

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 12 December 2006

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2006.

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

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Tuesday 12 December 2006

	Col.
INTERESTS	2063
DEPUTY CONVENER	2063
DECISION ON TAKING BUSINESS IN PRIVATE	2064
PUBLIC PETITIONS COMMITTEE (EQUALITIES REPORT)	2065
REPORTER	2083
PARTICIPATION (WIDENING ACCESS)	2084

EQUAL OPPORTUNITIES COMMITTEE

† 21st Meeting 2006, Session 2

CONVENER

*Cathy Peattie (Falkirk East) (Lab)

DEPUTY CONVENER

*Margaret Smith (Edinburgh West) (LD)

COMMITTEE MEMBERS

*Marlyn Glen (North East Scotland) (Lab)
Carolyn Leckie (Central Scotland) (SSP)
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)
Linda Fabiani (Central Scotland) (SNP)
Mrs Nanette Milne (North East Scotland) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

David McGill (Scottish Parliament Directorate of Clerking and Reporting)
Michael McMahon MSP (Convener, Public Petitions Committee)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Zoé Tough

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 2

† 20th Meeting 2006, Session 2—held in private.

Scottish Parliament

Equal Opportunities Committee

Tuesday 12 December 2006

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

Interests

The Convener (Cathy Peattie): Welcome to the 21st meeting of the Equal Opportunities Committee in 2006. We have received apologies from Carolyn Leckie and Jamie McGrigor.

I welcome Margaret Smith back to the committee and ask her if she has any interests to declare.

Margaret Smith (Edinburgh West) (LD): I have no interests to declare. I am delighted to be back for my third stint on the Equal Opportunities Committee.

The Convener: Welcome back, Margaret.

I would like to record my thanks to Nora Radcliffe for her work on the committee over the past year, particularly on the disability inquiry. She took a great interest in the work that we have done on the barriers facing disabled people. We will miss her.

Deputy Convener

10:01

The Convener: Our second item concerns the election of a deputy convener to replace Nora Radcliffe. On 4 June 2003, the Parliament agreed motion S2M-107, which resolved that members of the Scottish Liberal Democrats are eligible to be chosen as deputy convener of the Equal Opportunities Committee. I invite members of the Equal Opportunities Committee to nominate a member of that party for the deputy convenership.

Marlyn Glen (North East Scotland) (Lab): I nominate Margaret Smith.

Margaret Smith was chosen as deputy convener.

Margaret Smith: I thank colleagues for the extreme faith that they have shown in me. I apologise for the fact that, obviously, they were presented with Hobson's choice. However, I hope that I will do a good job.

Decision on Taking Business in Private

10:02

The Convener: Under our third agenda item, we must decide whether to take in private items 7 and 8, which concern discussion of approach papers. Do we agree so to do?

Members *indicated agreement.*

Public Petitions Committee (Equalities Report)

10:03

The Convener: The fourth agenda item deals with the Public Petitions Committee's equalities report. I welcome Michael McMahon, the convener of the Public Petitions Committee, and David McGill, the clerk to that committee.

I commend the Public Petitions Committee for its work on mainstreaming equalities in the public petitions process, which is welcome. This committee has worked hard to encourage committees to consider their role in relation to the mainstreaming of equalities. It is good to see the work that has been done by the Public Petitions Committee, which has taken the issue seriously. It has set a good example for other committees.

I invite Michael McMahon to make a statement.

Michael McMahon MSP (Convener, Public Petitions Committee): Thank you for your warm words, convener. When I became the convener of the Public Petitions Committee, I made a commitment to use the lessons that I had learned when I was a member of the Equal Opportunities Committee in the previous session of the Parliament. In order to place our discussion in context, I will briefly outline the background to the Public Petitions Committee's equalities monitoring.

The Public Petitions Committee is committed to mainstreaming equality and to providing an open, accessible and meaningful voice for those who might otherwise be marginalised in the political process. Although we are proud of our record of giving ordinary people in Scotland direct access to their elected representatives, we recognise that more needs to be done. For that reason, we welcome the continuing dialogue between the Public Petitions Committee, the Equal Opportunities Committee and the broader equalities community.

In January 2004, following the debate on mainstreaming equality that took place in October 2003, the Public Petitions Committee agreed to adopt the equalities guidelines that were recommended by the Equal Opportunities Committee. At that time, the Public Petitions Committee also noted the Scottish Civic Forum's recommendation that the committee should introduce equal opportunities monitoring procedures in order to gather reliable information about who uses the petitions system. Accordingly, since May 2004, we have sent out equal opportunity monitoring forms to each petitioner. Once a year, the data are collated and a report is produced, which is considered by the committee

and on which the views of a range of equality organisations are sought. As a result of the feedback that has been provided by the organisations, a number of changes have been made to our equalities monitoring procedures and to the petitions system more generally.

