could not comment on the detail of such mechanisms, they could perhaps link provision to anti-social behaviour orders and a means of reporting attacks to third parties. Although it may be a little early to do so, the Scottish Parliament could consider commissioning research that would identify the full implications for housing and social inclusion of the dispersal of refugees in Scotland. We do not know how many people will settle in Scotland—we do not yet know how many people will come to Scotland. We do not know about their family groups or their history. From start to finish of the dispersal exercise, management information is extremely poor. It will be unfortunate if we miss the opportunity to properly oversee dispersal in Scotland. Information and research will be critical to that process.

The Housing (Scotland) Bill should also make provision for especially vulnerable groups. There is an argument that all refugees can be defined as vulnerable because of their circumstances and because they are new to this country. However, there are particular indicators of vulnerability, including physical health and community care needs, large families, single parents and single women. For women, physical abuse, rape and other forms of torture may lie behind their claims for asylum and women from different societies that have different social mores might struggle to articulate their rights in this country.

In summary, there is concern about the potential numbers of refugees. Many thousands of people may settle in Scotland in the coming years and, given the size of the existing ethnic minority population, that will have a major impact on services and on the views of indigenous communities. A number of reports and a MORI poll show that there is massive misunderstanding about numbers and the extent and type of issues that surround refugees and ethnic minority communities in Britain, including Scotland. We need a strategic response—measures in the Housing (Scotland) Bill will be part of that response.

The Home Office's proposals on integration in its recent strategy document—I do not know whether the Scottish Executive has had the opportunity of scrutinising the document—mentioned housing issues only once, in reference to a proposed rent deposit scheme that is due to be in place by July 2001. Welcome as that proposal is, it only skims the surface of the range of housing issues that must be considered to facilitate dignified and safe settlement of refugees in Scotland.

The Convener: Thank you.

Irene McGugan (North-East Scotland) (SNP):

It is known that many thousands of asylum seekers will come to Scotland. Do you see any evidence that local authorities are beginning to make provision for that level of demand, not only in relation to their housing stock, but in relation to their other services? "I Didn't Come Here For Fun" clearly shows the scale of the difficulties and recommends some very good strategic measures in a joint approach to address the issues. Given that, are authorities responding and recognising that dramatic changes will have to be made to how services are provided and information is made available to accommodate the needs of the asylum seekers who will come to Scotland?

Peter Barry: My response to that question is mixed. Following the publication of that report, we were contacted by a number of council departments in Glasgow. The council's culture and leisure services department, for example, has introduced an excellent initiative for holiday programmes for refugee children. In terms of statutory functions, a number of other welcome measures are in place. However, I sense that given the pace of dispersal and that there is a fairly uncertain planning environment—I would not apologise for local authorities, but I acknowledge that planning has been a challenge for them—there may be a gap between the delivery of services to asylum seekers and settlement provisions. That is not an issue that is exclusive to local authorities—there has not been much thinking ahead about settlement. I am not confident that enough discussion has taken place—not only within local authorities, but in the voluntary sector and in the Scottish Executive and the Home Office—on statutory responsibilities for housing, social work, education and health. That should now take a primary place in discussion on refugees and asylum seekers.

There is little evidence that provision is in place in Scotland in local authorities other than Glasgow's, but there is little need for it because, at this point, it does not seem that there will be significant movement to anywhere other than Glasgow, certainly within the next financial year. That might change but, at present, we are concentrating on Glasgow, which has a very difficult job.

Glasgow City Council is contracted to provide 2,500 units of housing, but it does not know when the units will be filled. As the committee no doubt knows, the council agreed that the pace of dispersal would be increased from last Thursday, 14 December. That means that one bus a night leaves England for Glasgow with approximately 43 individuals on it. Over 10 weeks that will amount to around 4,300 individuals. I am concerned that the increased pace of dispersal will mean that service providing departments will be caught unawares.

Irene McGugan: Is that not more the case because the increase in dispersal has started in the run up to Christmas and new year, when so many service providers will have staff on holiday and fewer people will be available to help?

Peter Barry: Yes. Although information is limited, I understand that although the increased dispersal programme will stop between Christmas and new year, it will operate until Christmas and will begin again immediately after new year. There are major concerns about our ability to provide even the most basic services and about significant resource implications and service gaps in the context of the increased numbers. Unlike the usual process whereby asylum seekers arrive in Scotland, which tends to be dominated by single men, the dispersal programme is dominated by families who have children, which creates a range of other problems for local authorities and other service providers.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): You mentioned clusters. Over many years, reports have shown that even with the best will in the world, and with well-intentioned policies, ghettos have been created because institutionalised prejudice has allowed refugees to be put into poorer housing. Even if there is goodwill and an enhanced level of inter-agency support, do you believe that local authorities are aware of the problems that will face them when 4,300 people arrive and must be accommodated? Is there a danger of not learning from history and of recreating problems that will impact on the services and on the refugees?

Peter Barry: Yes, there is that danger. The Audit Commission report, "Another Country", which was published in June this year, set out three key factors that should be in place to ensure healthy dispersal. There should be an adequate supply of good quality housing, adequate support services and there should be existing ethnic minority communities into which people can integrate. In Scotland we do not have extensive ethnic minority communities that reflect the nationality of people who are being dispersed. High quality housing is a key principle of healthy dispersal and the Housing (Scotland) Bill offers opportunities to move away from the historical ghettoisation of refugee clusters towards an opportunity for refugees to seek out and select more attractive housing in areas that they see as safer. The proposed principles are fine and success will lie in the wording of the bill and local authority policies, in the leadership that is given by the Scottish Executive and in the work of the voluntary sector. The wording of the regulations that will back up the bill must define clearly the areas into which refugees and asylum seekers should not be put. Poverty, problems with education, poor health and racial violence and

racial crime tend to go along with housing ghettos. There is a risk, but I believe that the planned measures will move local authorities away from that approach.

Mr McMahon: Without asking you to say that everything seems to be in place—

Peter Barry: Everything is not in place—absolutely not.

Mr McMahon: That is basically what I am asking. There is evidence from the past of ghettoisation that resulted from bringing in large numbers of people and trying to integrate them into an existing population. Is there a danger that that could be repeated?

Peter Barry: There is a significant danger of that. I was talking about the principles. The ideas are good, but the practical application of those ideas has yet to unfold and I am very concerned about the very point that Michael McMahon makes.

Marilyn Livingstone (Kirkcaldy) (Lab): How do you feel about integration within the local authorities and inter-agency working? Is that happening?

Peter Barry: The function to co-ordinate inter-local authority work is the responsibility of the Scottish consortium, and it appears that a number of local authorities are not as informed as they could be. I cannot speculate on the reasons for that, but I think that there are gaps in the information that is available. That is creating some tensions for local authorities.

10:30

Nora Radcliffe (Gordon) (LD): You said that a great deal of importance will be attached to the wording of the bill and the regulations. What would you like to see in them? How should they be framed to achieve the desired objectives?

Peter Barry: Traditionally, in the drafting of regulations, exceptionally vulnerable groups are defined in the schedules. I hope that the schedules to the regulations clearly set down the responsibilities for refugees that local authorities should discharge.

A critical issue is the requirement to communicate and to provide interpreting services. The provision of interpreting services in Glasgow and in Scotland is entirely inadequate and does not meet the current need. There is already a problem, based on dispersal thus far, in communicating local authorities' responsibilities on refugees' rights to the people for whom they provide services. That conflict requires a resolution, through the allocation of resources, through planning and intensive recruitment. That

should be stated explicitly.

The first of the two key issues that I focused on in my brief opening remarks concerns the need to provide access to a range of housing types on an equitable basis. To do that, a range of issues must be taken into account. If people have disabilities, their disabilities must be taken into account; if people do not have English as a first language, that must be a consideration; if large families, travellers' families or refugees are involved, it must be explicitly stated to local authorities what they require to put in place. I may not be able to comment on that in this forum—and there may not be time—but I would welcome the opportunity to add written comment to the drafting of any regulations on how to ensure that refugees' needs will be met regarding those provisions and access to a wide range of housing stock.

The second key issue concerns the statutory function of providing housing advice to prevent people who are threatened with homelessness becoming homeless. The regulations should state clearly local authorities' duties to provide advice not only to people with different languages, but to people with different cultural backgrounds, taking into account their cultural concerns, extended families and community care needs.

Another issue concerns people in Scotland who have been victims of racial crimes having been given refugee status. There is at that point no doubt about their credibility—they are refugees who are fleeing persecution, torture, victimisation and violence. Experiencing violence in Scotland adds insult to serious injury for them, and it is the responsibility of us all—under the leadership and guidance of the Scottish Executive—to ensure that legislation weeds that out and gives people the opportunity to live in safe and secure environments.

Irene McGugan: You mentioned the transition period between being an asylum seeker and becoming a refugee and said that two weeks are allowed, in which people must find alternative accommodation and work out the benefits system. The potential for homelessness in that two-week period must be enormous. Although the bill contains proposals to deal with that, I assume that you feel that they are wholly inadequate to provide a safeguard and that the two-week time limit is almost totally unrealistic.

Peter Barry: I genuinely welcome the principles of extending rights and options, but I am concerned that the bill does not provide the details—as bills do not. The Executive has an opportunity to provide that detail.

The 14-day window is a huge challenge. The role of the Scottish Refugee Council has changed and been enhanced, and we now co-ordinate and

lead services for social welfare, ensuring that the gap in service provision during that window is filled. However, to be honest, we do not have the capacity to provide those services directly.

The figures for the recently increased dispersal, which was announced just before it began on 14 December, suggest that between 2,500 and 4,300 individuals could be involved. Taking the upper figure, current statistics suggest that 63 per cent of those 4,300 applicants would be granted either refugee status or exceptional leave to remain, which would entitle them to social security benefits and other aid. That suggests that, in three months, 2,700 people require advice in that short transition period. I cannot anticipate how that need would be met, and I am concerned about that.

In a recent meeting, Barbara Roche said that 10 per cent of applicants will be successful. I am sure that, as a Home Office minister, she is in a position to comment, but I am not aware that that view is based on statistics. If that percentage is accurate, perhaps 400 individuals will have the opportunity to apply for benefits and housing in that two-week period. That is a more manageable figure, although still challenging. Even the lowest figure—and, with respect, I do not think that it is based on statistical evidence—would create a challenge for providers. The Scottish consortium plays a critical role not only in the development of planning, but in implementing and overseeing the delivery of services—as does the Scottish Refugee Council—to ensure that the need for human resources and advice systems is met.

Irene McGugan: Are you being provided with increased resources to meet that increased need?

Peter Barry: The resource implications are not clear. I have recently taken up the post of manager in the Scottish Refugee Council and I am reviewing our funding procedures. Historically, funding has been allocated piecemeal, in a fairly reactive way, by trusts and other bodies, although our core funding is provided by the Home Office. Some movement is taking place on settlement programmes, but I do not think that it is enough. I would need to return to the Executive or this committee to comment in more detail on whether the funding will meet the need.

The Convener: You mentioned that housing should be suited to different groups—for example, if someone has a disability, they should be matched up to houses that are suitable for them. Some of the groups that have given evidence to the committee have said that a national network that could identify houses across every sector would be useful. Such a network would give people the same rights to different types of housing in different parts of the country. Would you regard a national network for housing for refugees as useful?

Peter Barry: That might be premature. If dispersal led to the development of refugee communities in more local authorities, that would be a valid proposal. However, at the moment services will be concentrated in Glasgow and, to a lesser extent, in Edinburgh. Housing providers in the voluntary sector should ensure that their policies explicitly meet the needs of refugees as I have described them. Each agency should take a best-value approach. It is a valuable starting point that the provision of services should be designed to meet the needs of the applicants.

People with disabilities will be scattered throughout Scotland, but refugees will be concentrated in urban areas, so an additional responsibility goes with contracting to NASS, which is to ensure that long-term planning provides directly for the needs of those individuals.

The Convener: Have you had an opportunity to study the bill?

Peter Barry: Not in detail.

The Convener: It has been published only this morning, so none of the committee has had the chance to study it either. When we have studied it, we might want to invite you back, if we have more questions on your submission and what we see in the bill. I hope that that would be all right.

Nora Radcliffe: You said that the lack of interpreting services is a critical factor. Does that arise because of a lack of resources to employ interpreters or because no one has the relevant skills to be employed as an interpreter?

Peter Barry: Not many bilingual and multilingual speakers can address the kinds of languages that are coming to Scotland. We have moved away from the traditional second or third languages, such as Urdu, Punjabi, Chinese and Mandarin. We are now dealing with Farsi, languages from Afghanistan, Arabic dialects and Albanian, and there are not enough individuals who can take on that work. Therefore, I suggest that a national recruitment drive—not confined to Scotland and including London—should be undertaken to try to attract people to that work.

There may be resource implications for services, but service managers have been caught short in a way that they should not have been. Language was clearly going to be an issue from the outset and it is our responsibility to ensure that we plan around the pillars of dispersal. Interpreting services were not prepared. I am not suggesting that the managers of those interpreting services are at fault; I am suggesting that there should have been a management function to plan for the interpreting needs, which has been missing.

Nora Radcliffe: Is there any mechanism for recruiting potential interpreters from the people

who are coming here as refugees?

Peter Barry: No, because asylum seekers are not entitled to work. If they were granted refugee status, they could work. The issue would be their abilities: they need to be bilingually proficient in oral and written English. I managed the Kosovan programme in Scotland, for which we recruited a high number of bilingual workers, 98 per cent of whom came from London. One worker came from Scotland, but almost all our bilingual staff were from London. Despite the myriad talents and the commitment they showed, many of those workers had very poor written English. They were well educated in their own language, had very good oral skills and were talented workers, but their written English was poor. That is a problem for professional interpreting. The recruitment process is difficult. I would not want to appear glib, but it has always been difficult.

Nora Radcliffe: Is it not a barrier to expect people to produce good written English, although they might be good interpreters? Should we not be trying to work round that, instead of leaving it as a barrier to recruitment?

Peter Barry: Yes. I am straying into unfamiliar territory. As a matter of principle, interpreting should be governed by a capacity to speak and write bilingually. That would enable people to read information and translate it properly. You are right, though—the majority of the day-to-day delivery of interpreting services concerns oral interpreting and basic communication.

10:45

Mr McMahon: My question may have only a tenuous connection to the Housing (Scotland) Bill, but it follows on from what is being said about communication. Given that many families moving to Scotland rely on the younger generations to pick up the language and to interpret in the home, do you have any evidence that the educational needs of families are taken into account when housing allocations are made? Do local authorities match the needs of refugee families to the ability of a local education institution to accommodate those families' need to develop communication skills?

Peter Barry: Glasgow City Council has developed some excellent bilingual units to assist in the integration into educational life in Scotland of people who do not have English as their first language. The service is aimed at children and there are a number of different units that provide it. The council has also implemented measures to ensure that the people from those units are active partners in the council's asylum support team. Some of the practices are absolutely superb and their work is very effective.

There are a number of issues about where children are located. There is major concern about children acting as interpreters. It is a fact that children have historically fulfilled that role, even in the ethnic groups that have been here for longer. Pakistani children from the Indian subcontinent have provided that service to their families for many years; that is a practical reality. My concern is that when it comes to refugee issues, using a child as an interpreter can lead us into dangerous territory. We know of cases in which children have interpreted for their parents in meetings with a solicitor at which a range of issues can arise that are entirely inappropriate even for older children. There are also grave concerns about children interpreting in a medical setting, which also happens.

Using children as interpreters is also a direct challenge to the normal family dynamic, because it creates a different balance of power in the family, which is not healthy for the family's integration into Scottish society. Having said that, we recognise that it is going on; it is a reality. You asked whether education departments provide for children to perform that role. Absolutely not. The education department would not, as I would not, endorse or support that, but we recognise it as a reality.

Mr McMahon: I was not asking whether education departments endorse the use of children as interpreters. I know that young children can pick up new languages more easily than older people can.

Peter Barry: Absolutely.

Mr McMahon: Do local authorities take that into consideration when allocating houses? Do they try to find out whether a school is capable of accommodating the need to improve basic communication levels?

Peter Barry: I am not aware of any measures that relate the allocation of housing to the educational needs of children, their capacity to communicate or whether they could cope in a non-bilingual school in the area.

The Convener: Thank you, Peter, for coming to the committee today. Once members have had an opportunity to study the bill in greater detail, we may ask you to come back or members may contact you directly.

Peter Barry: Thank you. I would welcome that.

Chhokar Inquiries

The Convener: Members will recall that, last week, we discussed briefly what action the committee might want to take in relation to the Surjit Singh Chhokar case. We asked Michael McMahon, the race reporter, to write a paper outlining the options that are available. Rather than including this item with the other reporters' reports, we put this matter on the agenda separately so that we could be open about the fact that we are discussing it.

Before I ask Michael to go over his paper, I should point out that legal activity associated with this case is still continuing. In fact, I think that it is taking place today. I therefore ask the committee not to stray on to any issues to do with the trials that may be sub judice and to stick to the inquiries and the action that the committee might take in future.

Mr McMahon: The first thing to say is that I support what you have just said. The major consideration is the fact that the Lord Advocate has pointed out that there are still on-going legal proceedings in relation to the Chhokar case. That has influenced the report that I have written, and I thank the clerks for their help in pulling everything together. Without their help, we would not have anything to discuss today.

When he announced what he intended to do in response to the Chhokar case, the Lord Advocate made a number of points, a couple of which may be considered dubious or even spurious. For example, I just cannot understand the thinking behind the suggestion that any inquiry should stop anti-racist policies being developed in this country. Nor can I understand why, when a case has seriously dented race relations in Scotland, as the Chhokar case has, cost should be a consideration in discussing whether we should investigate the matter properly.

Some of the arguments about why we should have one type of inquiry or another can be questioned, but the committee must focus on the legal considerations, which fall into two categories. As you said, convener, some aspects of the case may be sub judice in relation to outstanding matters. What the committee can ask for under the Scotland Act 1998 is another consideration that could steer it in a specific direction. The sub judice considerations are fairly obvious; the other considerations may be a bit more contentious. If we required reports or other documents that the Lord Advocate is not willing to give us, we would have to enter into a debate with him about what we are or are not allowed to see, which could create problems for an inquiry by the committee.

Once we have considered the reality of where we can go and what we can do, we are left with five options, which are listed at the end of my report. The first option is to do nothing, which is not what the committee intended. From the outset, we said that we wanted to consider the matter.

The second option is an immediate committee inquiry, but there are problems with that. I do not think that our work load would allow us to conduct an inquiry that would enhance our understanding of the Chhokar case in any way.

The third option is a joint committee inquiry. The Justice and Home Affairs Committee is considering different aspects of the case and we could tie in with that, but there are cost implications. I know that I said that cost should not be a consideration for a public inquiry, but parliamentary committees have budgetary constraints that I do not think we could overcome, even by conducting a joint inquiry.

The fourth option is to invite Dr Jandoo to give evidence, but he would be constrained in what he could tell us and we do not want to prejudice his conclusions. Rather than helping the situation, that would form more of a barrier to the full picture being created.

We are then left with the fifth option, which is to await the outcome of the two inquiries that the Lord Advocate has set up. At that point, we can decide whether we would like to take the matter further in committee or add our voice to calls for a public inquiry, either because the full picture has not emerged or because there have been problems with the two inquiries. If we were to say at the outset that we do not believe in the value of the two inquiries, that could prejudice our view of their outcome. We should not say before we have heard their conclusions that we do not believe their work will be enough to satisfy the needs of the family or the wider ethnic minority communities.

I ask the committee to await the outcome of the inquiries. That is what we did with the Stephen Lawrence inquiry steering group report. I think that we enhanced that report by making some recommendations that were accepted by the Executive. If we await the outcome of the inquiries in this case, we could do the same again by filling in any gaps. If we are not capable of doing that, we should then add our voice to calls for a public inquiry. Doing that would leave options open. Doing any of the other things would close off options. The recommended action is the best way of enhancing the process of inquiring into what happened in the Chhokar case.

It is not inconceivable that we could invite the Lord Advocate and Jim Wallace to come to the committee early in the new year to discuss general

issues relating to the justice system. Since the Stephen Lawrence inquiry steering group report, we have considered a number of issues that the minister and the Lord Advocate could discuss with us. That would allow us to keep ourselves up to date with how the situation is developing. While we are waiting for the inquiry conclusions, we can still ask questions of the people in authority who have access to information that could be useful to us.

The Convener: My personal opinion is that the Lord Advocate did not put forward particularly convincing arguments as to why the inquiries should be held in private. On the other hand, I do not feel that the committee is equipped to conduct its own inquiry. We would have to appoint an adviser. By the time that we had done that, at least one of the reports would be available to us. Michael McMahon's recommendation that we agree to option 5 is therefore probably the best suggestion.

The committee would want to consider specific elements of the entire case from beginning to end. The issue for us is not legal competence so much as racial discrimination. It is worth finding out what else is happening at the moment so that, early in the new year, we can invite Jim Wallace, the Lord Advocate and the Solicitor General, who I know has spoken to the Justice and Home Affairs Committee and is involved in a study of racism in the Crown Office. A thematic inspection report of the police is due out in January; I think that it will be entitled "Without Prejudice". Although that report is not linked to the Chhokar case, the committee could decide to consider both issues together to give us an overview of the police and judicial system.

If we agreed to conduct our own inquiry, it may raise hopes that we can achieve something that I do not think we can achieve. However, as Michael McMahon suggested, if we are unhappy with the outcome of the two inquiries, we can then add our voice to the demand for a public inquiry to take on board a wider range of evidence.

Nora Radcliffe: That is probably the best way forward. There is no point in rushing into action just for the sake of doing something. It is better to wait and evaluate the results of the inquiries that are going to happen anyway. We can then proceed on the basis of our evaluation of the inquiry reports. The thematic inspection report will also be relevant to the general issue of how people are treated in the criminal justice system.

The Convener: Do members agree to adopt recommendation 5 of Michael McMahon's report?

Members indicated agreement.

The Convener: I should write to the conveners of the justice committees, enclosing a copy of the

Official Report of today's meeting. It may be possible in future to establish a joint sub-committee to examine areas in which there is a crossover between legal competence and discrimination. We may also want to take evidence jointly at a future date. Do members agree that I should do that?

Members indicated agreement.

Reporters

11:00

The Convener: The next item is reporters. Do any reporters have any comments to make?

Irene McGugan: I have submitted a paper.

The most significant point is to report on a meeting that we had with Lilian Lawson from the Scottish Council on Deafness. We discussed several issues, including equality training in the Parliament. We agreed that in producing a strategy for equality training it is important that staff are made aware of the communication needs of people with hidden disabilities, such as those who are hard of hearing or are visually impaired. Lilian Lawson confirmed that she will forward a directory of training providers so that the Parliament's training manager has it for information.

Text telephones were discussed. They are a very interesting development. The Scottish Council on Deafness has been in discussion with British Telecom and hopes that it will soon be possible for all MSPs to be provided with a text telephone. The provision of training is equally important, so that MSPs and their staff know how to operate and use them. That has been an issue in the past. It would open up communication to a wider constituency.

In respect of the new Holyrood building, it was reassuring to learn that Lilian Lawson represents the Scottish Council on Deafness on the group that advises the Holyrood project on disability issues.

I shared with Lilian Lawson a response that I received from the Presiding Officer, which related to a contract to provide sign language and deaf awareness training to the Parliament. I was concerned that it was for a two-year period starting from April of this year, yet we were at the end of the year and nothing seemed to have been done to take that training forward. Sir David Steel advised that there was

"insufficient demand to run a course on signing in-house",

but added that a member of staff had completed stages 1 and 2 of the British sign language course at evening classes. He hopes that in future we can arrange an in-house course. He also stated:

"The contract was also awarded in anticipation of the need to provide deaf awareness training as part of our equal opportunities initiative to be launched early in the New Year."—[*Official Report, Written Answers*, Vol 9, p 203.]

We will wait to see how that fits into the bigger package.

We also discussed the training of British sign language interpreters, which we have discussed before—as has the Parliament. It was confirmed that there are still only 35 qualified British sign language interpreters in Scotland. That makes it difficult for people in commerce and people such as Lilian Lawson to come to meetings such as the one that she had with me, because before she can determine a suitable date she must ensure that a sign language interpreter is available. There are several difficulties related to training. No grants are available to support people through their studies, the training is part time and it can extend over a five to 10-year period.

Several recommendations have been produced. It is recommended that the committee continue to monitor the progress of the Parliament's equality training strategy. We have heard about it on several occasions over the past few months. We must also continue to monitor the progress of the Holyrood building to ensure that it is barrier free. We could also ask about what plans are in hand to ensure that text telephones are made available in the new building.

It is recommended that the committee ask the convener to write to the appropriate minister to clarify the number of qualified British sign language interpreters and highlight the potential limitations that that places on profoundly deaf people in undertaking even routine activities. In addition, we could ask for clarification on the status of trainee BSL interpreters, such as whether they could be classified as students so that they can access appropriate grant funding, if any is available. We could ask the Executive to encourage people, including its staff, to train as sign language interpreters.

Another issue is the "Playback" video resource pack. Members will have been advised about it. It was launched this year with extensive support from the Scottish Executive. Copies were sent to all local authorities and health trusts. No equivalent product is currently available. If members have not seen it, I advise that they should do so as it provides a good insight into issues that disabled young people face and the exclusion that they often experience.

Capability Scotland gave evidence at our meeting on 5 December. It was remitted to me to work with the clerks to produce recommendations arising from its evidence. I think that there are three recommendations—in fact, there are more than that.

The Convener: Five.

Irene McGugan: Yes, there are five.

The first is that the convener should write to Capability Scotland to endorse our indication at last week's meeting that the committee supports

its proposed survey of public buildings such as council offices, post offices and polling stations.

Another recommendation is that the convener should write to the Scottish Executive to ask whether it has responded to the Department for Education and Employment's consultation on the new Special Educational Needs and Disability Bill. If it has, we should ask whether it would be possible for this committee to receive a copy of its response and copies of other responses submitted by Scottish organisations. It is a Westminster-led bill that has implications for disability and education in Scotland.

The convener should also write to Glasgow City Council to ask it what consideration and consultation on disability has been undertaken in its local plan. Capability Scotland mentioned that very little seems to have been taken on board.

The convener should ensure that every MSP has received the MSP guide on disability. It is a good starting point to enable them to ensure that their services through constituency offices and the like are in line with the Disability Discrimination Act 1995.

We should clarify whether the proposed special educational needs and disability in education bill will be the subject of a Sewel motion. If that is confirmed, we must find out whether the committee can take an active role in the proceedings.

I commend those recommendations to the committee.

The Convener: Do members have questions or comments?

Nora Radcliffe: Why are we singling out Glasgow City Council to ask about its local plan?

Irene McGugan: Because the people from Capability Scotland who gave evidence mentioned that they were aware of that matter.

Nora Radcliffe: Should we broaden it to all councils?

Irene McGugan: I suggested that last time, but given that Glasgow City Council was mentioned in a public forum, we wanted to clarify the situation with it first.

Nora Radcliffe: That gives it the right of reply.

Irene McGugan: Absolutely.

The committee may want to consider the matter again and carry out a broader survey on whether the needs of the disabled are ever taken into account in local plans.

The Convener: There is a cross-party group on deafness. Is it examining British sign language interpreters? A motion lodged by Cathie Craigie

and Winnie Ewing was debated in Parliament. We could ask for an update from that group.

Irene McGugan: The cross-party group is examining the matter. Lilian Lawson works closely with the cross-party group on deafness. That is why I asked her about these issues. We have raised the matter in Parliament through members' business. I asked whether that had led to a noticeable improvement. She said, "Not really." A considerable push is needed to effect any change. Despite awareness raising and high-profile support, there are still only 35 qualified British sign language interpreters in Scotland. It is difficult to get students to accept the rigorous conditions of being a student of BSL.

The Convener: The Scottish Executive is able to do something on this. I will write to it.

I intended to talk to Paul Grice about the new building, to ask if the committee could receive a presentation from the part of the project team that deals with access. Unfortunately, Linda Fabiani phoned to say that she will be very late. She is up to date on issues related to the Holyrood building. I hope that I will be able to organise a presentation in the new year, if not at a formal committee meeting then a presentation that members can attend to find out what is happening about access issues.

Are all the recommendations in the access report agreed?

Members indicated agreement.

The Convener: Is it all right if we wait until after Christmas—boxing day—to send out the letters?

Members indicated agreement.

Irene McGugan: Annabel Goldie advised members about tutors of lip-reading, which is not unrelated to the matters that we have discussed. The Scottish course is now being administered by Donaldson's College in Edinburgh and is being validated by the Association of Teachers of Lipreading to Adults and the Oxford and Cambridge and Royal Society of Arts examination boards. We should recognise the need to increase the provision of tutors of lip-reading as another means of communication with sufferers from deafness.

The Convener: Do other reporters have any comments?

Nora Radcliffe: I have five pages of scribbled notes, would members rather wait until it is properly presented?

The Convener: Yes.

Before we move into private, I officially record my thanks to all members of the committee. As there has been a committee restructuring, different

MSPs will be on the committee. I thank all the members who have served on the committee since its inception, especially Nora Radcliffe, who is leaving. I am sad that one of our reporters is leaving. She has done a great deal of work for the committee and is highly regarded by organisations in Scotland that deal with sexual orientation issues.

I thank the clerks, the *Official Report*, the sound recorders and everybody for their hard work. I look forward to seeing you all again in the new year.

11:12

Meeting continued in private until 11:20.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Tuesday 26 December 2000

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £500

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers