

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 6 June 2006

Session 2

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## EQUAL OPPORTUNITIES COMMITTEE

14<sup>th</sup> Meeting 2006, Session 2

### CONVENER

\*Cathy Peattie (Falkirk East) (Lab)

### DEPUTY CONVENER

Nora Radcliffe (Gordon) (LD)

### COMMITTEE MEMBERS

\*Frances Curran (West of Scotland) (SSP)

\*Marlyn Glen (North East Scotland) (Lab)

\*Marilyn Livingstone (Kirkcaldy) (Lab)

Mr Jamie McGrigor (Highlands and Islands) (Con)

\*Elaine Smith (Coatbridge and Chryston) (Lab)

\*John Swinburne (Central Scotland) (SSCUP)

\*Ms Sandra White (Glasgow) (SNP)

### COMMITTEE SUBSTITUTES

Jackie Baillie (Dumbarton) (Lab)

Ms Rosemary Byrne (South of Scotland) (SSP)

Linda Fabiani (Central Scotland) (SNP)

Patrick Harvie (Glasgow) (Green)

\*Mrs Nanette Milne (North East Scotland) (Con)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Malcolm Chisholm (Minister for Communities)

Ian Herd (Scottish Building Standards Agency)

Yvonne Strachan (Scottish Executive Development Department)

### CLERK TO THE COMMITTEE

Steve Farrell

### SENIOR ASSISTANT CLERK

Zoé Tough

### ASSISTANT CLERK

Roy McMahon

### LOCATION

Committee Room 5



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 6 June 2006*

[THE CONVENER *opened the meeting at 10:00*]

### Disability Inquiry

**The Convener (Cathy Peattie):** Good morning and welcome to the 14<sup>th</sup> meeting in 2006 of the Equal Opportunities Committee. I remind everyone—including members—that mobile phones should be turned off completely, as they can interfere with the sound system.

I have received apologies from Jamie McGrigor and Nora Radcliffe. I am pleased to welcome to the meeting Nanette Milne, who is a substitute for Jamie McGrigor.

Today's meeting is exclusively on our disability inquiry. I am pleased to welcome the Minister for Communities, Malcolm Chisholm, who is accompanied by Yvonne Strachan and Hilary Third from the Scottish Executive equality unit and Ian Herd from the Scottish Building Standards Agency.

I invite the minister to give a brief opening statement before members of the committee ask questions.

**The Minister for Communities (Malcolm Chisholm):** Thank you for inviting me to the meeting. I have followed the committee's inquiry with great interest. The inquiry has been one of the most detailed that I have come across, so reading the evidence has been quite a challenge. The committee has obviously become very involved with the issues and we are pleased to be involved today and hereafter.

The committee has focused on removing barriers and creating opportunities for disabled people. I recognise that there is still a great deal of work to do, but, that said, there is an appetite, a willingness and an infrastructure that did not exist 20 or even 10 years ago. As a result, there are great opportunities for us and we therefore look forward to the committee's report. In responding to it, we will aim to maximise the opportunities for disabled people to participate fully in Scottish daily and public life.

As members know, equal opportunities is a founding principle of the Parliament. Since the Parliament was established, there have been notable advances in raising the profile of disability, and I hope that we have started to tackle some of

the systemic discrimination that affects disabled people.

The European year of disabled people was an important milestone. The Executive made a commitment to maintain the momentum that that year generated and to use it to continue to work to meet the aspiration of disabled people to enjoy opportunities to participate in work, leisure and public life to the same extent that non-disabled people do. We will obviously speak about some activities in which we have been involved. In that context, I should mention our strategic disability working group, through which we have continued to work in collaboration with disabled people and disability organisations to move the agenda forward. I look forward to telling members more about that and other initiatives this morning.

We look forward to maximising the opportunities that the forthcoming disability equality duty gives not only the Executive, but the public sector as a whole. The new duty builds on the foundations of the Disability Discrimination Act 1995—it goes further in promoting disability equality across the board rather than the idea of adapting to meet individual circumstances. That represents an important shift. Disability equality will be actively promoted and—crucially—disabled people will be involved in the design and delivery of services. The disability equality duty is also significant because it reinforces the importance of mainstreaming disability equality. We look forward to discussing that matter further with members.

The inquiry will have found areas in which the Parliament, the Executive and the public sector collectively need to improve their work, become better attuned and deliver more effectively. I am enthusiastic about meeting that challenge and understand the need for long-term, sustained commitment and hard work. The close relationships that we have built up with disabled people's organisations will help us in that respect, and the committee's detailed inquiry will provide opportunities for us to focus our energies and work together.

**The Convener:** Thank you. I will ask the first question. The committee notes that the Scottish Executive's equality strategy was published six years ago in the document "Equality Strategy: Working together for Equality", that the strategy was reviewed in 2001 and 2003 and that it is scheduled for review again this year. Given the recent legislative changes in respect of equalities, will the review present an opportunity to refocus the strategy and set new targets?

**Malcolm Chisholm:** It is certainly a big opportunity to reinforce the strategy but I am not quite sure whether we will refocus it. For some time, we have been trying to do voluntarily what is required by the important statutory levers—the

disability, gender and race equality duties. We have been trying to follow the principle of mainstreaming. We accept that we need to and can do better, but the mainstreaming approach is consistent with the new statutory duty.

I hope that that does not sound complacent in any way. We need to reinforce our approach, but I am not sure that we need to tear it up and start again. There are some important new features, such as the involvement of disabled people, which is central to the disability equality duty. I hope that we have involved people across all the equalities strands, but the statutory lever of the disability equality duty will reinforce the need to involve people in the development of the strategy.

Another feature of the new duties is that we want to be more focused on outcomes. Perhaps in the past we were more focused on processes, especially with the first duty, which was the race duty. There is obviously a connection between outcomes and processes, but the clear focus on outcomes is relatively new in comparison with what we started doing about seven years ago.

It is a matter of reinforcing and improving our approach rather than tearing it up and starting again. The committee and others will no doubt be interested in targets, which we can consider. The committee's report and the disability working group's report will no doubt influence the actions that we will want to take on disability, so there will certainly be an opportunity to consider targets, but the main thrust of our policy will still be mainstreaming and ensuring that we do that better.

**The Convener:** The committee would welcome a discussion on targets. There has been reluctance in the past to discuss targets because it is difficult to set them. We understand that, but we feel that, unless we can measure how successful a policy is, it is difficult to see where we are going.

How do you work with your ministerial colleagues to promote the inclusion agenda across the work of the Scottish Executive and its agencies?

**Malcolm Chisholm:** I work to do that as an individual, but I should mention Yvonne Strachan, who works on all equality strands, and Hilary Third, who works on the strands of disability and sexual orientation. The formation of the Executive's equality unit in 1999 was crucial to promoting the agenda, and the unit's work with officials must be given as much attention as the work that I do. Indeed, the unit is focused on that work 100 per cent, whereas I also have to attend to other areas of my portfolio, albeit that they must all embody equalities.

The inclusion agenda obviously comes up in many policy discussions in the Executive. When

we are asked to comment on policy documents, I regularly flag up the equalities dimension. We should not give the impression that mainstreaming has completely failed and that other departments are not aware of the issues, which come up in the course of the discussions. There has been a lot of progress in various departments, but we have to point out certain issues and argue the case in relation to not only disability but equality more generally. I do that in written comments on policy documents or in discussions with other ministers, but I return to the point that, day by day, the equality unit has a crucial role in championing equality across all Executive departments and agencies. There is a well-established network of officials who work to ensure that disability equality issues—those are our focus this morning—are incorporated into the Executive's work. You might have heard some comments yesterday from a race equality leader in Scotland who paid tribute to the unit's work.

**Mrs Nanette Milne (North East Scotland) (Con):** You have clearly indicated that although progress is being made on mainstreaming, we are not there yet. There is concern about the apparent lack of progress on mainstreaming, which the committee feels may have led to some of the complaints from disabled people who have given evidence to us. There is also concern that some Executive departments seem to have embraced equalities issues better or more fully than others. What challenges face Executive departments in that respect? Would you like to add anything to what you are doing to advance mainstreaming?

**Malcolm Chisholm:** I certainly share the frustration of the committee and, indeed, of disabled people that disability equality is not sufficiently embedded in mainstream policies and services. However, it is a long-term commitment and I do not think that we ever thought that we would change things overnight. Obviously, however, we want to speed up the pace of progress. The new disability equality duty is an important lever in enabling us to do that. It means that there is a legislative requirement for everybody to take responsibility for disability equality. The Executive as a whole will have to report in 2008 on progress on the duty; crucially, all ministers will have to report on progress in their areas of responsibility. Therefore, apart from our collective efforts, the external lever of the disability equality duty will in itself be a great aid in driving forward mainstreaming, removing barriers and creating opportunities for disabled people.

There is a mainstreaming team within the Executive's equality unit and we are developing a framework that will enable us to respond positively and effectively to the new public sector duty. A key part of the framework is our equality impact assessment tool, which will help to ensure that all

policy departments across the Executive improve their performance on disability equality. The equality unit will co-ordinate and monitor that. I will certainly take a close interest in progress across departments and agencies.

**Mrs Milne:** Are you happy that there is a sufficiently joined-up approach in the Executive with regard to policy development in relation to disabled people?

**Malcolm Chisholm:** No, I would not say that I was happy; it would be complacent of me to say that. I think that we are making progress, but I am the first to admit that we have a long way to go. That is why I very much welcome the disability equality duty, which I think will enable us to make the step change that we want to make.

**Marilyn Livingstone (Kirkcaldy) (Lab):** The committee heard in evidence that new legislation introduced by the Executive may make it more difficult or expensive to comply with the Disability Discrimination Act 1995. For example, the committee heard that an owner who wishes to make structural changes to premises in order to make reasonable adjustments may find that there are costly building standards, planning or licensing consequences. How can the Executive ensure that legislation is co-ordinated in a way that avoids those difficulties and which does not create additional barriers for disabled people?

**Malcolm Chisholm:** This is a complex area, but I would certainly hope that, in principle, legislation would enable us to drive the equalities agenda forward rather than hold it back. It would be good to hear of other examples like the one that you described. Certainly, I have become aware of the occasional tension between health and safety legislation and the requirements of the DDA. Genuine issues may well be involved at times, but I worry that health and safety legislation is sometimes used illegitimately to block progress. There might be issues around that. However, health and safety legislation is a reserved matter, so it is obviously not so easy for us to deal with it.

Building standards are obviously within my area of responsibility and I would not like to think that they were a block. However, we are revising and improving the building standards regulations as we speak and new ones will come out early next year. The intention is to ensure that building standards are consistent with recognised good practice. We accept that more needs to be done to improve the standards, but I would not like to think that current legislation and regulations that are within our areas of responsibility are a block to progress. Obviously, if they are, we would seek to change them. If you have examples of such blocks, I would want to hear about them.

10:15

**Marilyn Livingstone:** We will give practical examples when we ask questions about physical access.

To what extent are equalities criteria included in performance indicators across the work of the Scottish Executive?

**Malcolm Chisholm:** We are trying to develop systems and mechanisms to track progress across the Executive. For example, we designed a database that logs the outcome of equality impact assessments and we will develop systems that enable us to focus on outcomes. Part of our duty as a public body will be to review our disability equality scheme annually. We are keen to hold organisations and ourselves to account.

We also convened a working group that is dedicated to considering how the equalities performance of public bodies is assessed within audit and inspection regimes. The group is chaired by the equality unit and includes representatives of all the audit and inspection bodies and the three equality commissions, so it provides an important, tangible means of holding bodies to account on their performance.

**Frances Curran (West of Scotland) (SSP):** The Prime Minister's strategy unit report, "Improving the Life Chances of Disabled People", was published in January 2005. Witnesses from the Disability Rights Commission Scotland told the committee that there was no delivery mechanism in Scotland for the report's recommendations and that there was a lack of co-ordination. How do you respond to those comments?

**Malcolm Chisholm:** I am interested in the report and support many of its recommendations. However it begins by saying that it makes no recommendations for the devolved Administrations. It makes recommendations that apply to reserved areas and to the devolved Administration in England—if I can put it that way—but it makes no direct recommendations for us. That is not to say that we are not interested in the report's conclusions. I was most struck by the recommendation on independent living when I read the report. We are considering such policy areas and the disability working group with which we have been involved has been considering the same range of matters within devolved areas of responsibility. We will consider the reports of the committee and the disability working group alongside the United Kingdom report.

**Frances Curran:** It seems that action will be postponed until we have prepared our report.

What are your thoughts on the DRC's call for the establishment of an independent living task force?

**Malcolm Chisholm:** The disability working group has been considering the matter and I am sure that the committee has been doing so, too. Although I have not formally received the working group's report, I am told that it regards the matter positively. I cannot today make a commitment to setting up a task force, but I certainly do not rule out doing so. The independent living agenda is important in the context of the social model of disability, which we and the committee accept. I am sure that the committee will ensure that the Executive gives further thought to the matter.

**The Convener:** During our visits throughout the country, disabled people talked a lot about independent living and asked us to consider the issue—we will return to it.

**Ms Sandra White (Glasgow) (SNP):** Good morning, minister. The written evidence that we received from the DRC states:

"Ingrained, and sometimes unconscious, stereotypes and values still shape public attitudes to disability."

Will staff training in disability equality help people to combat negative attitudes to disabled people?

**Malcolm Chisholm:** Sorry, what was the last bit of the question?

**Ms White:** Basically, will disability equality training help to combat the problem?

**Malcolm Chisholm:** Absolutely. Disability equality training is extremely important and we take it seriously within the Executive. The corporate learning services team within the Executive is reviewing our diversity training course to ensure that it delivers stronger messages about the perception of, and attitudes to, disabled people and other groups. We also have an active staff disability network. Within the Executive, that is certainly important.

However, the question obviously has a much broader reference than that, as it is about public attitudes to disability, which is an absolutely fundamental issue. Various points in the committee's inquiry provide a read-across to different equality groups but, as I am actively involved in the strategy for an aging population, I am aware of certain connections with the issues facing older people. Just as we are trying to break down the stereotypes of older people and to emphasise the contribution that they make to society, we want to emphasise the positive contribution of disabled people.

We are certainly determined to tackle negative attitudes to disabled people and to raise awareness about their needs, aspirations and rights. Under the new duty, there is a requirement on public authorities to take steps to promote positive attitudes to disabled people. We will certainly respond to that aspect of the duty in

accordance with the requirement. We also want to work with disabled people in considering the best options for raising awareness. Certainly, disability equality training would seem to be absolutely central to that and I am interested in the research that the committee commissioned on this area, which I am sure will be extremely useful for our thinking.

**John Swinburne (Central Scotland) (SSCUP):** Good morning, minister. My question is along the same lines. It is a fact of life that, until disability actually touches people personally, they are unaware of what is really happening out there. Do you have any thoughts about how we could educate school children to make them more aware? Could we build the issue into the school curriculum to alleviate the problem?

**Malcolm Chisholm:** That is a good example of the importance of mainstreaming, as there is certainly a role for equality training in general in schools. The younger that people can be made aware of these issues, the better. However, the way in which the curriculum is described and constructed is quite positive from that point of view. As members will know, the curriculum for excellence concept includes four key elements, one of which is on becoming a responsible citizen. The curriculum framework emphasises values, respect for others and the importance of understanding the position of others. There are specific guidelines on such matters for schools, but perhaps even more important than those is the fact that the fourth national priority in education is values and citizenship. There has been some movement in the school curriculum, but that is not to deny that much more needs to be done.

The other positive development in schools is the presumption in favour of educating disabled people in mainstream schools. Although the effect of that cannot necessarily be quantified, we can certainly assume that it has had a positive effect, as pupils will now encounter other children with disabilities. I imagine that that has been positive for not just disabled children but other children.

Positive developments are taking place, but I certainly agree in general terms with the point that John Swinburne made. Following on from the example of mainstreaming that I gave, we could say that the Education Department has begun to take on board such issues, although I have no doubt that there is more to do.

**Elaine Smith (Coatbridge and Chryston) (Lab):** You used the word "respect", which reminded me of the Zero Tolerance Charitable Trust's respect campaign—it has rolled out a pack to some schools. I will understand if you do not have the answers to my questions at your fingertips, but we would appreciate further information.



Following what John Swinburne said, the project could be useful in nurseries by reaching younger children and beginning to change attitudes. Whether to become involved in the respect campaign is left to individual authorities. The convener has an example of an authority that is not engaging with the project—I think that about 19 authorities are involved in it. Should the Executive have a central role in mainstreaming that work? Should the matter simply be left to individual authorities?

**Malcolm Chisholm:** I am a great admirer of Zero Tolerance's respect campaign and have discussed it with the Minister for Education and Young People. We are certainly keen to promote it. Similar campaigns exist, so one issue is whether to promote just one campaign or campaigns in general. However, we are in no doubt that such an initiative has a positive impact in schools, so I am positive more generally about such initiatives in relation to disability equality, if that is what we are focusing on.

A public awareness campaign is one issue; schools would be an important part of that. Important public awareness campaigns have taken place on disability issues. In my time, I have been involved in the see me campaign, which has been effective at changing perceptions of mental ill health. I support such campaigns.

**Ms White:** John Swinburne, Elaine Smith and others have talked about mainstreaming, which involves staff training. We have heard evidence that people believe that, to mainstream service provision to disabled people effectively, equalities should be included in job descriptions and objectives. What are your thoughts on that? Does the Scottish Executive do that?

**Malcolm Chisholm:** That is an important matter. I am not sure to what extent equalities are covered by job descriptions; that might be a question for one of the officials, because I am not really responsible for that.

**Yvonne Strachan (Scottish Executive Development Department):** Equalities are not contained in job descriptions, because the pattern of recruitment for jobs—especially internal recruitment—relates to the objectives of a job or involves a more general description of what a job entails. However, that does not mean that some job descriptions do not have specific objectives that refer to an equality perspective. That will vary, but there is no central determination of that.

Perhaps more important is the fact that we are all subject to pay that is determined by performance. We have a performance management system. As civil servants, we are expected to display certain competences and behaviours. Part of that is how we engage with

external people and how we apply an understanding of diversity to that engagement. It is expected that we will all perform well against those criteria. Like many things, that depends on how well the task is managed and understood. However, that is part of the attempt that the Executive is making to direct and support that aspect of our work.

We also have a diversity strategy, which operates internally and externally. We have objectives for recruitment and organisation, so that we look and hope for a more diverse workforce and so that people who are in the civil service are treated with respect. It is expected that the concept of managing diversity will be understood by those who have responsibility.

There is a clear direction through our diversity strategy and our performance management system. We also try to include guidance in our business planning processes. Each internal bit of the Executive is responsible for determining its business plan, but guidance is given on that and equality and equal opportunities are part of that process, as they are in determining spending plans and the budget, as the committee well knows. Therefore, although there are a number of elements of systems within the Executive where the issue is flagged, as the minister has indicated, we probably still have some way to go to ensure that we are still all delivering in the spirit of that direction.

10:30

**Ms White:** Thank you for that explanation. We have been talking about job descriptions, equalities and diversification, and I would like to know the minister's thoughts on the idea that objectives should be written into job descriptions. Is that something that the Executive would be prepared to consider, so that it leads by example if that is not the practice in the big, wide world?

**Malcolm Chisholm:** I would certainly be happy to consider that, but job descriptions in the Executive are not something for which I have responsibility. Nevertheless, it is something that could be looked at.

**Ms White:** I hate to labour the point, but is that something that you could suggest to other colleagues?

**Malcolm Chisholm:** Okay. We can agree on that.

**Ms White:** I squeezed it out of you. Thank you, minister.

I have just one more question. In your opening statement, you mentioned the research that has been carried out by the committee into national standards for disability equality training. Do you

consider that there is a role for the Scottish Executive in the process of establishing national standards for disability training?

**Malcolm Chisholm:** I certainly think that it is an important area and that the Executive has a role to play. We want to explore the most appropriate and effective way of ensuring that disability equality training is delivered to a consistently high standard across Scotland, and we are working with disability organisations to consider how that can be done. It is certainly something that has been considered by the disability working group, and we will certainly also want to look closely at the committee's research and at any recommendations that the committee wants to make.

I should mention one on-going initiative. Through Communities Scotland, we have this year provided seed-corn funding to Inclusion Scotland to co-ordinate the delivery of disability equality training through approved trainers, who are assessed by their peers against a set of criteria. We have dipped our toe in the water, as it were, but I accept that there is a lot more to do. I certainly read the research with great interest, and I think that the whole area is of great importance and is crucial for disability issues, because there is great scope for people to be trained. I tend to take the optimistic view that, if a lot of people are subjected to that training, we will see a great deal of progress. I know that the situation is more complex than that and that there are other prejudices to be broken down, but I believe that such training can open up a lot of possibilities, and it would be extremely positive for a larger number of people to have that training. I know that officials in the equality unit have had it, although I personally have not—perhaps I should. I do not know whether members of the committee have had that training, but it would be good if a larger number of people in public life had it.

**John Swinburne:** In its written evidence, the DRC called for a

"sustained public awareness campaign tackling the negative values which underpin public attitudes to disability."

We have already touched briefly on that. What are your thoughts on that approach?

**Malcolm Chisholm:** I was pretty positive when I touched on that earlier. There are judgments about how many big campaigns we can have, so there are different ways of doing it. We have led the way on race equality and on an aspect of disability that I referred to—the see me campaign—and I think that what we have done in Scotland has been groundbreaking. The DRC's are we taking the dis? campaign has been successful—at least, I imagine that it has, although all such things have to be evaluated. I do

not know what the evaluation will be, but the campaign certainly seems to be a good initiative so, in principle, I certainly support public awareness campaigns. We also touched on the school dimension, and there is always a question about how targeted such campaigns are, so we always have to do more than one thing.

I am positive about the idea of having a campaign, but I am stopping short of making an announcement that we will have one. We will obviously consider the committee's recommendations. The disability working group will also be making recommendations on the issue, so we will certainly be considering it seriously.

Nothing that I have said takes away from the importance of disability equality training, but we cannot give such training to everyone. However, campaigns can help us to reach a large number of people. I am therefore positive about the idea.

**John Swinburne:** The committee has heard that teaching citizenship in schools offers a way of combating negative attitudes. What plans do you have to integrate equalities into the primary and secondary school curriculum, to ensure that attitudes are changed as early as possible and targeted throughout the school years?

**Malcolm Chisholm:** I touched on that earlier. There are guidelines in relation to social subjects, religious and moral education and so on. Those guidelines touch on individual and collective rights. Perhaps more important, the fourth national priority that I referred to—on values and citizenship—is:

"To work with parents to teach pupils respect for self and one another and their interdependence with other members of their neighbourhood and society, and to teach them the duties and responsibilities of citizenship in a democratic society".

There are performance measurements for that priority and it is monitored. It is not just a noble aspiration; inspectors are looking into it. It is significant that such work is now right at the core of education, along with the traditional subjects that we all know about.

I also referred to the curriculum for excellence, which has four key parts, one of which is being a responsible citizen. As you all know, the other three are being a successful learner, being a confident individual and being an effective contributor to one's community.

Citizenship is central to the objectives of the curriculum, which is not to say that practical measures do not need to be taken. The Disability Rights Commission has produced a citizenship pack. It is a classroom resource for education in citizenship in secondary schools. The pack focuses on disability, diversity and equality.

According to the DRC, the aim is

“to use debate, drama, art and simulation to promote disability awareness”

among secondary school students. It seems like an important resource. Unfortunately, I cannot tell you the extent to which it is used. Elaine Smith mentioned the respect campaign; this is not the same as that, but it might be a similar tool to be used in schools.

**John Swinburne:** Is there any mechanism whereby, if you run across some gem of excellence somewhere in the education system, you can financially reward the people responsible, so that they can make more progress with it? Alternatively, will people just have to work within their tight budgets?

**Malcolm Chisholm:** I know that a lot of funding goes directly to schools nowadays, but education spending is a bit out of my territory, I am afraid. I am not sure whether any of my officials is sufficiently into mainstreaming to answer. One of the problems with equalities issues is that we have to know everything about everything. Sometimes that is not possible, so we might have to leave that question sticking to the wall.

You are suggesting that we should financially reward people who use good curriculum materials.

**John Swinburne:** No, I am talking about particular schools. The other day in Parliament we were talking about schools of excellence such as Glencairn primary school in Motherwell, which teaches children with hearing impairments. A great difficulty arises when the children go to secondary school, because there is no continuation of the scheme. Can you ensure—with finances—that there will be a continuation?

**Malcolm Chisholm:** That is a more specific issue. It is surely part of mainstreaming in schools to ensure that disabled students have proper support.

**John Swinburne:** Yes.

**Malcolm Chisholm:** Well, that is certainly something that should happen. There is an attempt to make it happen, but I do not know the precise details of how that is worked out. Marlyn Glen looks as though she knows all about that from her previous job.

**Marlyn Glen (North East Scotland) (Lab):** I do try.

**Malcolm Chisholm:** It is important in principle. I am sure that there must be issues that are to do with different local authorities operating differently. I will follow the matter up with the Minister for Education and Young People. I am sorry that I cannot give a precise answer. I do not know whether any of my officials has pursued the issue.

It is obviously an important area, as it is a prerequisite of mainstreaming that support is available. Some of the negative comments that we have, unfortunately, heard about mainstreaming recently—in so far as they are at all justified—have related to there not being the necessary support available for that to happen properly.

**John Swinburne:** Are there any other ways of combating negative attitudes towards disabled people that the Executive could pursue?

**Malcolm Chisholm:** We have pursued some. I came across an example in which Nanette Milne might be interested, given the fact that her party flagged up our use of a certain newspaper. In 2003, we had a supplement in *The Sun*—

**John Swinburne:** Was that on the 25p that pensioners get when they reach 80?

**Malcolm Chisholm:** It was on the European year of disabled people. In that instance, we were trying to combat negative attitudes. I am not saying that that is why we picked *The Sun*, but that happens to be the newspaper that we picked.

In general, we want to raise the profile of disability issues in whatever way we can by giving visible leadership. I am sure that there are lots of challenges for us in that and I am sure that we could do better. One issue is the use of images of disabled people in our general publicity work. I suspect that we have a bit more to do in that area. We probably need to do better, but we have tried to do something in that area.

**The Convener:** It is worth noting that the frustrating thing about the sticker or sign for disability is the fact that it always shows a wheelchair. Disabled people feel that that is perhaps not an appropriate symbol to use. We need to use an image that is more up to date.

**Elaine Smith:** I want to ask about information, but I have a final point to make about tackling negative attitudes. The committee believes that it is important to do that from an early age, which is why I asked you about the respect campaign. You said that there may be other information packs. Do you think that there should be a curriculum standard and a co-ordinated approach to that? If the respect campaign material is used, there should be some input from the Executive in commissioning that material and rolling it out across Scotland, so that we do not have only some authorities or only some schools within an authority taking it up, which would lead to completely different standards. If that material works, why cannot the Education Department and the Development Department's equality unit work together to find some funding to get that rolled out as standard throughout Scotland?

**Malcolm Chisholm:** That is a good point. Most of the areas in which I am not able to give definite commitments this morning seem to impinge on education. I have paid tribute to the progress that has been made in education, but some issues have come up to do with education funding and, now, the curriculum. There are all sorts of issues around the extent to which curriculum material is dictated from the centre, some of which are to do with whether we have a national curriculum in Scotland, which we are always told that we do not have. There might be some potential sensitivities and controversies on that point. We need to draw the whole range of issues to the attention of the Minister for Education and Young People.

I have been keen to promote Zero Tolerance's respect campaign pack, although it was pointed out to me in the discussions about that that similar packs exist. One of the issues, when there is more than one pack, is whether we should decide that all schools and local authorities should use the same one. A local authority told us that it used another pack, and that may be good as well. However, such issues do not detract from your general point that if there is good material in this area, we should be doing all that we can to promote its use. Whether we can dictate its use, though, might become controversial. We will raise that and the other issues that you have raised with the Minister for Education and Young People.

10:45

**Elaine Smith:** My point is that the Executive could co-ordinate the materials—look at them, do some research on whether one of the information packs could be standardised, and fund it. Funding is a big issue as well. We will leave it at that for now, though, as I want to talk about information.

Throughout the inquiry, the committee has heard that disabled people need easier access to more information to help them to access, for example, employment, leisure provision and education services. Clearly, some of that will come down to the providers of those services—local authorities, in particular. What type of information does the Executive provide to assist disabled people and how is that made available? It goes back to the idea of the Executive having a co-ordinating function. Do you have such a function?

**Malcolm Chisholm:** I am not sure about the extent to which we have a co-ordinating function. The Executive, as an employer, definitely has a role in that, and human resources in the Executive has a diversity strategy and programme that involves information. Hilary Third or Yvonne Strachan might want to say something about that. However, for the most part, it is other agencies that have that role, whether they are local authorities, further education colleges, or

whatever. To be honest, I do not think that we have a great role in co-ordinating that information.

Yvonne, am I understating our role, or is that about it?

**Yvonne Strachan:** No, minister—what you have said is correct. There is no specific role for the Executive. The legislative framework for disability is a reserved matter, so it has tended to be UK departments that have provided information relating to legislative change. Latterly, the Disability Rights Commission has played an enforcement role. There is no need to duplicate that work or to cut across other agencies' responsibilities.

As a public body, we need to ensure that if we provide information to the public, it is accessible, and we make provision for that. However, that is different from co-ordinating all the material that might be available for disabled people. It does not fall to the Executive to do that, as we are not a provider of particular services to disabled people.

**Elaine Smith:** I will come to formats in a moment. Is there not a case for promoting the services that are available through a helpline that the Executive could co-ordinate? People may not want to approach leisure services only in their own area—they might be visitors or tourists. I can imagine situations in which people would want to access information but in which it could be difficult to track down all the individual providers. Also, how does monitoring and evaluation take place? There could be good services out there, but how do people know about them?

**Malcolm Chisholm:** That is a challenge to us. As Yvonne Strachan and I have said, that is not a role that the Executive performs at the moment; we cannot pretend otherwise. You make an understandable point, although I think that it might be difficult to co-ordinate such information at a national level. However, if that is something that you want us to look into, we will do that.

**Elaine Smith:** It would be worth looking into, as the issue has been raised with the committee.

We have concerns about accessible formats. Given what Yvonne Strachan has said, what positive examples have you set to encourage best practice in that regard?

**Malcolm Chisholm:** In general, we make information available in the form that people ask for. The need for that arises particularly in respect of consultation documents that the Executive issues. The only qualification that I make to that is that it is individual departments that take the lead on that, so I cannot claim that there is standard practice throughout the Executive. That may be a weakness, if there are bad examples, but the general principle that we follow is to make

information available in the form that people ask for. There are obviously quite a lot of variations regarding whether a document is published immediately in other languages, formats, and so on. In general, we would make a document available in other languages and formats.

**Elaine Smith:** So you make different formats available on request.

**Malcolm Chisholm:** Yes.

**Elaine Smith:** How long does it take to meet such a request, or does that depend on the format that has been requested? I am concerned that if a consultation lasts three months and it takes two months to provide the consultation document in a different format, that gives the people who have made the request only four weeks to respond.

**Malcolm Chisholm:** It does not normally take that long. However, I will ask Yvonne Strachan to comment, as she is closer to some of these matters.

**Yvonne Strachan:** The situation will vary according to the request. Experience has shown that demand will be greater in certain areas than in other—perhaps more technical—areas, and we have to anticipate and balance such aspects and be proportionate.

Your point about whether a request for a different format will limit a person's ability to respond to a consultation is well made. After all, we do not want to disadvantage disabled people in the consultation process. The Executive has to bear the issue in mind and make appropriate arrangements to anticipate and cover any delay that might disadvantage persons or groups. That said, I do not think that such an issue has arisen, because we would have dealt with it by now.

**Elaine Smith:** Of course, the issue might not have arisen because the barrier is so great that people simply do not bother to participate or contribute.

**Yvonne Strachan:** The consultation and dialogue on the development of good practice have concentrated not simply on providing documents in an alternative format but on different methods of communication such as face-to-face meetings or the use of interpreters to ensure that any difficulties of engagement are overcome and that evidence, information and responses are gathered in a way that allows the individual or group to participate more fully. We are trying to become better at such processes and to have a range of methods that allow us to engage positively with communities and allow individuals or groups to respond to consultations and to be involved in policy making.

**Elaine Smith:** That is good news, because the issue of engagement arose when the committee

took evidence from the Somali women's action group on the Female Genital Mutilation (Scotland) Bill.

Do you intend to build further capacity in organisations that advise on the provision of information in alternative formats?

**Malcolm Chisholm:** We have provided about £80,000 to the Scottish accessible information forum to assist it with its various objectives, the most fundamental of which is to develop, publish, promote and support standards for disability information and advice provision in Scotland. That is what we are doing at the moment; I am not sure whether you are suggesting that we should be doing a lot more than that.

**Elaine Smith:** I think that I will leave that matter for our recommendations.

**Marlyn Glen:** The committee has received evidence on the lack of availability of interpretation services. Indeed, a recent Scottish Executive research document entitled "Investigation of Access to Public Services in Scotland using British Sign Language" concluded that disabled people

"were almost never able to access public services directly using BSL."

How is the Scottish Executive taking forward the findings of that research? What impact will the forthcoming disability equality duty have in that regard?

**Malcolm Chisholm:** That research reached some challenging conclusions, particularly the one that you have highlighted. Of course, as the report highlights, the corollary of that is the lack of available interpreters. We are aware of deficiencies in that area and have, at least, been reasonably active in dealing with them. For example, we are involved with the British Sign Language and linguistic access working group, which has been meeting for a few years now and can claim some significant achievements, especially with regard to the number of sign language interpreters in Scotland.

As you are probably aware, we provided funding through the Scottish Association of Sign Language Interpreters for the trainers courses at Heriot-Watt University. We invested £360,000 in that. We also worked with the Scottish Qualifications Authority on the accreditation of British Sign Language courses. We funded a review of the SQA's professional development award in tutoring British Sign Language. We also allocated £150,000 to the working group to help it to develop a more strategic approach to embedding deaf awareness within public services and to influence the work that the Executive does to fulfil its responsibilities to people who are deaf, blind or hard of hearing.

We have made a start, but obviously the disability equality duty is of great significance in ensuring that public services are designed and delivered in a way that is accessible to BSL users and, indeed, to people with communication support needs more generally. We have taken some significant steps but, obviously, there are still some big challenges that we need to address.

**Marlyn Glen:** Another piece of Scottish Executive research, "Translating, Interpreting and Communication Support: A Review of Provision in Public Services in Scotland", highlighted the need for a language strategy and a coherent translating, interpretation and communication support policy. How is the Executive taking forward the findings of that research?

**Malcolm Chisholm:** We are bringing together an implementation group to consider the recommendations of the research and the most effective ways of taking them forward. There are lots of issues in relation to minority ethnic communities, but obviously the research touches on British Sign Language as well.

We are conscious of the different dimensions of communication support. A few months ago, there was a debate in the Parliament about communication support needs—Nanette Milne may well ask me about that—so I have paid some attention to the area. We are funding some research on the full spectrum of communication support needs because we are conscious of the importance of the issue.

**Marlyn Glen:** It seems to me that it is an increasing problem that will have to be given some priority if we are to involve everyone in the community. Thank you.

**Malcolm Chisholm:** I agree.

**John Swinburne:** I do not think that you are blowing your own trumpet enough. We see people using sign language in the chamber and you are doing great work in encouraging that. It is caught on camera as well. You are doing an excellent job.

**Mrs Milne:** You mentioned the research that the Executive commissioned following the debate on communication impairment. What is the timescale for developments with that?

**Malcolm Chisholm:** We are doing the research in phases. We have started commissioning the first phase of the programme, which will be fairly brief in that it will be a review of existing research. That will report in the autumn. We will not use it as a delaying tactic, but we need to do that work to inform the second phase, which we will commission in the autumn when we have considered the implications of phase 1. We will then develop a detailed set of requirements and a research advisory group will work on the tendering

process. Individuals who have particular expertise in the field will be invited to join the group.

Fundamentally, the research will involve people with communication support needs. That issue was flagged up in the debate. The research will be based on work with those people to find out what the problem is and what the nature of solutions might be. That is consistent with our general approach to the disability equality duty.

11:00

*Meeting suspended.*

11:10

*On resuming—*

**The Convener:** I reconvene the meeting. Marilyn Livingstone has the next question.

**Marilyn Livingstone:** The committee has heard at its many consultation events throughout the country that, despite the DDA, physical access is still a barrier to employment, education and daily life. Why do you think that that is still a problem?

**Malcolm Chisholm:** It is a big issue. The simple answer is because lots of buildings are old. I hope that building standards will take account of access in new builds. Although there is still discussion about the extent to which those standards are adequate, we are upgrading them. I hope that physical access will be dealt with increasingly in new builds, but there is a major issue with existing buildings.

There has been a requirement for the past 20 years for buildings to be fully accessible. The DDA reinforced that and provided grounds for legal action. Members might have heard on the news this morning about the high-profile case involving a large shop, which shows that those grounds are being exercised, although I have no doubt that there are more cases than we hear about. There are even difficulties with the legislation, however, because it talks about making "reasonable adjustments", which could be regarded as uncertain and a bit vague.

The simple answer to your question is that the problem remains because there are lots of old buildings and there is some discretion about how much they need to be adapted. I do not know whether discretion is the right word, but one cannot pin down exactly what "reasonable adjustments" means.

As I said, we are dealing with the question of adequate building standards. Ian Herd from the Building Standards Agency might say a word about that now or later.

We are also looking at broader access issues, not just to do with buildings but the spaces around them. An important new provision in the Planning etc (Scotland) Bill is for access statements, although it might not have got the attention that it deserves because of other high-profile issues. The detail of the statements is not specified in the bill and the committee might want to explore them as part of the planning legislation. Our intention is that access statements should apply to a broad range of planning applications, although they will be subject to regulations to determine precisely which applications will require such a statement.

We are on the case as regards new buildings and developments, but there are certainly big problems with existing buildings.

**Marilyn Livingstone:** In the context of taking a co-ordinated, joined-up approach, we have been looking at access to leisure and recreation buildings, but inaccessible buildings also create problems in workplaces. We have to consider how people get there and how they access transport. I do not ask you to answer that in detail because we have heard from the Minister for Transport and Telecommunications, but you asked for examples. One example would be to give young disabled people taxi passes to allow them to get around more freely. However, if there are no adapted taxis that they can use, the passes become a bit useless. I just wanted to put that example of evidence that we have heard on the record for you.

On physical access to buildings, the committee heard that co-operation between the relevant Scottish Executive departments, agencies and local authority building officers and planners could be improved. A representative of the Scottish Society of Directors of Planning said:

"There is a greater role for the Executive—through the planning division and the Scottish Building Standards Agency—to develop and refine that relationship".—[*Official Report, Equal Opportunities Committee*, 16 May 2006; c 1806.]

How can the Executive make progress on that?

11:15

**Malcolm Chisholm:** I suppose that there is communication. I am not sure whether the witness was referring to communication within the Executive or communication between the Executive and other tiers of government, particularly local government. Perhaps he was referring to both.

**Marilyn Livingstone:** I think that it was both.

**Malcolm Chisholm:** Discussions take place already. As with other matters, the situation could no doubt be improved. The committee will be aware of the planning advice note on inclusive

design, which was a collaborative effort between the planning division and the Scottish Building Standards Agency. That fairly recent document is a positive one that lays out what is expected of new developments. That is a positive example, but I certainly do not claim that deficiencies do not exist. Obviously, the equality unit is involved in discussions, which Yvonne Strachan may want to mention.

Discussion takes place, but it is hard to say that there should not be more. An issue arises about how that happens with local authorities. I know that there is an issue about the extent to which local authorities consider access for disabled people in dealing with planning applications. The issuing of a planning advice note on the subject indicates that it is a material consideration. The proposal on access statements will help to make access an issue that developers must consider at the early stages of development. Work is on-going, but I do not argue that everything works as well as it might.

**Marilyn Livingstone:** An issue has been raised about the plethora of legislation, regulations and guidance on access for disabled people. The committee heard in evidence that there is confusion about what is mandatory and what is reasonable, an issue to which the minister has alluded. We have heard that disabled people sometimes feel that health and safety legislation, which the minister mentioned, can be used as an excuse for not allowing them to participate in particular activities. What can the Scottish Executive do to simplify the process?

**Malcolm Chisholm:** I have asked questions about that. The issue is much easier when we are on mandatory territory, which is the case with the building standards and with what I believe will be the improved building standards that will be produced at the beginning of next year. However, the territory of reasonable adjustments is more difficult. Marilyn Livingstone talked about the relationship with health and safety legislation, which I mentioned earlier. Another issue that we come across from time to time is the apparently conflicting priorities of the DDA and Historic Scotland. The DRC and Historic Scotland are aware of the issue and are doing research on how it might be resolved. I am aware of the difficulties that arise from competing priorities and from the term "reasonable adjustment"—I do not claim that the situation is ideal. Any suggestions about how to improve it would be welcome, although the DDA is a reserved matter.

Ian Herd from the Scottish Building Standards Agency may want to comment on reasonable adjustment. The view might be that it is difficult to pin down the rules to something more concrete and definite, so a degree of uncertainty is bound to

arise about what might be possible for any given building.

**Ian Herd (Scottish Building Standards Agency):** When the relevant provision in the DDA came into force in 2004—when reasonable adjustment should have taken place—it was difficult to decide how far service providers had to go to provide the service. For example, could a very small organisation afford to put lifts or even a ramp into a building or paint the building to help those with visual impairments? A group of access consultants has been set up for the past four or five years. It has given advice to service providers and building advisers on what it believes would be reasonable under the circumstances. The final decision on what is reasonable is up to the sheriff, but I am not sure how many cases go to the sheriff. I hope that the DRC would come to an agreement with the service provider and the disabled person on what would be reasonable. The access consultants would be a big help in deciding what would be reasonable.

**Marilyn Livingstone:** We heard in evidence that, whether a building is being adapted or is a new build, there is not enough consultation with disabled people at the beginning of the process and that a lot of ensuing problems could be avoided by proper consultation.

The minister asked for examples of what we have heard. We were told that there was often no consultation with disabled people, so issues were not thought through properly. For example, the minimum requirements made no provision for people with sensory impairment. The other suggestion that people made is that if we get access right for disabled people it becomes better for everybody, whether it be elderly people, people with pushchairs and so on. We should take time to get it right.

We were told that there is good practice guidance, such as British standard 8300. It is felt that that goes beyond the minimum design requirements for disabled people. Is there any way that it could be made compulsory?

**Malcolm Chisholm:** Ian Herd might want to take up the issue about BS 8300. Your general point is important, in that delivering disability equality is important for everyone. As you suggest, if we get it right for disabled people we will get it right for everyone. That is an important dimension for all policy makers to be aware of.

I read all the evidence. The issue of involvement in the process featured in the discussion when Ian Herd was previously at the committee. Perhaps he can comment on the matter.

A letter is being sent to the committee that points out who is on the committee that is dealing with the new standards. There is always an issue

about how adequately disabled people are represented on the committee. It is fair to say that there is a degree of representation. The principle is obviously right. If we do not engage with disabled people on building standards or anything else we will not get it right.

I do not know whether Ian Herd can talk about the specific issue of sensory impairment. There are many improvements in what is proposed in the new building standards. I do not think that anyone doubts that they are an improvement, but there will obviously always be an issue about whether they are a sufficient improvement. I do not know whether Ian wants to comment on either the sensory impairment point or the particular standard that was mentioned.

**Ian Herd:** Marilyn Livingstone raised several issues. First, architects have been encouraged to discuss their proposals with access panels. To what extent they take the feedback from the panels on board in their design is up to them and their client. The client will make the final decision and I think that it was clear from earlier evidence that, much of the time, the client will decide on a financial basis. Architects are aware of the access panels.

There is some guidance on sensory perception in the technical handbooks. It is sometimes difficult to give a lot of advice, but we have information on tactile surfaces close to stairs and ramps and at lifts. We have a requirement for hearing enhancement in rooms of specific sizes. There are also different coloured stair treads. So there is a certain amount of guidance on sensory perception—

**Marilyn Livingstone:** Can I just interrupt you there? How much of that is required and how much of it is in guidance? That is the issue.

**Ian Herd:** The mandatory requirements are functional. There is no prescriptive guidance; that was removed in 2005 because it was very restrictive to say that architects or designers had to do one specific thing. If they wanted to do something different, they had to get a relaxation of the requirements and it was quite a bureaucratic process. However, I am convinced that when they are verifying applications, local authorities examine disability issues closely and, if architects or designers do not follow the guidance that we give, they ask very specific questions on how they can make their designs comply with the standards using the guidance as a baseline. If architects and designers do not comply with the specific requirements in the guidance, they have to do something equal, if not better. So even though it is guidance, the local authorities have been very strict in seeking compliance with it and asking for our requirements to be included in new buildings.



**The Convener:** Yet we have had disabled people from up and down Scotland complaining about new buildings not being accessible.

**Malcolm Chisholm:** It would be good to have some examples of that. I hope that some of it will be dealt with by the new building standards.

**Ian Herd:** It is very difficult to see how new buildings are not accessible because they are required to be, and they will be even more accessible under the guidance that will be introduced in 2007. Certain small parts of buildings did not require to be accessible because, at the time, the technology or the cost of providing the access was prohibitive. However, technology has taken big steps forward and it is now much less difficult to provide access to all parts of a building.

**Marilyn Livingstone:** What about my question about making BS 8300 compulsory?

**Ian Herd:** Many of the issues covered by BS 8300 have been covered in the guidance that will be introduced in 2007. It is mentioned in our technical handbooks as good practice guidance. Clearly, the minute that legislation is made, it becomes the minimum requirement, so BS 8300 is proposed as good practice guidance and because we are calling it up, it will de facto become the minimum requirement. We are suggesting that that is a method of compliance; the local authorities do not have to do it but they must provide something similar, equal or better.

**Frances Curran:** My question is in a similar vein. Minister, you have already mentioned the planning advice note on inclusive design and said that it is a positive development, and I am sure that there is agreement on that. However, the committee is concerned about the evidence that it heard from the Royal Incorporation of Architects in Scotland. Its representative said that the PAN would not make much difference to the work that architects do. Ian Herd just said that local authorities use that advice when they are giving planning permission and if the design does not comply with the guidance, they go back and ask the designers to do something different. There seems to be a bit of a contradiction in the evidence that we are hearing.

11:30

**Malcolm Chisholm:** I was concerned by more than one thing that the RIAS said, but some of the new developments should help. I have mentioned the access statements that will be required for a large number of planning applications. They will alert architects to the issues and the access statements will be broader than the building standards; they will cover all the other access issues in a development. That will be helpful and, equally, I hope that the new guidance will also be

helpful. Certainly, architects will have to follow what is required by the building standards.

As I said, I was concerned about some of what the RIAS said. I cannot claim to have got to the bottom of it, but I hope that the new arrangements will make such problems a thing of the past.

**Ian Herd:** I must admit, I was a bit surprised by what the representative from the RIAS said. Many architects try very hard and disability issues are becoming much more visible. We admit that, some time ago, they were not, but since we introduced accessibility into the building regulations in 1985, we believe that architects have been taking the subject much more seriously. Obviously, we have a lot further to go. The new format of the building regulations explains the issues that architects should be thinking about rather than prescriptively requiring them to do X, Y and Z without understanding the reasons for those requirements. That will mean that they will give closer consideration to disability issues.

**John Swinburne:** On that point, it might be worth noting that we had three or four witnesses from the architectural community. Sitting listening to their evidence were some disabled people, one of whom said that the architect did not have a clue what he was talking about. That was said by the elderly gentleman from Dumfries who was in the wheelchair. The architect's evidence did not inspire me with any confidence.

**Malcolm Chisholm:** There is no doubt that that session was very striking. As you pointed out, Mr Swinburne, that gentleman's evidence was very refreshing. It just highlights the fact that if we do not involve disabled people, we are not going to get it right. From the developments that have been described, I hope that we are getting better, but I do not think that we can claim that we have got it all right. We need to involve disabled people at every level of policy making.

**Frances Curran:** The Scottish Building Standards Agency has recently consulted on amendments to the building standards in relation to access to buildings. Minister, you just mentioned access statements being linked to planning applications. Are those compulsory? Can you give us an idea of how the proposed changes are going to affect disabled peoples' access to buildings?

**Malcolm Chisholm:** There are two separate issues there; I am sorry if I have confused them. Access statements are referred to in the proposed new section 32 of the Town and Country Planning (Scotland) Act 1997 as proposed in section 6 of the Planning etc (Scotland) Bill. The proposed new section 32(3)(a)(i) says that an application

"for planning permission of such description as is specified in the order is to be accompanied by a statement about

how issues relating to access for the disabled to the development have been dealt with".

That covers wider access issues than just the building standards.

The building standards are different. They are a continuation of what we already have but they are being improved to reflect present good practice in making buildings subject to better building standards.

The review considers accessibility in non-domestic buildings and in dwellings—it seeks to deliver homes that are better able to address the needs of occupants. At the heart of this is the consideration of present good practice guidance. Ian Herd has already discussed BS 8300, which is at the heart of the building standards. There are two separate but related developments.

**Frances Curran:** The committee heard oral evidence on the existing inconsistencies in the approach to funding, training and methods of working in the work of access panels in Scotland. You mentioned good practice; access panels have a big role to play in ensuring that we get good practice. What is the Scottish Executive's view on the work that is done by access panels?

**Malcolm Chisholm:** Certainly, access panels are important in terms of the input that they have into a range of policy developments. In particular, they help local authorities in their work to create environments that are physically accessible. We have allocated £500,000, I think, to support access panels. In tandem with funding individual access panels, we are also providing £300,000 of funding to the Scottish Disability Equality Forum, which is the umbrella body for access panels and provides co-ordinated support and training. In those two ways, we are providing resources to build the capacity of access panels. Having said that, we are looking at how we can build on the work that has already been done. We are in discussion with the Scottish Disability Equality Forum about the most effective way of providing continued support.

**The Convener:** Given that I stated that people are telling us that things are not changing, I am interested in how the proposed changes to building standards will include physical access for disabled people.

**Malcolm Chisholm:** Ian Herd can talk about this in more detail than I can, but there are lots of specific examples. Lift access, which was referred to in general terms by Ian Herd, will now be provided to all storeys. Currently, there are exemptions for particular areas in a building. There will be improved guidance on accessible toilets, to the effect that the size and provision of accessible toilets will reflect current good practice. There will be improved guidance on accessible

bedrooms in residential accommodation. I could read out a lot of examples from the list before me. Each one might appear to be relatively minor but, cumulatively, they make a difference.

**The Convener:** It would be good to have a copy of the list that you are referring to, minister.

**Malcolm Chisholm:** Okay.

**The Convener:** Although each issue might appear small in isolation, those are the kinds of issues that make a difference between a person having, for example, a good stay or a bad stay at a hotel.

**Ian Herd:** The major change relates to the provision of lift access to virtually all parts of a building. There were exemptions with regard to area size, because the provision of a large passenger lift was quite expensive for a small building. Now, we have hoists—platform lifts—which are easier to provide.

Another major change is the reduction in the length of ramps, which reflects the good practice guidance in BS 8300. Presently, the ramps are 5m long. That is being reduced to 2m for the same gradient, which is a big improvement in terms of accessibility. The maximum width of ramps, doors and entrance lobbies has also been increased to help accessibility.

Guidance on the opening force on door closers is another issue that is mentioned in the list. That is tricky because most of the doors that have closers on them are fire doors, on which there needs to be a certain force to prevent them from being blown open when a fire occurs. We have given better guidance on that and if there are problems, consideration should be given to the use of electric doors.

The minister has mentioned accessible toilets and bedrooms. Another issue that has been raised is the height of counters, which were not covered previously. There is now a requirement that where there is a counter, part of it should be lowered for use by certain people. We have also given general guidance on where there should be no obstructions. People love to put bollards on the access ways to front doors, which can cause an obstruction. Those are some examples, but we can provide a list of all the changes.

**The Convener:** Thank you—we would like to have such a list.

**John Swinburne:** I have a point about accessibility that relates to lifts. In most hotels, there are signs that say, "In the event of fire, do not use the lifts." If there is a fire, how can disabled people get out of such premises?

**Ian Herd:** There are various ways of getting people out. Lifts—apart from those that are

specifically protected from fire—cannot be relied on. If there is a fire, the electrics might well be broken, with the result that someone who is in a lift could get stuck. That is why people should not use a lift in such circumstances, unless it is a fire lift.

Guidance allows for the possibility of providing temporary waiting spaces in stairwells, where disabled people can wait until they can be evacuated safely. Horizontal evacuation into another part of the building from which a safe evacuation can be performed is another possibility. Alternatively, the management of the building can have staff who are trained in the use of special chairs that can be used on stairs. There are many ways of getting disabled people out of buildings.

**Mrs Milne:** You mentioned that there needed to be a certain force on fire doors and that consideration could be given to the use of electrically operated doors. Surely fire doors could not be electrically operated because, as you have just said, the electrical supply can be knocked out in the event of a fire.

**Ian Herd:** The specific details of fire evacuation are not my speciality, but I know that such doors are released magnetically. By the time that they are closed, people should have been evacuated.

**The Convener:** We move on to the DDA. In its written evidence to the committee, the DRC said that the provisions of the DDA were not always reflected in policy makers' thinking. How does the Executive ensure that it takes the DDA into account when it develops policy?

**Malcolm Chisholm:** We are developing a single equality impact assessment process that will enable policy makers to assess the impact of equalities on new policies and policies that are being reviewed or revised. Although the assessment tool covers all six strands, it is designed so that focus on any individual strand will not be lost. The process will be rolled out through the Executive and its agencies, starting in June—from now, in other words. It will help policy makers to consider equality issues in the early planning stages. In addition, guidance on consultation encourages engagement with equality groups.

**The Convener:** How does the Executive ensure that all policy makers, including senior staff, are given specific disability equality training to ensure that they take account of such issues in their work?

11:45

**Malcolm Chisholm:** I am not sure whether we could claim that all those members of staff get disability equality training, although some of them do. Yvonne Strachan might want to talk about that.

The equality impact assessment process will be an integral part of the policy-making process within the Scottish Executive. Training will be given on how to use that tool, but that information may be a bit more specific than you are seeking, convener. The equality unit is also producing materials to give practical guidance to managers on what they need to do to ensure that they comply with the new disability equality duty. The guidance will dovetail with guidance that the Disability Rights Commission is producing for the Scottish Executive and its agencies.

More generally, equalities are included in the delivery of the courses that the Scottish Executive delivers for policy makers. Many aspects of the training that the convener mentioned are covered by us, although we cannot claim that the specific disability equality training on which the committee has done so much work will cover a large number of people. Yvonne Strachan will confirm whether that is right.

**Yvonne Strachan:** That is correct. As a result of an internal change, we are discussing with our training colleagues and HR people what needs to be done in future in that regard. We are doing that not just because of the drive from the duties but because of a recognition of what needs to be done on the training agenda. We are exploring training. We recognise that disability equality training is critical and that it needs to be considered in some detail.

**Mrs Milne:** My questions are on the disability equality duty, which you have touched on already, minister. How is the Scottish Executive working across its departments to implement the forthcoming disability equality duty?

**Malcolm Chisholm:** Obviously, that is a big, big issue for us this year. We have to produce our scheme by December. We are working with disabled people, particularly through the disability working group, on the requirement and, indeed, on our desire to involve disabled people in the development of the scheme.

The Executive has an equality scheme implementation group composed of senior officials, which is overseeing the implementation of the duty. The scheme covers Executive departments and agencies. I think that it is fair to say that the Disability Rights Commission is looking to us—our scheme needs to be an exemplar. It is important that we not only get it right but develop the best possible scheme.

As I indicated earlier, we are developing an equality impact assessment tool and will start to deliver training on how to use it. We are producing detailed instructions for managers on how to comply with the disability equality duty. We are working closely with the Disability Rights

Commission to promote the duty. Indeed, we are sharing platforms with the DRC at several national events, including one that took place yesterday, which committee members might have seen was reported in the press this morning. Yvonne Strachan spoke at the event. It is appropriate that I give way to her, as she is doing a great deal of work in leading this agenda for the Executive.

**Yvonne Strachan:** The minister has outlined our general framework for the duty. The critical thing that we learned from the implementation of the race duty is that, if we want to deliver effectively, we need to focus on the impact assessment process. As the minister indicated, we are producing a detailed briefing for staff, which is focused around their policy areas and will lead to a better understanding of disability issues.

In order to support that, we are also ensuring that staff are aware of the information that will help them. Obviously, the DRC material, including "Disability in Scotland 2005-2020: A State of the Nation Report", which has just been published, is helpful in that regard. We also have our internal mainstreaming website, which is being updated at the moment. Staff can access it to identify key areas that impact on their policy area. If we take transport as an example, the website will flag up specific issues that relate to transport for disabled people.

Staff will also use the committee's inquiry report, as well as that of the disability working group, to reflect on the kind of policy areas that they should be addressing. We are working on a combination of support to staff internally to better prepare them to deliver their work under the duty and the delivery of a structure that the equality unit co-ordinates centrally within the Executive. That combination will ensure that the organisation is as well supported as possible.

**Mrs Milne:** What work is being done with outside agencies to ensure that they, too, comply with the duty in full?

**Yvonne Strachan:** There are two points to make. As the minister said, some agencies fall within the Executive's remit—in other words, their work comes under the Executive's programme. For example, Historic Scotland will work with the Education Department. Other agencies, such as the Scottish Prison Service, have their own scheme but work with us to share in developing and understanding the duty and to participate in our implementation group. The idea is that information and experience are shared and there is an opportunity for agencies, where possible, to develop work in concert.

We are considering how we can support non-departmental public bodies. A meeting will be held shortly at which we hope to flag up the new duty

and encourage NDPBs to deal with the issue positively. The legal responsibilities in relation to public bodies' work rest with them, not the Executive, but the Executive has an interest in ensuring that there is positive development throughout the public sector and positive endorsement of the duty. That is why we are participating with the Disability Rights Commission in the programme of roadshows with the public sector to emphasise the point.

**Mrs Milne:** What mechanisms will be put in place throughout Scottish Executive departments and agencies to ensure that Scottish ministers fulfil their duties and obligations?

**Malcolm Chisholm:** That is a specific feature of the disability equality duty. I suppose that ministers will have to report in 2008. It is probably true to say that not a great deal of specific work has been done on the ministerial duty, as distinct from the more general duty on the Executive. We are considering what needs to be done specifically with regard to the ministerial duty. The equality impact assessment process has been designed with due regard to that. We will need to report in due course on the specific arrangements for ministerial reporting. I am conscious of the new duty for me and my colleagues, which will have a positive effect on our general mainstreaming ambitions.

**Marlyn Glen:** I have questions on disabled people in public life. The committee heard at its consultation event that disabled people often feel isolated from their communities and that few disabled people are active in the community. What is the Scottish Executive doing to encourage more disabled people to participate in public life?

**Malcolm Chisholm:** I am not sure how broadly or narrowly public life is defined. There is obviously the issue of public appointments, although you are probably thinking of participation more generally. As I said earlier, the main thrust of what we want to do is to emphasise the contribution that disabled people make and will increasingly be able to make if barriers are removed.

On public appointments, I am frustrated that various equality groups are not represented more. We are certainly committed to encouraging a more diverse range of people to apply for particular positions. We undertake a range of activities in that regard, including diversity awareness training and seminars for officials who are involved in the appointments process, and we work with the commissioner for public appointments in Scotland, who has specific responsibility for promoting diversity in public appointments. We want to see progress in the area. It is frustrating that often the same categories of people are appointed to positions.

**Marlyn Glen:** The committee received written evidence from the DRC that a target should be set for increasing the number of disabled people in the public appointments system in Scotland. Given that the committee heard evidence from the DRC last week that only 3 per cent of public appointees are disabled people, can you do anything more, other than simply encouraging people?

**Malcolm Chisholm:** At the beginning of the meeting we talked about general targets. You are now asking about a specific area in which there could be an argument for targets. I am quite sympathetic to the idea. It would not just be about targets for the number of disabled people; a great frustration for me when I was involved in health appointments was to do with the gender balance. A case could certainly be made for targets for various groups. However, I do not think that that is policy at the moment and I am not sure that it is up to me to make policy in that area.

**The Convener:** Go on—do it.

**Malcolm Chisholm:** I will just express sympathy with the idea.

**Marlyn Glen:** The setting up of shadowing and mentoring schemes has been suggested. If that were to happen, it would be a more proactive approach than simply hoping that people come forward.

**Malcolm Chisholm:** I do not know how such schemes would work, but they sound like a positive idea.

A combination of factors is at work—it is not just that bad people are making appointments. In some cases it might be, but not generally. Encouraging people to come forward is an issue. Your suggestion could be part of the answer.

**Marlyn Glen:** I do not know if you are aware of it, but the idea has been tried in different parts of the UK for public appointments. I think that it is worth while.

**Malcolm Chisholm:** It sounds as though we should consider it.

**Marlyn Glen:** Would you like to make any more general comments about how to encourage people to take part?

**Malcolm Chisholm:** We can consider encouraging disabled people directly, but equally important are the attitudes towards disabled people participating in various activities. We have to work on both; we have to work on public attitudes as well as access and support issues. Changing some of the perceptions about disabled people would be one of the most positive things that we could do, so that it became the norm for disabled people to be involved in the full range of activities that others are involved in.

**Elaine Smith:** I want to ask about volunteering but, before I do, we have not heard an awful lot about post-school education and lifelong learning. That is partly because previously we had other ministers before us.

Representatives of Coatbridge College—John Doyle, the principal, and John Gray, the chair of the board of management—are with us today in the public seating area, taking an interest in this inquiry. I would therefore like to ask you briefly about further education. FE can be a key to people realising their potential—educationally, vocationally and in accessing employment. The Beattie report considered post-school provision for young people with additional support needs. As a result, I understand that key worker support has been provided for many young people to cover the transition period.

Out of the Beattie report came the BRITE initiative, and just recently Coatbridge College opened its own BRITE centre, which it calls the horizon centre. Do you think that the Beattie recommendations will be important in helping to break down the barriers to disabled people accessing FE and lifelong learning?

**Malcolm Chisholm:** The Beattie report was very important. It was commissioned just before this Parliament started, and it was good for us to have it in our first year. Many positive initiatives have come from it; the horizon centre is one of them. I think that Coatbridge College received a lot of inclusiveness funding. I am told that in 2005-06 it received £1.6 million, so obviously it has benefited greatly from the money that surrounded the Beattie report. We should acknowledge such positive developments. What the acronym BRITE stands for escapes me, but it has something to do with inclusion and technology. The development at Coatbridge College is important.

Having said that, I am not pretending that everything is perfect. One of the issues around the Beattie report is who is going to benefit and who is not. A long-running constituency case of mine has resulted from someone asking why they do not benefit from funding. I suppose that who will or will not benefit will always be an issue, as will the intensity—if that is the right word—of a person's disability that is necessary before that person receives support. Many disabilities exist. There is obviously an on-going issue. Negative comments have been made to me about the Beattie report, but I am positive about the amount of funding related to it and the number of people whom it benefits.

12:00

**Elaine Smith:** Perhaps your department will want to consider that issue in carrying out an overview of access to further education. For the—

**The Convener:** Marilyn Livingstone is waving at me.

**Elaine Smith:** I was going to say for the *Official Report* that BRITE stands for Beattie resources for inclusiveness in technology and education.

**The Convener:** Well done. Was that what you were going to say, Marilyn?

**Marilyn Livingstone:** No.

As we are discussing FE, one of my concerns is access to FE for people with learning difficulties and mental health problems. We have received evidence and been told of quite a lot of criticism that there can often be a revolving door. How much monitoring is involved in that respect? Will extra funding be made available to help to move young people with learning difficulties and mental health problems on to the next stage?

**The Convener:** That is a difficult question for the minister to answer.

**Malcolm Chisholm:** I read and was interested in the evidence that the committee received. At the moment, I have another constituency case that involves access to FE colleges. We come across such issues in our different roles. There are many experts in the room, but Marilyn Livingstone has direct experience of FE colleges. The issue has been flagged up, and people will consider it in the context of FE college inspections. Somebody made a point in the evidence that there is monitoring, but I am not close enough to the matter to know what the reports have said.

There are issues and people recognise that there can be a problem in terms of people doing the same course. That said, the increasing involvement of people with learning disabilities in FE as part of mainstreaming is obviously a positive development. I know about a good local example from Edinburgh's Telford College, where young adults with learning disabilities have taken up learning opportunities. A few years ago, such things would have been regarded as unusual, so there has been a positive development, but it is obvious that we must also consider the quality of the provision and whether it is all that it could be.

**Elaine Smith:** Volunteering is clearly within the minister's remit. Apart from helping society as a whole, volunteering can help volunteers to develop a sense of self-worth, learn new skills and meet people. It can also open the door to paid employment to people if that is what they want. Therefore, volunteering can help disabled people and accessing volunteering is an important equalities issue. Last week, we heard evidence from the DRC that only 6 per cent of disabled people volunteer, which is somewhat concerning. What opportunities does the Scottish Executive's volunteering strategy, which was launched in

2004, present for disabled people to increase their participation in volunteering?

**Malcolm Chisholm:** The member raises an important issue to which we have given some attention, although I would be the first to admit that we could probably emphasise its importance even more. Dismantling the barriers to volunteering for disabled people is relevant to the general principles of the volunteering strategy.

The other development that I want to draw to the attention of members is Volunteer Development Scotland, which the Executive funds and which carried out research on volunteering and disability last year. Following the research, which sought to identify the type of barriers that disabled people face, VDS produced a brief document that gives top tips for organisations on how best to involve disabled people as volunteers. I do not claim that that in itself is adequate, but it indicates that the issue is very much on our radar. However, I am the first to admit that we need to do more to break down the barriers and involve more disabled people as volunteers.

**Elaine Smith:** The committee got a copy of VDS's top tips, which were interesting. I was a volunteers manager many years ago for VDS and I worked on a project in which VDS was clear about trying to encourage disabled people to volunteer. I had a young man who was a wheelchair user working on that project. VDS is ahead of the game in understanding the issues and trying to promote volunteering in all sorts of ways.

We received evidence from NCH Scotland that the project Scotland volunteering scheme could be used as a national initiative to promote peer-mentoring schemes across Scotland for young disabled people. What are your thoughts on that suggestion?

**Malcolm Chisholm:** It is an interesting one, but I would have to get project Scotland's view on it. We will certainly raise the suggestion with NCH and project Scotland. I am interested in initiatives that enable citizens to support one another directly and that suggestion sounds positive to me. All I can say is that we will certainly raise it and I hope that we can progress it.

**Elaine Smith:** I will await that with interest.

**The Convener:** Yvonne Strachan mentioned the disability working group. Do you have an idea of when the group will finish its work and when it will report? I am interested in any possible tie-in with our report and recommendations.

**Malcolm Chisholm:** It is interesting that the two reports are being worked on in parallel. I am not sure when the disability working group's report will be ready. Perhaps you can tell me when you will

give us your report. It sounds to me as if both reports might be ready at about the same time. I think that we are expecting the disability group's report in about a month's time.

**The Convener:** We will have a draft report by the end of the month or the beginning of July.

**Malcolm Chisholm:** There you are—it sounds as if you are competing to be first. However, it does sound like the reports will be ready at much the same time, which I suppose is good.

**The Convener:** It will be late autumn before we actually publish the report and the final report will be published by the end of the year.

**Malcolm Chisholm:** Okay.

**Yvonne Strachan:** We are in a similar position. The group is finalising a draft that will obviously be published a bit later, so it looks like the timetables are consistent.

**The Convener:** I thank the minister and his team for their evidence.

## Items in Private

12:09

**The Convener:** Under agenda item 2, do members agree to take future consideration of our draft report on the disability inquiry in private?

**Members** *indicated agreement.*

*Meeting closed at 12:10.*





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