Having set out that background, I am happy to answer members' questions.

The Convener: Perhaps insisting that every member of the Parliament should spend at least some time on the Equal Opportunities Committee—like you did, Michael—might help people to think about the equality agenda.

I am interested in how you monitor the equal opportunities information that you receive. Can you say more about how that is done?

Michael McMahon: The monitoring form is now issued as part of the initial submission process. When the petition is formally submitted—before it is considered by the committee—the petitioner is sent a copy of the Public Petitions Committee's equal opportunities monitoring form. The petitioner is advised that the form seeks information that will be useful to the committee when we are considering the petition and is asked to return the form in a prepaid envelope. The form highlights the purpose of equalities monitoring, which is to assess the accessibility of the petitions system. Basically, we advise the petitioner that we like to do equalities monitoring and then tell them why. That helps to increase the response that we get.

The Convener: I note that, as part of the feedback to your previous report, the Commission for Racial Equality expressed concern about the number of people who were prepared to respond to the questions on ethnic background. Have you taken any action around that concern, which we know comes up across the board? People are suspicious about why they are asked to give equalities feedback on their ethnicity.

Michael McMahon: We changed the wording of the form to accommodate the CRE's concerns. We had a poor response rate initially, which we think was down to the poor wording and the fact that we did not explain the purpose of gathering the information. Since we changed the wording and explained that purpose, the response rate has been 100 per cent.

The Convener: Excellent. I notice the suggestion in the Public Petitions Committee's report that the monitoring form should be sent out as part of the initial submission process, and you said earlier that that was now being done. Would you recommend that approach to others who are involved in gathering such information?

Michael McMahon: Yes. There are some resource implications with regard to collecting the

information and the annual collating of the data is time consuming. However, if the process is managed properly—the Public Petitions Committee is lucky enough to have clerks who know how to do that—it is not too problematic. I say to other committees that the process is worth doing, because of the information that is received. When considering wide-ranging petitions, it is helpful to know where they are coming from, the purposes behind them and what difficulties might be encountered by those who are submitting them, whether they be cultural difficulties, language difficulties or whatever. The information is worth collecting, regardless of how difficult people might think it will be to collect it at the outset.

Elaine Smith (Coatbridge and Chryston) (Lab): Does the form go out to the petitioner when the first inquiry is made? Do the petitioners receive it along with the form that they fill in when they submit a petition or do they get it after they have submitted a petition? The Equal Opportunities Commission said:

“A way to improve the return rate and understand more about the petitioners might be to request that petitioners return the monitoring form with their petition as part of the initial submission process.”

Is that what is happening?

Michael McMahon: David McGill will be able to answer your question in detail.

David McGill (Scottish Parliament Directorate of Clerking and Reporting): The vast majority of petitioners approach us for advice before submitting a petition, which means that there is a bit of dialogue between the clerks and potential petitioners before we get to the stage of a petition being submitted. When we get towards that stage, we send out an equalities monitoring form for them to return with their final petition, which means that we have the information at the outset of the formal process.

Elaine Smith: Does that mean that the information is collected at the initial stage?

David McGill: Yes. We believe that that is the best point at which to capture the information, as it enables us to get data from as many people as possible. That process has resulted in an increase in the number of completed forms that we get back.

Elaine Smith: Some people who make an initial inquiry to the committee might not follow the process through. Is there a way of capturing the details of those people? It would be interesting to monitor who actually sees the process through all the way to the formal submission of a petition.

David McGill: We could consider that. There is nothing to prevent us from doing that.

Marlyn Glen: You say that other committees should collect this information, but you also say that there would be resource implications. However, I presume that the resource implications for other committees would be less than they are for the Public Petitions Committee. It would be interesting to see some numbers in that regard.

Michael McMahon: If a committee takes mainstreaming seriously, it should collect that information as a matter of course when it undertakes an inquiry. Anyone whom the committee contacts should be provided with a monitoring form. We send the form out to everyone. In some cases, the information is of no relevance to the petition, but in other cases it is. That is what we are trying to establish. We encourage other committees to collect the information as a matter of course. Whether the information is pertinent to the matter will become apparent as the issues are discussed. Some committees might think that the issue that they are inquiring into has no equalities implications and that, therefore, there is no point pursuing an equalities monitoring exercise in relation to it. However, if such an exercise were built into the system, it would be easier to rule out the relevance of somebody's ethnicity, sexual orientation or gender, for example, in the discussion. It is better to rule it out than to assume at the outset that it has no relevance and not allow it to be ruled in.

The Convener: It is about getting the process right and encouraging people to see it as a standard thing to do that makes a lot of sense. Obviously, feedback will identify whether a committee's approach has been successful or whether it needs to consider issues relating to gender or other areas.

Michael McMahon: We have always tried to learn lessons from the data that we have examined. When we have done outreach work in local communities, we have relied on outside bodies—we do not have access to the sorts of resources in the Parliament that we once had—to make us aware of groups in those communities. We rely on information from external sources to enable us to collect the information in the first place. It is better to have the information, regardless of where you get it from, and not to get too hung up at the outset about whether it is worth gathering and whether it is relevant.

The Convener: That is a good example to set other committees.

Marlyn Glen: Your report notes that the CRE believes that there is a need for your committee to do more targeted outreach work to encourage people from ethnic minority backgrounds to engage with the system. Can you tell the committee about the outreach work that you have

done to date and what plans you have to increase participation levels for people from ethnic minority backgrounds?

Michael McMahon: We decided that we would go to each of the eight regions that are represented in the Scottish Parliament. In this session, we have managed to get to six of them. We learned lessons throughout the process. The first meeting was held in Dundee and it taught us a lot about the kinds of things that we needed to do to get to more organisations. The lessons that we have learned will form part of our legacy paper to next session's Public Petitions Committee. We do not think that, by any stretch of the imagination, the process is perfect yet. However, we have ensured that the guidance on how to submit a petition is available in a range of languages, including Arabic, Cantonese, Urdu, Bengali and Punjabi. The committee is working with the Parliament's equalities manager to promote that material in relevant communities. We have also produced a DVD, which has been circulated to a range of organisations and is available on request. We have tried to use the technology at our disposal to reach people.

We have tried to get out of the Parliament physically. The communities that we have visited were not picked randomly. We thought that too many of the usual suspects were submitting petitions. It had become apparent that we were often faced with middle-class campaigning groups that knew how to use the system. We wanted to encourage community groups—from whatever community—to access the Parliament, and we did not assume that it would be sufficient just to tell people that we are here; we knew that we had to go into communities and show people how the system works. After every event that we held there was an increase in petitions from groups such as the ones that had taken part, so we have had some success. However, we are far from perfect and we have an awful lot more work to do.

10:15

David McGill: We have been in contact with the CRE since it said that we should do more to target people from ethnic minority backgrounds. The CRE supplied us with a list of ethnic minority media outlets, through which we hope to promote the petitions system. We have talked to the Parliament's equalities manager and media relations office, to build a media relations strategy that is aimed at getting the message across through ethnic minority and black groups. We will invite the people with whom we have been put in touch to a meeting of the Public Petitions Committee in January, so that they can see what happens and—we hope—spread the word in their communities about how we do things.

Marlyn Glen: Outreach work is time consuming and entails a great deal of work for members of the committee and clerks. What scope is there for maintaining or increasing the committee's outreach and publicity work?

Michael McMahon: There is no question that there are implications for our workload, but all the clerks who have worked on the committee feel passionately about the issue. It is important that I say on the record that outreach and publicity work is not done against the instincts of the clerks; the clerks want to do such work and are committed to it, although they acknowledge that it increases their workload. It would not be sufficient for politicians simply to say that they want such an approach; we must also ensure that the clerks buy into it. I am fortunate in that the clerks with whom I have worked want to do such work and know its value—I am sure that that is the case in all committees. The workload implications can be dealt with.

Marlyn Glen: Is the Public Petitions Committee frightened of becoming a victim of its own success? Will you address the issue in your legacy paper?

Michael McMahon: We will have to point out the situation. The increased breadth of petitions that we wanted was obviously going to lead to more petitions being submitted. It was not sufficient for us to say, "There will be implications for clerks' time and the committee will need to meet more often"; we had to ensure that the work happened, but that was not difficult once we had the commitment of committee clerks and members.

We must keep an eye on the situation and ensure that the approach does not become so burdensome for clerks that the system grinds to a halt. However, if the Public Petitions Committee failed to function as a result of its success, the Parliament's purse-holders would find it difficult to ignore the situation or take a retrograde step.

John Swinburne (Central Scotland) (SSCUP): Feedback from the Disability Rights Commission suggested that the Public Petitions Committee has been successful in attracting a high level of participation from disabled people. Have you analysed why that is the case? If so, what implications might there be for your work on targeting other groups in the community?

Michael McMahon: Our 2005-06 report found that 25 per cent of petitioners had some form of disability. The proportion in the previous year was 17 per cent. The proportion of people in the population who have a disability is about 20 per cent, so we are in the right vicinity. It is encouraging that disabled people are using the system in such numbers, although we are entitled

to ask whether we can infer from the figures that disabled people have more cause than the rest of the population to submit petitions.

As you would expect, the committee has made arrangements that encourage disabled people to use the system, for example by facilitating disabled access to the building, allowing dyslexic witnesses to present petitions orally and ensuring that British Sign Language interpreters are available. It is clear that people who have disabilities are comfortable with using the system.

John Swinburne: I was privileged to represent a constituent at the Public Petitions Committee. The person was concerned about having to sell their parent's home to pay for care. I compliment the committee on its excellent service. How the meeting was laid out and the way in which we were questioned and given an opportunity to air the case were perfect. The meeting was one of the best things that I have experienced in three and a half years in the Parliament. I congratulate the committee and I hope that you keep up the good work.

Michael McMahon: I certainly hope to do so.

We like to think that the committee's existence creates an environment in which people can more easily access the Parliament, but we do not assume that when people bring a petition their experience is everything that they would want. We commissioned external research from an independent expert from the University of Glasgow, whose report made interesting reading. The expert spoke to a good number of people who had submitted petitions. We could not satisfy everyone, and sometimes the failure to address a petitioner's concerns caused concern, but the researcher found that people often felt that by submitting a petition they had taken part in the democratic process and had at least had a chance to express their concerns. People thought that the process itself was fulfilling, even when their petition had not achieved the outcome that they wanted. The research also showed that people's expectations of the outcome that the committee might achieve for them were sometimes too high. We must manage people's expectations.

In the context of equalities, we needed to ensure that more people had an opportunity to submit a petition and that we identified and responded to the particular needs and circumstances of potential petitioners. As I said, we will not rest on our laurels; we are strongly committed to taking that work further. If other committees can learn from what we do, that is all well and good, but perhaps other committees do some things better than we do. Each committee must find its own way of achieving the best outcomes for the people who approach it.

Elaine Smith: The EOC also referred to groups that are underrepresented in political and public life, in particular women, but also young Asian men and people from rural communities. You talked about outreach work in communities, but have you taken further action to target such groups?

Michael McMahon: The Public Petitions Committee acknowledges that we need to engage with underrepresented groups, and we realise that we have a lot of work to do. We concentrated on reaching out to ethnic minority groups, because we thought that we could establish contact fairly easily, given the databases that are available and the community groups that we could approach. There is anecdotal evidence that a number of petitions have been submitted by petitioners from ethnic minority groups—that did not happen previously, so we have had some success. As a result of the work that we are currently undertaking, we hope to make progress along those lines.

You asked how we communicate with people in rural communities. The committee has held formal meetings and promotional events in Ayr, Jedburgh and Inverness, and at each event we tried to ensure the participation of as wide a range of community groups as possible. We considered not just ethnicity and social factors but the differences between rural and urban communities.

The number of female petitioners has increased from 35 per cent in 2004 to 40 per cent in 2005-06. The effort to target groups that are consistently underrepresented in political and public life requires enthusiasm, expertise and resources—fortunately the clerks can provide all of those. When we have identified problems and targeted specific groups, there has been improvement as a result of the hard work of the people who were asked to do the job.

Elaine Smith: Do you have plans to identify the geographical location of petitioners in the context of age and gender or gender and race?

Michael McMahon: Yes. The equalities monitoring form asks petitioners to identify the parliamentary region that they come from. Petitioners provide their address, too, so we have a good picture of their location. As you might expect, more petitioners reside in the more heavily populated areas than in rural, less heavily populated areas. The three regions in which demand was highest were the Lothians, South of Scotland and Glasgow—20 per cent of petitioners were from the Lothians, 17 per cent were from the South of Scotland and 13 per cent were from Glasgow.

Elaine Smith: In your opening statement, you said that the Public Petitions Committee should

offer people an open, accessible and meaningful way of voicing an opinion in the Parliament and that such an opportunity should be available to people who are marginalised in the political process. There are people who live in poverty and deprivation, and poverty can be about not just lack of money but many other issues, including the lack of a voice. You said that more petitions come from the heavily populated areas, but can you further break down those areas? As you said, you do not want petitions just from the usual suspects in leafy middle-class areas.

Michael McMahon: We are well aware of the issue. After I became convener of the Public Petitions Committee, I quickly realised the type of people who submit petitions—it was as plain as anything that I have seen in the Parliament. Many petitions are submitted by campaigning groups, who legitimately take advantage of the system. I am not disparaging such groups—we would not consider their petitions if they were not legitimate—but we are aware that campaign groups that form in reaction to local events submit petitions as part of their campaign. Such issues arise everywhere in Scotland.

It is worth noting that at least one petition has been submitted from each of the 73 constituencies. Perhaps the Lothians, South of Scotland and Glasgow regions predominate because campaigning groups are based in those areas. Even though a group is based in Edinburgh, the issue might relate to a matter outwith the city. We must be aware of all sources of a petition.

Elaine Smith: Do you track the outcomes of successful petitions? If an issue that is raised is not for this Parliament, I presume that you send the petitioner in the direction of folk who can help them. I know that monitoring what happens is a lot of work.

Michael McMahon: It is a lot of work. Sometimes the outcome is not down to the Public Petitions Committee. For example, we refer petitions to the Health Committee and the Local Government and Transport Committee—

Elaine Smith: I think that that is what I meant. Do you collate information on the outcomes of petitions that are dealt with by different committees in the Parliament?

Michael McMahon: The independent report that we commissioned considered qualitative outcomes more than it considered a quantitative analysis—it did not ask, “Out of 1,000 petitions, how many were successful?” Some people whose petitions had been successful, or partly successful, were dissatisfied with the process, whereas others whose petitions had been unsuccessful were satisfied with the process and

felt that they had engaged in the democratic system, which in itself had been satisfactory and beneficial. There are two ways of looking at it: we could do a simple head count of how many people who came to the committee got what they were looking for or we could analyse the engagement that took place.

10:30

Elaine Smith: When I talk to school groups about the Parliament, I often use the Public Petitions Committee as an example of engagement with the Parliament. How does the committee differ from the petitions procedures in other parliaments? Do you think that a Scottish Parliament roadshow should go round different areas, showing people how to engage with the Parliament? The Parliament's education service does that already, but could the Parliament as a whole do it and could the Public Petitions Committee play a big part in that? Also, do you have any rules about the number of petitions that you will accept from an individual? In the first session, the same person lodged a petition practically every week.

The Convener: David McGill is keen to pick up on some of those issues.

David McGill: Elaine Smith asked earlier for information on other things that the Public Petitions Committee has done to reach underrepresented groups. We have placed an article in the newsletter of the Black and Ethnic Minorities Infrastructure in Scotland, which we hope will be published next month. In March, an event will be held in the Parliament on young women in politics, part of which will be a workshop specifically on the Public Petitions Committee and the process of petitioning the Parliament. Those are other ways in which we have tried to reach an audience that we are not quite hitting at the moment.

Michael McMahon: We are aware that the Parliament's education service is telling people about the petitions system and advising them on how to petition. Since that work started, we have received a lot of petitions from schools, which have been welcome. We are not in the business of trying to restrict the number of petitions that we receive; we are trying to increase the number and get them from a wider range of organisations.

We are in no way trying to reduce the potential for people to petition the Parliament; we are trying to make it easier for them. We are always seeking ways in which to do that. In this session, we have approached the Procedures Committee twice, asking it to amend the rules to allow us to adapt our way of operating, to make it easier for people

to petition and to make the system easier to manage.

Elaine Smith: Do you have a problem with serial petitioners?

Michael McMahon: No. We have dealt with that. It was one of the issues that was bogging us down, and the difference has been noticeable since we changed our criteria. The individual who submitted about 55 petitions in the first session has not submitted any since we changed the rules. Basically, all that we ask is that the petitioners can show that they have tried to address their concerns at another level. For example, if the issue concerns local government or a local health board, we like to see evidence that the petitioners have tried to resolve the problem at that level before bringing their petition to the Parliament. It is no longer a matter of someone watching the news, feeling that they want to take the matter to the committee and just firing off a letter.

The system itself has not changed; it is just that we now have established criteria that allow us to do a bit of work before a petition comes before the committee. We do much more primary research ourselves, which means that, by the time that a petition reaches a committee, an awful lot of the work that was normally done by other committees has been done by us. It is about managing the system to get a more beneficial outcome for people, and our system contrasts with petitions systems in other parts of the United Kingdom, Europe and the rest of the world.

We are teaching people in different parliaments about how our system works. We recently visited the Bundestag, in Germany, to see how it has adopted our e-petitions system. Anyone who has had a look at the Bundestag's e-petitions system will know that it is identical to ours. It uses the same information technology that we use, which was devised in Scotland in conjunction with Napier University. The German e-petitions website is identical to ours except, of course, that the language is German.

Elaine Smith: It is important that the Scottish Parliament is leading the way in lots of different ways. We had the first visitors' crèche of its kind, and the Public Petitions Committee is leading the way as well.

The Convener: I agree with that.

Margaret Smith: Thank you for the evidence that you have given. We think that you are doing a very good job. The feedback that I have received from constituents who have been involved with the petitions system—some of whom have come from leafy, middle-class areas—has been positive.

You touched on the work that the education service and some of the other departments in the

Parliament have been doing. How do you feel that MSPs do in telling constituents and other people about the Public Petitions Committee? Are we doing a good enough job for you?

Michael McMahon: MSPs are doing a reasonably good job. We ask the people who bring petitions to the committee what they have done to raise awareness of their issues locally, and the local MSPs are often on the circulation list of people who have been contacted. There is a section of the committee's briefing paper that says what the petitioners have done to raise awareness, and we often discover that an MSP has had some input to the petition and may have suggested that the petition come to the committee.

We have, however, stopped MSPs being petitioners, which I think is important. Although most MSPs will support something that is happening in their area when the issue has been brought to them by local people, the fact that MSPs were taking the lead in bringing an issue to the Parliament caused the community organisations to become secondary to the issue. We changed the rules to ensure that it is the group or the individual concerned who brings the petition to Parliament, perhaps with the support of an MSP. In that way, John Swinburne and others have come to the committee in support of petitions that they may have encouraged the petitioners to lodge. MSPs can come along to the committee to support the petitions and to give additional information from their perspective, which is often helpful to us in our consideration.

MSPs work well with their local groups to ensure that, when an issue becomes urgent, one of the avenues at their disposal for raising the issue and having it pursued is the petitions system. Most—if not all—MSPs have had some input into a petition that has appeared before the committee.

Margaret Smith: In your report and earlier, you mentioned the educational DVD on petitioning the Parliament that you launched in December 2005. Can you give us a bit more information about that? For example, is it available in languages other than English? Do you have any information about the take-up of the DVD and how you have publicised it?

David McGill: The DVD is available only in English. We have not yet explored fully the idea of making it available in other languages. All our written material is available in seven or eight different languages as well as in Braille. We also have information available on audio tapes. However, the promotional DVD that was developed with the Parliament's broadcasting office is, at the moment, available only in English.

Take-up of the DVD has been high, and we have distributed it quite widely. Every time that we

go to an external meeting or an outreach event, we take supplies of the DVD with us. We have distributed it to different organisations. It is something that we have at the front of our minds every time that we establish new contacts, and we promote it through different organisations.

Margaret Smith: I presume that, if the DVD is available only in English, there is no British Sign Language version.

David McGill: No. Not at the moment.

Margaret Smith: As well as producing the DVD in other languages, might you consider a BSL version, given the fact that the DVD seems to have been quite successful?

David McGill: Certainly, yes. As I said, all our other information is available in a variety of languages and formats. It would be a missed opportunity if we did not explore the idea of making the DVD available in different formats. I am not familiar with the technology, but I do not think that it would be difficult to subtitle the DVD. We can take up that issue with the relevant people.

Margaret Smith: You could probably get it into the shops for next Christmas.

David McGill: I hope so, yes.

The Convener: The Equal Opportunities Committee recently produced a BSL DVD, which has been quite successful. We would encourage other committees to do the same and could pass on information if that would be helpful.

Michael McMahon: The DVD has been well received and takes some of the mystique out of the process. It has been helpful in encouraging people to come forward with petitions. As David McGill said, it should be a matter only of using the available technology to add subtitles and other means of assistance to people. We will certainly look at how we can do that.

Margaret Smith: In general, did you find the comments from the statutory bodies helpful? Do you have any suggestions on how they might have been able to give you more information about what they would have liked you to do?

Michael McMahon: The comments were helpful. As I said, we amended the format of our questionnaire to accommodate words that were suggested by the CRE. That was particularly helpful in increasing the response that we received. There is an on-going dialogue between the clerks and officials in the outside agencies to ensure that we are always kept abreast of the way in which they would encourage us to take things forward, and we are open to any suggestions that they have. If they can show us how to do things better or why we should do things in a certain way,

we will be open to any of their suggestions. We have taken their comments on board so far, and I see no reason why that should not continue in the future.

Marlyn Glen: The CRE suggested that the form should include a statement of its confidentiality, but there is no such statement on the form that we have in front of us. I was just looking at our equality strands. There is no question on religion or faith on the form, either.

Michael McMahon: The information about the confidentiality of the form is included in the covering letter. It is more prominent there than it would be as an add-on to the questionnaire.

I am not sure about the question on religion. It would be interesting to get feedback on that, so perhaps we should consider it. The form is simple, and how a question is asked is as important as whether it is asked in getting the information that we are looking for. It is worth considering whether we could get some useful information in that way. As I said, it is easier to include something and decide later whether it matters than to try to determine at the outset whether it should go in. I am open to your suggestion.

John Swinburne: Have you given any thought to inviting comment from a wider range of equality-related organisations?

Michael McMahon: Yes. As I said, we regularly take stock of where we are. We have become attuned to doing that. If a petition that has come before us has caused us to think about how we could have dealt with it differently, that gives us an opportunity at our regular meetings to consider whether we could have avoided the problem that emerged, or learned from it—or both. We always take stock, which includes taking advice from outside bodies. We ask whether we could have foreseen a problem and, once we have identified it, whether they have suggestions on how we should deal with it. We have learned lessons in that way in the past. We would always like to have foresight and see things before they become a problem, but if a problem emerges we are more than happy to discuss it with whatever organisation can provide assistance to us in order to learn lessons from it.

John Swinburne: Do you agree that the fact that there are no MSPs from ethnic minority backgrounds is a failure not on the part of the Public Petitions Committee, but on the part of the Parliament? Do you also agree that, until we achieve that, there will always be an imbalance when it comes to an ethnic minority group experiencing a problem?

Michael McMahon: That is taking us into a debate about ethnic minorities. I come from the Irish community in Scotland, and I consider myself

to be ethnic Irish. There are ethnic minorities represented in the Scottish Parliament, although they do not include black or Asian ethnic minorities. That is an important distinction to make. I think that we all have a responsibility to address that, as those ethnic minorities are a very important part of Scottish society. However, in taking forward our agenda of ensuring that there is proper ethnic minority representation in the Parliament, we should not ignore the ethnic minorities that are already here.

10:45

John Swinburne: Eight members' bills were passed in the first four years of the Parliament, but in this session only one has been successful. Do you think that the Public Petitions Committee could become a vehicle for members' bills?

Michael McMahon: I do not see how we could do that. When anything comes to us that is relevant to a bill that is going through the Parliament, it is referred very quickly to the committee that is considering the bill. We have done that a number of times. We were able to send the committee that considered the Planning etc (Scotland) Bill a lot of useful information that we had received from community groups and organisations about problems in the planning system, because a large number of petitions on the issue are submitted to us. The petitions system is a good way of informing legislation, but it would not be a good way of launching legislation.

The Convener: It is a real frustration for me that often people who are concerned about something that the council is doing and who submit a petition with 5,000 signatures are told that it will be treated as one letter. People often ask me why the Scottish Parliament's super petitions system, which allows people to give evidence, is not replicated at local government level. Should local government consider introducing such a system, which would give local people a voice that they do not have at the moment?

Michael McMahon: I would like Scottish local authorities to do that. Representatives of the Local Government Association in England visited us to see how we operate. One local authority—Salford City Council—came back to look at the system again and is seriously considering introducing a petitions system. It is not for us to prescribe how that should be done; each local authority could develop its own system, just as different legislatures across Europe have done. However, we can show them best practice as it applies in the Parliament. We would welcome councils learning from us, applying what they have learned at their level and adapting it to suit their needs. Local government in Scotland could benefit from

having a system like ours, to allow communities to air issues with a local authority committee. That might be a way of facilitating dialogue between communities and authorities.

Elaine Smith: It would be a good idea for local authorities to have a petitions system. You said that the Public Petitions Committee was not for launching legislation, but for informing it. Do you not envisage the committee playing a role in launching legislation? You used the word "launching"; I am suggesting that an idea that is presented in the form of a petition might be taken forward in a member's bill or by the Scottish Executive. A long time ago someone may have submitted a petition about smoking, the end result of which may have been the ban on smoking in enclosed public places. That takes me back to my earlier question about the tracking of petitions. Legislation may not be the direct outcome of a petition, but petitions can have legislative spin-offs.

Michael McMahon: That is definitely the case. On a couple of occasions petitions that have been submitted to us have caused legislation to be amended or have affected regulations. When we have referred such petitions to the Executive, it has agreed to examine them and we have found out later that they have re-emerged in a piece of legislation. When I said that the Public Petitions Committee should not launch legislation, I meant that people should not deliberately use the committee as a launch pad for legislation. That must be done in other ways. Petitioners who wish to introduce legislation must find MSPs who are sympathetic, so that the matter can be taken forward in the normal way. Giving people the opportunity to launch a piece of legislation through the committee would not help the committee's work, as it might politicise it.

Elaine Smith: Having listened to all the evidence that has been given, I believe that the Public Petitions Committee may be the real vehicle for underrepresented groups, in particular, to engage with the Parliament. Earlier I mentioned the possibility of having a Scottish Parliament roadshow. The education service goes out to schools and communities and does a very good job with young people, especially primary school children. Could we pursue with the parliamentary authorities the idea of a roadshow that would go around Scotland and provide information on the Public Petitions Committee, among other things? Does that happen already?

The Convener: You make a good point. We could raise the issue with the Scottish Parliamentary Corporate Body when it gives evidence to us on the Parliament's equalities statement and policies, or we could write to the SPCB on the matter.

Elaine Smith: Given the evidence that we have heard today on the need to reach communities and to take the Parliament out to people, the Equal Opportunities Committee could propose a roadshow to follow on from what Michael McMahon and the Public Petitions Committee are trying to do.

The Convener: We could pursue the matter, perhaps in our legacy paper.

Michael McMahon: I can provide members with an example of the difficulties associated with using the Public Petitions Committee to launch legislation. At the time of the previous general election, one political party—a very minor party—in effect launched its manifesto by bringing a new petition to us week after week. We did not realise at first that it was submitting each piece of its manifesto as a petition. We do not want the committee to be politicised in that way. We work well on a cross-party basis and have voted on only a small number of issues. We always try to reach consensus on how to take forward a petition. Although a petition may be politically motivated and may have very political content, we can consider in a consensual manner how to take it forward on behalf of the petitioner. Once the petitions system becomes politicised, it is devalued.

Elaine Smith: The Public Petitions Committee should be seen as the people's committee. It is outrageous that the committee should be hijacked in the way that you have described. That takes us back to the issue of whether there should be rules. Although it is the people's committee, we do not want the same people to submit petitions on particular subjects every week. You seem to have addressed that problem. How have you addressed the issue of politicisation of the committee, which prevents people from being able to access it in the way in which they should?

Michael McMahon: It is about striking a balance and using our judgment. If we get things wrong, we will be criticised, but if we identify the pitfalls and address them in an open way, we can avoid them. We have a group of MSPs who do not want to be overtly political, because they appreciate that most petitions are submitted by members of the public. We consider petitions from the petitioners' perspective. Although we have a position on a petition, we understand that the petitioner has submitted it because they have a concern, and we want to help them to address that. In the main, politics is not a consideration. We are not a court of appeal—we do not sit in judgment or determine whether a petition is right or wrong. Rather, we consider how we can get answers to the questions that have been asked, even if the answer is that the Executive will not do what the petitioner wants. That is not a political way of operating.

The Convener: I thank David McGill and Michael McMahon for their evidence. I am sure that the committee joins me in welcoming this example of mainstreaming and in offering the Public Petitions Committee any support that we can give it in the future. Thank you for your report, which is a good example of what can be done in the Parliament and provides concrete evidence to other committees of how they can address and monitor mainstreaming, instead of just talking about it.

Reporter

10:54

The Convener: Agenda item 5 concerns the appointment of a reporter. The departure of Nora Radcliffe has left us without a reporter on sexual orientation. Does any member wish to volunteer to take on the role?

Margaret Smith: I am happy to take on the role.

The Convener: You have reported on the issue in the past, so it is not absolutely new to you. Do members agree to Margaret Smith's appointment?

Members *indicated agreement.*

Participation (Widening Access)

10:55

The Convener: Agenda item 6 is consideration of correspondence from the Local Government and Transport Committee and from the Minister for Finance and Public Service Reform in relation to widening access to participation. As members will be aware, we agreed at our away day to monitor the implementation of the recommendations of the widening access to council membership progress group by writing to the Local Government and Transport Committee and to the Scottish Executive. Their responses have been circulated for today's meeting. Would members like to comment on the responses?

Marlyn Glen: We are so close to the election that there is no time for us to do anything else, but I am a bit disappointed that the Local Government and Transport Committee decided not to involve political parties, because in most cases political parties make the selections. We will see after the elections what impact the group's recommendations have had, but I think that we will be very disappointed. I hope that the Equal Opportunities Committee will raise the issue in its legacy paper, because I think that the results of the May 2007 council elections will be extremely disappointing in respect of gender equality.

The Convener: I agree. The issue is not within our remit, but within the remit of the Local Government and Transport Committee. However, I have concerns that the equalities agenda will get lost in the elections and that the gender, age and ethnicity profile of elected members will remain the same. We had an opportunity to deal with those issues, but I agree with Marlyn Glen that that requires working with political parties, which have a particular role to play in ensuring that there is a greater ethnic mix in the Parliament and in dealing with issues relating to gender and age. It is difficult for us to comment, but if the parties are not involved we will not bring about the kind of change that is necessary. We will have to wait and see what happens in the local government elections, but we should put our views on the record. Are members content for us to write to the Local Government and Transport Committee to express our concerns?

Members *indicated agreement.*

John Swinburne: Is there any legislation that we can enforce?

The Convener: No.

10:58

Meeting suspended until 11:06 and thereafter continued in private until 12:00.

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

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

The deadline for corrections to this edition is:

Wednesday 20 December 2006

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

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

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop

**53 South Bridge
Edinburgh EH1 1YS
0131 622 8222**

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

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

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

Scottish Parliament

RNID Typetalk calls welcome on
18001 0131 348 5000
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers