



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 27 September 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 27 September 2018

CONTENTS

| | Col. |
|---|-------------|
| NEW PETITIONS | 1 |
| Independent Water Ombudsman (PE1693) | 1 |
| Adoption (PE1701) | 16 |
| Access to Broadband (Rural Scotland) (PE1703) | 25 |
| Autistic People (Targets and Outcomes) (PE1704) | 29 |

PUBLIC PETITIONS COMMITTEE

14th Meeting 2018, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

*David Torrance (Kirkcaldy) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Christine Cameron (Lowland Canals Association)

Caroline Dempster

Rhoda Grant (Highlands and Islands) (Lab)

Graeme Harvey (Lowland Canals Association)

Ronald Rusack (Lowland Canals Volunteer Group)

Nathan Sparling

CLERK TO THE COMMITTEE

Sarah Robertson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Public Petitions Committee

Thursday 27 September 2018

[The Convener opened the meeting at 09:32]

New Petitions

Independent Water Ombudsman (PE1693)

The Convener (Johann Lamont): I welcome everyone to the 14th meeting in 2018 of the Public Petitions Committee.

Agenda item 1 is consideration of new petitions. The first petition is PE1693 by Graeme Harvey, on behalf of the Lowland Canals Association, on the establishment of an independent water ombudsman. We will take evidence this morning from the petitioner Mr Harvey, chairman of the Lowland Canals Association, who is joined by Christine Cameron, also from the Lowland Canals Association, and Ronnie Rusack MBE, chairman of the lowland canals volunteer group. I welcome all of you to the meeting.

Mr Harvey, you have the opportunity to make an opening statement of up to five minutes, after which we will move to questions from the committee.

Graeme Harvey (Lowland Canals Association): Thank you, convener.

Ronnie Rusack and I have in excess of 80 years' experience on the lowland canals, going right back to the early 1970s when they were in a very parlous state. We were involved in setting up a variety of organisations and canal societies that initially looked after small sections of both the Union and the Forth and Clyde canals. Over the years, various areas were built up and became major tourist attractions. I am thinking specifically of my own area of Linlithgow, where the Linlithgow Union Canal Society has received massive support on TripAdvisor and all the rest of it for its work in the canal basin there.

Over the years, we have been attracting a variety of tourism and other supports for communities. When we started, we never imagined that the canals would be completely reopened, as they were with the opening of the millennium link back in 2002. After that, things initially improved; the terms and conditions of the funding for the millennium link included the requirement for the navigations to be maintained for a minimum of 25 years from 2002. In 2011, the Scottish Government changed the categories for the remainder canals to cruising status. That

brought them under the remit of the Transport Act 1968, which clearly states that the waterways must be maintained permanently for an indeterminate future period, thereby superseding the 25-year period.

Unfortunately, the waterways were split up in 2012, with the English and Welsh canals and rivers being put under a charity called the Canal & River Trust and the Scottish Government deciding to keep the remainder of British Waterways in Scotland and give it the trading name of Scottish Canals. Part of the funding remit was that British Waterways—or Scottish Canals, as it now was—should encourage regeneration across central Scotland. That has been extremely successful, with several thousand jobs being created, more than 5,000 houses being built along the line of the canal and several other businesses being involved.

Sadly, however, the lack of maintenance by Scottish Canals has led to several areas of the canals rapidly going back to the poor state that they were in during the 1960s, 1970s and 1980s. There has been a lack of dredging and weed cutting and, as some of you might know, two major bridges on the Forth and Clyde canal have been closed for safety reasons. That is a bit annoying to some of us. After all, the Forth and Clyde canal is 250 years old, and some of the bridges over it are 250 years old, too, and are still in great working condition. However, the brand-new bridges that were built for the millennium link are in a state of collapse, because of lack of maintenance.

Over the ensuing period, we have become greatly concerned that the management of Scottish Canals has been using its profits from property and so on for regeneration projects rather than the maintenance of the waterways. Although it is fine to encourage regeneration across central Scotland—indeed, we are all heavily supportive of that—nowhere in its remit does it say that Scottish Canals should become a regeneration company, which is what happened when it set up an organisation called BIGG Regeneration in about 2012. That company is now involved in building houses and various other projects. It has also been noticed that it has been hoovering up lots of grant aid, including £237,000 from the coastal regeneration fund for a property that it bought in Fort Augustus.

We have gone through the Scottish Canals complaints procedure on numerous occasions, have been dissatisfied with the responses and have submitted applications to the Scottish Public Services Ombudsman. Unfortunately, the attitude is that it will deal only with matters of maladministration, when it clearly says in its remit that it should deal with matters of maladministration or matters that seriously affect

customers. It has declined to do that on the numerous occasions we have put in complaints regarding these activities. When the waterways were split up in England and Wales in 2012, an independent ombudsman was established to look after them all—canals, rivers and other inland waterways—and that is what we want to happen in Scotland. We just do not have that at the moment; we need someone to whom we can go with our issues and who will also provide an independent overview.

The other problem is that, although we follow the Scottish Canals complaints procedure, it is extremely difficult to find anybody to deal with complaints against senior management. After all, they are the ones who look after the complaints and make decisions. Occasionally, we have found ourselves between a rock and a hard place: we cannot complain or create any interest in things that are being controlled by senior management, because we have nobody to go to in order to complain about them. “Complain” is probably the correct word to use on certain occasions, but there are other occasions when what we are looking for is an independent review of what is being done.

As I have said, Scottish Canals has spent a lot of money on regeneration projects, but the tragedy is that money has not been spent on its statutory duty to maintain the waterways. Two major road bridges have been closed on the Forth and Clyde canal, and several other bridges have also been affected. There is also a lack of dredging. Scottish Canals used to complain about the number of yachts transiting Scotland; the Forth and Clyde canal is the oldest sea-to-sea crossing in the world and, therefore, a major tourist attraction on its own, but because of the lack of dredging, the yacht numbers have dropped drastically. When it was pointed out to the chairman of Scottish Canals that although its literature stated that the navigation depth was 1.8m, that was no longer the case, he responded by saying, “We had better look at changing our literature then.” As you can imagine, that sort of response is not acceptable and is extremely worrying.

We are all heavily involved in various different organisations and groups, and most of the sub-groups such as my own—the Lowland Canals Association—and the canals volunteer group are now part of an umbrella body called the keep canals alive campaign. The campaign has other major members, including the Royal Yachting Association Scotland and the Forth Yacht Clubs Association. Initially, we were looking for someone who would look after the interests of canals and waterways, but we rapidly realised that many other boat users need similar protection with regard to coastal navigation, rivers and so on. At the moment, for example, major problems are affecting yachtsmen in Oban harbour.

All these things seriously damage tourism. Lots and lots of people were using towpaths—we encourage such activity, because of its great health benefits—but those numbers are rapidly dropping, because nobody wants to walk alongside a stinking, smelly ditch. That is happening rapidly, because there is a lot of regeneration. We get complaints all the time from businesses, saying, “What happened to the boats that we were promised?” The floating wallpaper no longer exists. Our situation—and the main reason for this petition—is that we are facing a massive amount of problems that we cannot get resolved.

09:45

The Convener: Thank you very much. We now move to questions.

You have stated that you want an equivalent to the England and Wales waterways ombudsman to take an independent look at your complaints. Given that some of this must be about policy, what discussions have you had with the Scottish Government? You think that Scottish Canals is operating in a way that is bad in policy terms and that it is damaging the canal network by focusing on business other than its core business. Have you had discussions with the Scottish Government with regard to policy?

Ronald Rusack (Lowland Canals Volunteer Group): With regard to discussions with the Scottish Government, I should say first of all that I have been involved with the canals, especially their tourist aspects, since 1971. Our relationship with the organisation that became Scottish Canals, its stakeholders and its businesses was excellent up to about 2012, when the body was taken over and renamed Scottish Canals. Since then, there has been a total lack of communication from Scottish Canals. As a result, we started the keep canals alive campaign; it has been really successful, because at long last, Scottish Canals has started to listen to us.

The Scottish Government has come along to our meetings and fully understands the problem we have been having. Recently, things have improved quite a bit with the last chief executive officer of Scottish Canals leaving and a new interim chief executive officer by the Scottish Government being appointed. Her attitude has been excellent; indeed, last Friday, she was appointed as the permanent CEO, and I hope that we can give her a chance to see what happens.

To be fair, I think that part of the problem is that Scottish Canals does not get enough money from the Scottish Government to do its job properly. We are also really concerned about the money that it has spent on regeneration businesses, commercial operations and so on, when it has

been very obvious that it has not been fulfilling its statutory duty to maintain the canals. That is why so many things are falling down. For example, there is a major problem with Laggan locks on the Caledonian canal, and if it is not addressed, the situation is going to get serious. If a big embankment burst in Linlithgow, the town of Linlithgow would be flooded. I know that that is a bit extreme, but it is an example of what could happen if Scottish Canals does not look after things properly.

The Convener: It seems to me that there are two separate issues here, the first of which is the role of the Government in deciding not to go the way that others elsewhere in the United Kingdom have gone, in determining policy and in providing the resources to support that policy. The second issue is your request for an independent ombudsman to act as a backstop where that policy is not being pursued. Is that right?

Graeme Harvey: Yes, that is pretty close to the mark. As Ronnie Rusack has said, one major problem is that there is not all that much money available. The main question, though, is whether the money that is available is being spent the right way. It is clearly not being spent as it should be on maintaining the waterways. They are a major tourist attraction, and, health-wise, they are of major benefit to communities. The taxi driver who took me home after I got off the plane early Monday morning was a classic case of what can happen. He had been massively overweight; in fact, he was virtually on the edge of diabetes. Eventually, he found the canal, got himself a bike and went from being able to cycle perhaps 100 yards to cycling 30 miles. He lost a massive amount of weight—more than five stones—and he was no longer in danger of developing diabetes. He is one of thousands of such cases, but that sort of thing is not going to continue unless the canal environment is properly maintained.

We are losing boats and boat owners almost on a weekly basis. At the moment, nobody can navigate the full length of the Forth and Clyde canal. Let me give you another instance of what we are talking about: the new Queen Elizabeth II canal, which was opened by Her Majesty last year. According to the design specification, it was meant to cater for yachts with a draught of 6 feet—but what happened? They built it 6 feet deep. No vessel with a 6-foot draught is going to be able to move in 6 feet of water. Again, millions of pounds of public money has possibly been wasted because, even if the canal was operational, nobody would be able to go anywhere. We are losing massive amounts of tourist business from northern Europe and Scandinavia. You would regularly get yachts coming across and using this transit to get to the west coast of Scotland, which

is reckoned to be one of the best sailing areas in the world.

The Convener: Rachael Hamilton will return to the question of finance later, but for now I call Angus MacDonald.

Angus MacDonald (Falkirk East) (SNP): I should declare at the outset that I am a member of the cross-party group on recreational boating and marine tourism. I also have small sections of the Union canal and the Forth and Clyde canal in my constituency. I am acutely aware of the challenges that have been experienced by boaters and other stakeholders in their dealings with Scottish Canals, and I recognise many of the examples raised by Graeme Harvey and Ronald Rusack including, in particular, the frustration regarding the lack of dredging. I may return to those points later.

The petition refers to the “monopoly position” that Scottish Canals has and says that it is operating unfairly in relation to, for example, access to the waiting lists for moorings and the setting of fees. Can you give us a bit more detail about your experience of those issues?

Graeme Harvey: Yes. When the change happened in 2012, one of the schemes that Scottish Canals introduced was its living on water scheme, through which it tried to encourage people to bring boats on to the canal and to live on those boats. To establish the market rate—in Scottish Canals’ words—it put 10 moorings throughout Scotland up for auction on eBay. In two cases, a family applied for two particular moorings—one in Edinburgh and one in Inverness. The suggested mooring fee was £3,500. Every time those people put in a bid, they were outbid. In the case of the people in Edinburgh, when the bidding reached £4,300, they said, “Enough is enough. We can’t afford any more”. Within two weeks, Scottish Canals was in communication with them, saying that the person who had outbid them had disappeared, so they could have the mooring at £4,300. That is in total contravention of all auction rules. If there are two bidders and one drops out, either the auction is rerun or the remaining bidder gets the product or service at their original bid. Once was bad enough, but we found out that it had happened to two people. I was waiting for a third because, as an ex-police officer, I was looking at potential criminal action under the Moorov doctrine. The moorings were subsequently withdrawn and the auctions on eBay were cancelled.

Scottish Canals then looked at a complete price review across the length of all the canals. It originally tried to base that on a consultancy report that was submitted by one of the directors and his company, but that was eventually blown out of the water, if you will pardon the expression. Scottish

Canals then brought in a so-called independent team of consultants called Gerald Eve/GVA. We questioned the independence of that team because it is a subsidiary group of one of the major funders of the kelpies project. Gerald Eve has also been used by Her Majesty's Treasury to do various things on business rates and all the rest of it. The team's independence could therefore be called into question.

The consultants used a variety of standards to ensure that they came up with proper costings, although most of them could be seriously questioned. They used comparisons with house rents in local authority areas throughout the country. They also looked at marina costings, but all the marinas that they looked at were in England and Wales, because we do not have equivalent marina facilities in Scotland.

On a number of occasions, the consultants came up with costings that were 100 per cent higher than what boaters were paying at the time. Falkirk is a good example. They decided that the annual fee per metre would be £106.80, which was 20p short of what Scottish Canals told them it intended to charge or was charging; in fact, the boaters were paying only around £53 or £54 a metre at that time.

Given those price increases, most of us who were boaters faced increases in excess of 100 per cent. In its kindness, Scottish Canals decided to introduce the increases at a rate of £100 per annum until such time as people reached the maximum amount, which, in some cases, would take about 20 years. Scottish Canals also added in another review of the situation in five years' time. We had all those dramatic increases forced upon us. The other problem is that people who live on water in their boats have no security of tenure, so many are scared to complain in case they are forced off the water by Scottish Canals, which is something that has been threatened on numerous occasions.

Scottish Canals' latest missive, which was recently sent out to all boaters, reminds boaters that they have to keep their craft and the environment in a clean and tidy condition and that they have to display their licences prominently on their craft. That would be fine if Scottish Canals actually sent out the new licences. People who had submitted their payment for their licence were waiting for well over two months for Scottish Canals to send the licence out. Scottish Canals says that people will be put off the water if they do not show their licence, but it has not sent out the licences. Those are the sorts of issues that we and our members continually face.

Christine Cameron (Lowland Canals Association): As we were unhappy about the price increases, I wrote to the transport minister to

ask what legislation covered the situation. I was told that Scottish Canals brought the legislation in from England, and that its main remit was to set prices. There is no constraint on how much—or how little—it can charge, so it just charges what it likes. That causes people who live on the canals a great deal of hardship. People have had to sell their boats because they cannot afford to live on the canals.

10:00

Graeme Harvey: The DTZ Pineda report, which was used as part of the evidence for the millennium link funding, stated that income from boaters, while interesting, was irrelevant.

Boaters on the canal network throughout Scotland are the only people who pay for the use of the canal. We have questioned that in various formats, but the response from Scottish Canals has always been, "Well, 99 per cent of our customers are quite happy". However, 90 per cent of that 99 per cent have no financial connection with Scottish Canals, so they cannot really be considered customers. Like everyone else, they can use the facilities, but they are certainly not paying for them. The only people who pay for the facilities are the boaters.

Angus MacDonald: That is all very helpful. I presume that your concerns about Scottish Canals' pricing policy were fed back to the management at the time, but did you raise—

Christine Cameron: They were fed back and they were sent to the SPSO. The ombudsman came back and said that he had no remit to deal with the finances because Scottish Canals has been given the job of price setting. However, there are no constraints on what price it sets.

Angus MacDonald: Did you raise that issue with the chair, rather than the CEO, of Scottish Canals at any point?

Christine Cameron: Yes, we raised it with everybody.

Graeme Harvey: Yes. We were told in no uncertain terms, "Suck it up, sunshine. Take it or leave it".

Christine Cameron: We raised it with the ombudsman, which is why we felt that we had to come today to ask for a water ombudsman who deals only with issues to do with waterways, whether rivers or canals. Our specific interest is canals, because canals are dying. If they are closed for a year, people will stop using them for that year and we will lose a very valuable asset.

Brian Whittle (South Scotland) (Con): Good morning, panel. You have already answered quite a lot of the questions that I was going to ask. You

state that you have tried to resolve your issues with Scottish Canals, and you have talked about some of the responses that you have had. Will you expand on that? Also, do you think that there might be a little movement with a new CEO in place?

Graeme Harvey: We hope that there will be. Several of us have already met the new CEO and, as Ronnie Rusack said, she seems to be extremely switched on and capable. Our main concern is that she might be hamstrung by the current chairman who, to be honest, has clearly stated on several occasions that he is totally against powered craft on waterways. He does not understand that powered craft are needed to help keep the weeds down. He thinks that the waterways should be left to canoes. He has made a variety of threats over the past two or three years that have been extremely unhelpful.

The Convener: Just be careful—the chair is not here to defend himself.

Graeme Harvey: I apologise.

The Convener: You have highlighted your concern. Whether we believe that people are conducting their role properly is certainly something that we will pursue as a committee.

Graeme Harvey: In general, one of the major issues has been a total lack of consultation with stakeholders and others involved. There was no consultation on the price increase until the cost decisions were made. When we complained to the Scottish Government, the response that we got back was a letter written by Scottish Canals that said that it was consulting people. The result of the consultation was basically, “This is what is happening. Take it or leave it”.

Brian Whittle: I have a purely practical question. I know that you are looking for an independent ombudsman, as they have in England and Wales. Does Scotland have enough inland waterways to justify that? You have alluded to this, but who is ultimately responsible in Scotland? Somebody has to have the ultimate decision-making power in relation to these matters.

Graeme Harvey: The ultimate responsibility is with the transport minister or the Scottish Government, which signed the agreements for the millennium link funding and the on-going maintenance requirements.

Brian Whittle: You are asking for an independent ombudsman. If that falls through the petitions process, you will be left nowhere. That is why I am asking where responsibility lies.

Christine Cameron: We have gone through the channels—we have gone to the SPSO and to the transport minister. We have been left with no

option other than to look for someone who would deal with water and water board issues and canal issues, given the Scottish Canals monopoly and its attitude to its customers. Somebody needs to listen to us, and we are not being listened to by Scottish Canals. It has the power, it is a monopoly, it can decide what happens and it can say what it likes—and it does. There needs to be some check and balance. We have been to the ombudsman and we have had no satisfaction there, so we are asking for a water ombudsman—for somebody who will specifically deal with canal issues.

Graeme Harvey: There are two other options available to us. Under the Transport Act 1968, we can seek judicial review or request a formal public inquiry. The public inquiry can be organised independently by ourselves without Government involvement. However, judicial review could be seriously embarrassing for many people, and we are not particularly keen to go down that route—it would be expensive, but raising the funds would not be a major problem. That is the situation that we are in. If we could have an independent waterways ombudsman who could follow up on our issues once they had been investigated, that would be fine, but it remains for us to decide whether we go with judicial review or a public inquiry.

David Torrance (Kirkcaldy) (SNP): Good morning, panel. In your submission you say that Scottish Canals has a strong network of advisory groups to assist it in carrying out its regulatory duties. Can you expand on who that strong network of groups is?

Graeme Harvey: There are a number of canal societies across all the canals, including the Caledonian canal. As I said in our introduction, between Ronnie Rusack and me we have over 80 years' experience, and a hell of a lot of the members in those organisations have vast amounts of experience in engineering, boat building and a whole range of areas. One of our members on the lowland canals volunteer group is actually a retired senior British Waterways engineer. We have access to information assistance through the Inland Waterways Association and various other organisations have their own expertise.

We have put forward solutions to issues on numerous occasions, in particular in relation to landing stages for canalside businesses. Scottish Canals insists on providing floating pontoons, which are not necessary because there is no tidal movement on these canals. For example, it quoted £40,000 for a landing stage at the Bridge 49 bistro on the Union canal when putting in a basic landing stage would cost one tenth of that, maximum; but it is not prepared to look at such alternatives. I appreciate that on a number of occasions,

including in respect of Bridge 49, there have been issues because Historic Scotland has said that nothing new can be put up, but in that case we are not talking about putting up anything new; we are talking about replacing something that existed right back in 1824 when the canal was opened. The remains of the original landing stage are still there.

That is the sort of situation that pertains. We have the skills—in marketing, for example—the expertise and all the rest of it, and we have offered them on numerous occasions. The response has been, “Great, yes, we will get in touch.”

Ronald Rusack: Our overall objective is to work along with Scottish Canals, as we have done for many, many years. That is where we want to end up. I think that the new CEO fully understands that. We do not want to be in conflict with Scottish Canals—that does not get us anywhere at all—but at the moment we are just not being listened to.

David Torrance: You also say that some of these advisory groups might be working to their own agendas. What are those agendas?

Graeme Harvey: The agenda for all the advisory groups is to get the canals back to where they should be and to stop the degeneration that is going on. As I say, most of us have spent years and years trying to get canals improved and open. I would suggest that the agenda is more on the side of Scottish Canals than on the side of the volunteer groups. As far as all the volunteer groups are concerned, including all the constituent members of keep canals alive, which, as I have said before, include the RYA Scotland and various different yachting groups, such as the Forth Yachts Association, as well as canal organisations, river organisations and other users such as fishermen, canoeists and rowers—the whole range of people who are or could be affected—our objective is, basically, to keep the canals alive.

The other agendas are on the side of Scottish Canals. Setting up regeneration companies that Scottish Canals owns and getting involved in £1 million projects all over the place are not really things that, as far as we can see, are covered by the legislation or even Scottish Government requirements to encourage regeneration—nowhere does it say that Scottish Canals should abdicate its responsibility for maintenance by going down those different routes. In fact, last year, when the Scottish Government had a consultation document out about the future of planning in Scotland and Scottish Canals responded, one of its answers was that in moving away from being a canal company and becoming a more leisure-oriented organisation, it has had considerable problems with various different local authorities’ planning procedures. Therefore,

Scottish Canals has clearly stated, in writing, in a Government document, that it is moving away from being a canal company.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I thank the panel—welcome. What does the independent waterways ombudsman in England and Wales provide that is not being delivered in Scotland?

Graeme Harvey: It is the word “independent”.

10:15

Christine Cameron: The issues that we have raised with the SPSO have not been dealt with. The issues that we are raising in Scotland are the same as issues that are raised in England but we have nobody in Scotland who will listen and deal with them. They might be to do with the monopoly or to do with residential boaters’ rights—because there are no rights apart from the right to be evicted and taken to court; that is the only right that you have as a residential boater. Several issues have come up—separate issues about pricing, independence and community moorings—that are predominantly to do with water and canals, which we feel an independent body, or an independent person, would be able to deal with, but which have not been dealt with here. We have gone through the channels—the ombudsman, the transport minister and Scottish Canals—and we have received no satisfaction.

Although we now have a new CEO of Scottish Canals, not just one issue but several issues have to be dealt with to do with security of tenure for people on the boats, pricing, which is a constant issue, or comparing living on a boat to living in a house, when the two are separate—a lot of issues have come up about that. The fact that Scottish Canals is a monopoly comes up and the fact that people cannot discuss things with Scottish Canals because it has the monopoly and says that it can set prices—there are no constraints and nothing to stop it doing what it wants. That is why we need an independent water board.

Rachael Hamilton: Okay, so in England and Wales are the canals maintained?

Graeme Harvey: They have many of the same issues that we have up here, and funding is always a problem. Over the years, several organisations have appeared, for example an organisation called the waterways recovery group, which is all volunteers and has a regular camp where people can turn up for a fortnight to work on sections of canal and all the rest of it. It was in Scotland many, many years ago, helping out some of the volunteer groups here.

Funding is always an issue and nowhere is perfect—the situation in England and Wales is not

perfect. However, what is happening in many areas down there seems to be far more innovative than what is happening in Scotland. For example, on the Monmouthshire and Brecon canal in south Wales, which is gradually being reopened all the way down to Newport and the river and sea connection, one of the organisation's members is an engineer who has designed and built new lock gates out of steel. They are in sections, can be easily installed, do not need massive crane work or anything else and will last up to 100 years, whereas currently timber locks are expected to last about 25 years.

Rachael Hamilton: I am trying to establish whether an independent ombudsman, as they have in England and Wales, would then unlock the funding that you need for maintenance and asset management. Currently, the revenue does not meet the need for assets to be maintained, although you say that the regeneration company has a statutory obligation to maintain the canal. I want to ask you specifically: why is that obligation not being fulfilled?

Graeme Harvey: You should ask the Government.

Rachael Hamilton: If you had an independent ombudsman, would that ensure that the canal is maintained—because an ombudsman is all about process?

Christine Cameron: An independent ombudsman that dealt with water issues would be able to bring issues to the Government and would be able to look at not just that issue but other issues as well. Three quarters of the lowland canals have been closed for almost a year now—people cannot use them; but I do not know of any canals in England that have been closed. I know that there are problems with fixing things but it seems to get done a lot quicker. There is not just the issue of maintaining the canals; there are issues to do with pricing and the fact that there are no constraints on Scottish Canals. There are issues to do with residential boaters having no rights—most people, if they have a house, have rights, but the residential boaters do not have any rights.

Rachael Hamilton: Is any of the licence fee hypothecated to the maintenance spend?

Graeme Harvey: The last figures that I saw showed that income from boaters—from licence fees and mooring fees—amounted to roughly 5 per cent of Scottish Canals' income. Every year, it gets a grant and over the years that grant has been increased in comparison with what other organisations have received. Yes, we need the money—there is a £70 million backlog of repairs and maintenance—and the Government gives a grant, but our main issue is about what is

happening to the equivalent amount that Scottish Canals raises from its own revenue sources, which is not being ploughed back into maintenance and ongoing upkeep because it is being put into various regeneration company projects.

Rachael Hamilton: On that point, have you asked Michael Matheson for a judicial review?

Graeme Harvey: Not yet.

Ronald Rusack: He is so new to being transport minister that we have not got in contact with him yet.

Christine Cameron: All these issues have been brought to the minister for transport in the past year. Several letters with each issue have been sent, so the issues have been raised and they have been raised in Parliament.

The Convener: Thank you very much.

We have spent a lot longer on the petition than I perhaps expected to have to manage, but I think that it is because you have been raising really interesting issues—I am sure that the committee agrees. My own experience is of the Crinan canal, for which I have a particular fondness. I believe that there is a lot of good will towards the canal system in Scotland, and what you say is very interesting.

What the committee has to decide and will want to make a judgment on is, given that we seem to agree that there is a problem around maintenance, whether your solution is the one that will address it and give you a backstop. I would certainly want to explore that, but I wonder whether members have suggestions about how we take this forward.

Brian Whittle: I am looking at what the petition actually asks for, and what I was trying to get to in my questioning was whether that is going to be the best solution. On a practical level, if we create an independent ombudsman specifically to look at these issues, where will that leave us—because that is the ask of the petition? Do we have the latitude to explore that a little bit further? For me, the question: is Scottish Canals exercising its statutory duties as per its policy remit? Who is it responsible to?

The Convener: We need to explore the policy failure that has driven people to think that the only solution is to have an independent ombudsman who will uphold their rights and listen to their concerns. Why is that being asked for? Why are the other things not being done? Why is there no constraint on charging? Where is there not a focus on maintenance? Why is Scottish Canals able to diversify its business and not do its core business, which is what it feels to me is the suggestion? Why would you call yourself "Scottish Canals" and then not allow the canals to be open for a year?

The spirit of the petition is that the panel has identified a problem and thinks that an independent ombudsman might be the solution to that, and that is what we are going to explore.

I suggest that we would certainly want to write to the Scottish Government, specifically to the Cabinet Secretary for Transport, Infrastructure and Connectivity, to ask whether he recognises the problems, what he is going to do about them and what his view is on the necessity of an ombudsman.

David Torrance: As Scottish Canals is a publicly funded body, would not Audit Scotland have a role to play in seeing whether it has deviated from its remit and its statutory duties?

Rachael Hamilton: I would be keen to write to Scottish Canals to establish its position on its statutory obligation to invest in maintaining the canals, because these issues are going to have a serious effect on tourism. Tourism is a really important aspect of the economy in Scotland and from what we have heard today there is a catalogue of failures.

Angus MacDonald: We also need to hear from other stakeholders such as the Scottish Waterways Trust, the RYA, which was mentioned in this morning's evidence, the Canal & River Trust and also the Inland Waterways Association.

Brian Whittle: I am interested to see the SPSO mentioned. Does it not feel that it is within its remit to comment or do something with this?

The Convener: My experience is that what the ombudsman can do is pretty limited. It can only identify whether the process has been followed, so I do not know where that leaves you if the process is flawed. We are coming at this from two angles. I think that I would be speaking for the committee in saying that we recognise the problems that the panel has identified. We now need to look at the option of having an ombudsman, as exists elsewhere in the United Kingdom. The Scottish Government has actively chosen to maintain Scottish Canals rather than have a separate charity, so it has an obligation to tend to its responsibility to make sure that things are maintained and do the maintenance. We will want to ask it about that.

Rachael Hamilton: Would it be worth asking the Canal & River Trust in England and Wales for its comments on the petition?

The Convener: We could ask what its view is of its role in the protection and maintenance of the waterways.

Ronald Rusack: The other thing to do is to look at where Scottish Canals has been investing its money and what return it is getting for that money. When British Waterways broke up and became

Scottish Canals, it received over £100 million as a dowry, if you like. I have been asking the chairman since February for a set of specific accounts on that because it is those investments that have to be ploughed back into the canals to maintain them and keep them running.

The Convener: It feels like there might be an opportunity at some point to bring Scottish Canals before the committee—sometimes questioning directly is easier than doing it by correspondence—but I think that we will start with correspondence on the issues. Perhaps Ronald Rusack's point would be covered by David Torrance's suggestion that we highlight these questions to Audit Scotland.

With that, I thank the witnesses very much for their attendance. It has been a really interesting and quite thought-provoking session. The solution that you have identified might not be the one that eventually emerges from this but I certainly think that we would want, with yourselves, to shed some light on why our waterways do not appear to be maintained in the way that we would hope they would be. You have given us a lot of things to think about and we will pursue them with all the bodies that we have identified.

Adoption (PE1701)

The Convener: PE1701, by Nathan Sparling, is on changing the law to allow adoption of people who are over the age of 18. Members will be aware that the Scottish Parliament information centre this week published a blog that provides impartial information on and analysis of the issues that are raised in the petition.

We will take evidence from petitioner Nathan Sparling, who is joined by Caroline Dempster, who also has a personal interest in the petition. I welcome you both and apologise for the slightly later start on your petition than you might have expected. You have up to five minutes to make an opening statement, after which we will move to questions from the committee.

Nathan Sparling: Thank you very much, convener, and to the rest of the committee for inviting Caroline and I here today to give evidence on the petition as part of the campaign to change the law to allow people over the age of 18 to be adopted.

My dad came into my life when I was 12. I have never known my biological father. In fact, my birth certificate reflects that; it is blank where most people would have a father's name. I have never wanted to know who he was. My dad, Brian, shaped me as a person. He continues to provide love and support to me, and I became a very delighted big brother just five years ago when we welcomed Thomas and William into our family.

It was not until after the age of 18, however, that I considered how I could repay that love and support. In many families in the US, Canada, Germany and Spain, stepchildren over the age of 18 have been able to approach their step-parents with adoption papers for a very emotional birthday or Christmas present. Finding out that I was not able to be adopted because I had reached an arbitrary age that had been set by the state left me feeling as though my special moment of asking my father to adopt me was stolen from me. I remember as if it were yesterday walking my Mum down the aisle at their wedding, allowing them to make their commitment of love in the law. Yet, rather than my being too young to make such a milestone decision to show our commitment as father and son before the law, I found myself to be too old.

I launched the campaign in March this year because I believe the right to a family life, to the important feeling of belonging to a family that adoption can bring, should not be restricted to people under the age of 18. I believe that every family deserves the ability to formalise their relationships in the eyes of the law, and that we should not force people to make such a big decision as one on adoption before they turn 18.

The 2011 census showed that more than 50,000 families had a step-parent in the household. Although not every stepchild will want to be adopted by their step-parent, what became apparent after I launched the campaign is that many people have found themselves in a position that is similar to mine. Shockingly, many contacted me to say they did not even know that that was the law.

Just last week I was contacted by a young woman who said that she had turned 18 in April and that, thanks to the spotlight being shone on the issue in March, she and her stepfather were able to rush to get the papers in before she turned 18. Interestingly, her adoption was granted after she turned 18.

I am sure that Caroline Dempster will be able to tell her own story, but Adoption UK told a meeting in this Parliament that it regularly deals with calls on its helpline from families who want to adopt stepchildren or foster children who have passed the age of 18.

I have argued that the law needs to change in order to comply with the Human Rights Act 1998. Article 8 of the European convention on human rights provides that

"Everyone has the right to respect for their private and family life,"

and that

"There shall be no interference by a public authority with the exercise of this right except such as is in accordance

with the law and is necessary in a democratic society ... for the protection of health or morals".

In making the argument based on a confliction with human rights, we have to consider whether the law as it stands interferes with my right to respect for family life. I argue that the mutual enjoyment by parent and child of each other's company, which includes a sense of belonging to one another, constitutes a fundamental element of family life and that, as it stands, the law interferes inappropriately and may hinder that enjoyment, through people lacking the sense of belonging to a family member.

There are three other arguments to consider. Is that interference in human rights in accordance with the law? When it comes to people over the age of 18 who want to be adopted, I believe that the current legislation, as held in the Children and Adoption (Scotland) Act 2007, is simply arbitrary and prejudicial, and therefore cannot be in accordance with the law.

Secondly, does that interference pursue a legitimate aim? I believe that lawmakers have to consider what the purpose is of blocking people who are over the age of 18 from being adopted. I argue that there is, in an ever-changing world of growing and blended families, no legitimate aim for the restriction.

Lastly, were the measures that were taken necessary in a democratic society? Put simply, I do not believe that restricting adoption rights in that way is necessary and that there is, therefore, a need for legislative amendment. In answering those questions, it can simply be said that for people over the age of 18, whether they be a stepchild in a blended family or a care-experienced young person who wants to be adopted by a foster family, the law as it stands is not human-rights compliant.

There are a number of challenges that perhaps, in the interests of time, we can discuss during questioning. I just add that I believe that there is definitely an opportunity for change being afforded in Parliament through the Family Law (Scotland) Bill, which would allow adult adoption to be considered in Government time. I am very grateful for the committee's time today.

The Convener: Thank you very much. Perhaps I can open up the questioning. In your petition, you refer to the Scottish Government's response to the parliamentary question that was asked by Kezia Dugdale. The full text of that is included in our meeting papers. What are your thoughts on the Scottish Government's response?

Nathan Sparling: I was surprised by the quick change of tone from the Government. Initially, when the campaign was in the media, the Government said that it would look very closely at

the issue. Then, a parliamentary question was asked and the Government said that it had no plans to look at the matter. I have since engaged with the Government on a number of occasions. I had a meeting in Parliament just a few months ago, before summer recess, that was chaired by Kezia Dugdale MSP. A couple of Government officials from the relevant area attended, and I know that they have briefed the Minister for Children and Young People on their thoughts on the matter.

The Convener: What is your sense of the key motivation in saying that there will not be change?

Nathan Sparling: I think that the difficulty with responsibility for adult adoption having landed with the Minister for Children and Young People is that not only the minister but the officials are looking at adoption very much as a child-focused, or child protection, issue. The petition and the campaign are obviously trying to broaden the issue out, saying that the right to family life and to the protection and support of a loving family do not end at 18. That is probably where there is a challenge, but our hope is that we move that debate on.

The Convener: It might be appropriate to redirect the questions to the Cabinet Secretary for Justice, in that case.

Nathan Sparling: Potentially, yes.

Brian Whittle: The committee understands that there are other legal steps that could be taken to achieve similar ends to adult adoption; for example, a step-parent including their stepchild in the will, or the stepchild formally changing their surname to that of the step-parent. I think that it is fair to say that you do not think that those steps go far enough. If not, why not?

Nathan Sparling: I do not think that those steps go far enough. They are steps that I have already taken in my life; I changed my name before I was 18, but I never considered adoption before I was 18. One of the main important issues is that young people are forced to decide on adoption before they are 18. It is quite a milestone. On the current legal aspects, although changing your name and being included in a will are important steps, for me, having my father's name on my birth certificate is more important than knowing whether or not I would inherit from him because that simply is not a motivation. Being able to feel the sense of belonging and family life, like that important step of having his name on my birth certificate, would do more than changing my name could ever do.

Caroline Dempster: Our proposal is different. I have made a will in favour of my daughter, and we have mutual power of attorney, but that is different from child adoption, in which child protection is the vital thing. This is about two consenting adults

wanting to make a public and legal commitment to their relationship as parent and child. It is not just for inheritance purposes. My daughter is now married, so she has another name anyway.

Brian Whittle: I think that you will know that changing any law is a very significant step. I will play devil's advocate here. If that change were to be enacted in law and people were to go through the adoption process and the adoption took place, what would happen if one of the parties then changed their mind?

Nathan Sparling: I cannot say that I considered that issue. Everyone we have spoken to has wanted to be adopted for such a long time. The policy on how an adoption order could be rescinded is way beyond my knowledge, but I could put the committee in touch with a couple of family lawyers who have been in touch with me who have looked at such issues.

Caroline Dempster: I did not meet my daughter until she was 21, when I met her father, whom I married later. I looked into adopting her. Like a lot of young people, she had been emotionally affected by her parents' divorce and her father had brought her up since she was about nine. I asked her in her early 20s. It was she who wanted me to call myself "Mum", rather than anything else. I asked her if she would like me to adopt her and she said that she would. I found out that I could not, which was disappointing for us. We were not quite as tenacious as Nathan Sparling, I am afraid. She is now 35, married, and in a much more stable position, but she would still like me to be able to adopt her. It is not just a legal thing. It is a public commitment and security. What would happen if you fell out with your own child? You cannot un-parent somebody very easily.

Angus MacDonald: Nathan Sparling has already partly covered some of what I will ask about. The committee briefing papers include a section on the policy issues that are associated with adult adoptions. Could you expand further on your views on the Scottish Government's position that the current adoption system is focused on safeguarding the welfare of children? It would also be helpful to get your views on the view that there is a dwindling welfare need once a young person reaches adulthood.

Nathan Sparling: I have no objection to the current adoption system being focused on safeguarding children. Essentially, my proposal would add another layer of adoption process. One of the challenges that have been raised by legal professionals is that the current adoption order creates the transfer of parental rights and responsibilities. Once the person reaches 18, those parental rights and responsibilities are dissolved.

As in the case that I mentioned in my opening remarks, the Scottish courts grant adoption orders to people over the age of 18 at the moment, provided that their papers have been submitted before they reach 18, so there is clearly the legal will to be able to grant adoption orders when transfer of parental rights and responsibilities is not required.

On the “dwindling welfare need”, obviously young people over the age of 18 can move out of the house and go to work, and do not have the need for the kinds of parental rights and responsibilities that safeguard children.

However, in the care system we have seen that the Government has changed the policy to allow people to return to care until the age of 21. We know that in the family life that is created by step-parents and parents, love and support can be protected and have multiple benefits for young people, no matter what age they are—even up to age 35, as with Caroline Dempster’s daughter.

It is too simple to say just that it is about not having welfare rights, because the love and support that my father has given me, up until the age that I am now, are priceless. The thing to recognise is that family life reaches beyond 18 and is very important.

Rachael Hamilton: Thank you and good morning to both of you. I want to ask about how you felt when you were adopted and what it really means to you.

Nathan Sparling: I have not been adopted.

Rachael Hamilton: I am sorry. Can you explain what happened when you were 18?

Nathan Sparling: When I discovered that I could not be adopted—

Rachael Hamilton: I am sorry. What would it mean to you if you were adopted?

Nathan Sparling: As I said in my opening remarks, one of the things that I wanted to do was give my father adoption papers to ask him to adopt me—to go through that whole ceremony. If you Google “family adoption” on YouTube you can see very emotional videos of people presenting adoption papers to their step-parents and asking that question. A very loving bond can be created and I feel like the opportunity to have such a moment has been taken from me because the law states that adoption is only for people under 18.

Simply put, as a teenager, I had not considered that that was what I wanted to do. Since launching the campaign, I have heard from many people who said that they had never considered adoption before they were 18. It is only in adulthood that they really see the benefits that being adopted by

their step-parents can bring to the family, and to their wider family.

10:45

As I said, I have twin baby brothers who are five years old now. My adoption would cement formally the relationship with the man who I call my father. If I were to get married, his name would be on the marriage certificate as my stepfather, and I do not have a father’s name on my birth certificate. Those are important aspects of life. I would feel very disappointed by state interference that says that he has to be named as my stepfather on my marriage certificate.

Rachael Hamilton: Adult adoption happens in other countries, including in Japan, in parts of the United States and Australia. Have you looked at examples of what has happened there and how that has benefited people? Do you think that it is unusual that the matter has not been explored in Scotland?

Nathan Sparling: I explored where adult adoption is legal. Canada probably has a close resemblance to Scotland, so I spoke to the Adoption Council of Canada. What it sees from adult adoption being possible is a lot of foster kids being adopted by their foster parents once they reach 18, because that is a formalised relationship that they want. That said, there are restrictions placed by the law of Canada that give the courts the ability to judge whether or not there is a family life in the relationship. That is a measure that protects the system from abuse, which I completely support.

Could you repeat the second part of your question?

Rachael Hamilton: Why, do you think, has Scotland not explored the idea before?

Nathan Sparling: I do not know. I think that for most people, as Caroline Dempster has already said, when you find out what the law is you just—

Caroline Dempster: Go away.

Nathan Sparling: I have had many conversations with people over the past year to 18 months about the fact that I was disappointed by the law, and I was told to just get on and try to change it.

Rachael Hamilton: Finally, how can you change the mind of the Scottish Government?

Nathan Sparling: I think the Scottish Government’s mind is open to being changed.

Brian Whittle: I do not know how you would do that.

The Convener: I will not say that there is a first time for everything. [Laughter.]

Nathan Sparling: Certainly, from informal conversations that I have had with the minister, I am aware that she is following the issue. It is about broadening the church of adoption. It is about opening up the right to a family life beyond the age of 18. As I said before, we have already done that for care-experienced young people who want to return to care up to the age of 21, so there is already such acknowledgment, and courts are already granting adoptions to people over the age of 18. There is clearly a will in the system, but we need legislative amendments, either in the Children and Adoption (Scotland) Act 2007 or in the Family Law (Scotland) Bill, in order to make that happen.

Rachael Hamilton: Where was your friend who started the process before she was 18 but was then adopted after she was 18, through the court?

Nathan Sparling: She was in Scotland. She had not known that there was a restriction and found out because of the campaign, so in the month preceding her 18th birthday she was able to get the papers submitted. It took about six months for the adoption order to be granted. If there was really a legal problem with granting the transfer of parental rights and responsibilities after the age of 18 when those have dissolved, that simply would not have happened. I do not believe that there is such a problem.

Caroline Dempster: People's emotions do not suddenly change when they hit 18. We are talking about the ability to make a public and legal commitment and an avowal of the relationship that has developed. It is hard to put your finger on it if you have not been there, but it is important to us.

Rachael Hamilton: I can sympathise; my oldest children are 18 and 21 and they are more needy now than they ever were.

The Convener: I do not want to put words in your mouth, but are you saying that the Scottish Government is at least looking at the issue and considering it further? Are other organisations or groups resisting it or are you not aware of that? Have any faith groups or family groups expressed any concerns?

Nathan Sparling: No insurmountable concern has been expressed. At the meeting that was held in the Parliament, there was some concern about my initial thought on how to achieve this, which was to remove the words "under 18" from the Adoption and Children (Scotland) Act 2007. In talking to lawyers I have found that that is too simplistic a fix, because Scots law on the transfer of parental rights and responsibilities is quite complicated. It seems that a simplified adoption order would need to be created for people over the age of 18.

That was discussed in detail at the meeting in the Parliament. I was surprised by the level of support from organisations such as Adoption UK in Scotland, which talked about the importance of the sense of belonging that adoption can bring, and the number of calls about the issue that it gets. As well as adoption organisations, many legal firms have been following the campaign and have been talking about how to overcome the challenges, because they also get contacted by people who want to be adopted.

The Convener: Is it your sense that people are looking for a legally sustainable way to deliver what you want, as opposed to there being philosophical or ideological opposition?

Nathan Sparling: Yes, exactly.

Caroline Dempster: Adult adoption is a different animal. It is not about a vulnerable child being placed with somebody. It is two consenting adults wanting to celebrate the relationship that has developed and to make that commitment publicly and legally. It is a different animal and if it has to be called something a little different, that is fine.

The Convener: I think that we have come to the end of our questions and that the evidence has been useful. Do members have suggestions about how we might take the petition forward?

Brian Whittle: The subject is really interesting. My initial response to it was that I did not think that there could be an issue. I have a personal interest, in that I coach a young lad whose foster parents have come to me, as he approaches the age of 18, to talk about the legal implications of that arbitrary age.

We should definitely have a look at this. Given Nathan Sparling's evidence, I would be interested to hear the Law Society of Scotland's legal perspective. I am trying to work out what the objections might be.

The Convener: Presumably, the fear is that there are a lot of unintended consequences—that would be what you would be testing against.

We would want to speak to the Scottish Government and the Law Society of Scotland. Any others?

Rachael Hamilton: We said earlier that perhaps this does not fall under Maree Todd's remit, as the Minister for Children and Young People. Perhaps we should be looking to Humza Yousaf, the Cabinet Secretary for Justice, to ask him whether the matter is in the right person's hands.

The Convener: That makes sense. Another suggestion is to speak to Christina McKelvie, the

Minister for Older People and Equalities, in case there is an issue around human rights.

We would want to speak to various organisations that work in adoption, such as Adoption UK, the Adoption and Fostering Alliance, and Relationships Scotland. We can ask the clerks whether there are any other relevant organisations that have an interest in the area and which we could ask to respond. The committee would also be interested in hearing from people who have come to the matter through the petitions process and are reflecting on it and think that they have a view.

Do you want to make one last point?

Nathan Sparling: Yes. One objection that people have raised is about abuse of the process, such as whether someone would be duped into adopting a person for the transfer of inheritance rights. I asked the Adoption Council of Canada whether that had happened there. They were quite clear that abuse was not happening, because it is a court process and people go in front of a judge, who decides whether they have been involved in family life. Certainly, in my case and in Caroline's, a judge could make that decision quite confidently.

If it were the case that a young adult had come into an older, wealthy person's life in order to be adopted, a judge could clearly make that decision. There are other ways that you could put in protections, and many jurisdictions that already have adult adoption have protections in the system.

The Convener: Thank you very much. That has been a very useful starter. We will correspond with the various organisations that we have agreed to contact. If there are other organisations or people who, on reflection, you think it may be worth our while to speak to, let the clerks know. Once we have submissions and we return to the petition, you will have an opportunity to provide a further submission.

Thank you both very much for your attendance. I found your evidence very interesting.

Access to Broadband (Rural Scotland) (PE1703)

The Convener: The next new petition for consideration is PE1703, which is on access to broadband in rural Scotland. Members have a copy of the petition and a briefing prepared by SPICe and the clerks. The briefing states that the Scottish Government has made a commitment to deliver access to superfast broadband to all residential and business premises in Scotland by 2021, through its reaching 100 per cent programme. The petition before us calls for the commitment to be met earlier than 2021 and

raises concerns that many rural areas of Scotland are at an economic disadvantage due to the lack of access to superfast broadband.

The petitioner highlights the village of Laid in north-west Sutherland as an example of a rural area that has been negatively impacted by a lack of broadband service provision, particularly in relation to income that can be generated from tourism-related activities.

Members will note that Audit Scotland published a report last week on the Scottish Government's progress in rolling out superfast broadband. The report stated that, while the Government had met its target of providing access to fibre broadband to 95 per cent of premises by December 2017, its more recent reaching 100 per cent programme will be more difficult to realise. A written submission was received this week and copies have been given to members. I welcome Rhoda Grant to the meeting for this petition.

Do members have comments or suggestions for action?

Rachael Hamilton: I was disappointed by the timescale for delivery. I represent a rural constituency and I get many letters and emails about broadband delivery. Although in the Highland and Islands there can be help from Highlands and Islands Enterprise, the legislation is not yet in place for the south of Scotland enterprise agency. I know that the Government has given £10 million to the precursor organisation, the south of Scotland economic partnership. I hope that we can write to Professor Russel Griggs, as well as HIE, to ask where they stand with regard to the roll-out and whether there is an intention to put money towards the broadband roll-out.

11:00

Angus MacDonald: I refer members to my register of interests. I own a non-domestic property in the Western Isles that, I hope, will get superfast broadband through the R100 scheme by September next year, all being well.

I have a lot of sympathy for the petitioner, but it is clear that every effort is being made to meet the extremely challenging target by 2021—we all certainly hope that it will be met. I think that we need to get the current status from the Scottish Government on where it has got to and how confident it is that the target will be met.

Brian Whittle: I find myself agreeing with my colleague Angus MacDonald, which is troubling. The Government has a target of 2021. I struggle with arbitrarily saying that we want faster delivery, without going into the practicalities of that. I would like to understand the Government's position and

whether it believes that it can deliver against the target in the first instance, before we start trying to squeeze that target to be delivered more quickly.

The Convener: For particular communities, there is a sense that, although the target might be being pursued, they will not be any better off in 2021 and that that will have direct consequences for business and, in particular, the tourism trade. Examples have been given of people not staying in particular areas, because they will not have access to broadband while they are there. That is so even in urban settings. In one constituency case that I dealt with, people were relocating their business because they were dealing with international companies and they could not download or upload quickly enough because of the connection that they had. There is no overstating the significance of superfast broadband now for business.

I will take Rhoda Grant at this point. I presume that she will have had representations from her constituents.

Rhoda Grant (Highlands and Islands) (Lab): Yes, I have been in touch with the constituents who submitted the petition.

There are a number of issues. I hear what the committee is saying about the targets and when they will be met. The village of Laid is on the north coast and is very remote and hard to get to, so broadband would be a game changer for them.

There are a number of things that we can ask the Scottish Government to consider when it is looking at R100. Will it give some priority to communities where superfast broadband would be a game changer? Such communities are remote from services and superfast broadband would boost their access to services, it would boost tourism and it would also boost work. Laid is a beautiful place to live, if you can only find work to do. That is one issue.

What is doubly frustrating for that community is that it has fibre running through it. That is the craziness. Fibre is running past their doors and they cannot get it: it is so near and yet so far. It would be good if the committee could try to identify who that fibre belongs to. Does it belong to Openreach, or do HIE or the Scottish Government know who it belongs to?

I have been urging the Scottish Government for years to map the fibre that is lying in Scotland at the minute. Much of it has been paid for by public funds. We have had the pathfinder project and we have had the Scottish wide area network—we have had so many different paid-for-by-Government projects installing fibre. Every time that a contract is re-let, that fibre remains the property of the organisation that put it in, rather

than the Government. We need to get it back, because it would save us a fortune if we used it.

It would be good if the committee could do that, and at the same time identify who owns the fibre and find out whether it can be used by the community. It would be a very cheap option for them to be able to plug into that. I urge the committee to do that, because it could make a difference to that community and other communities along the north coast. There are communities everywhere, but the roads are poor and there are no alternative forms of transport. Superfast broadband would open up those communities.

The Convener: Is there a sense that, to reach the target, the Scottish Government might, understandably but counterintuitively, be prioritising areas that are easier to reach but are less needy? If you want to reach your target, you take all the low-hanging fruit first. Are the more remote communities that would benefit more less likely to be part of an approach that is target driven?

Rhoda Grant: We have seen that with the targets that were in place before R100. The target was to have 95 per cent coverage for the rest of Scotland; in the Highlands and Islands I think that coverage is 75 per cent. It may be 70 per cent but it could be as high as 75 per cent. We are already facing an injustice in that the areas that need superfast broadband the most have a much higher target to reach.

The Convener: I think that we agree that this is an issue. We recognise that the Scottish Government has set targets, but are there unintended consequences to how that is playing out? We need reassurance that that target will be met and that the communities' concerns are being addressed.

We want to write to the Scottish Government, Scottish Enterprise and Highlands and Islands Enterprise. Rachael Hamilton's suggestion about finding out the implications for the south of Scotland and what the provision there will be is also useful.

Brian Whittle: I am interested in Rhoda Grant's suggestion about mapping where the fibre sits.

The Convener: Who would know that?

Rhoda Grant: The Scottish Government would know what it had paid for. Organisations like the energy distribution companies have fibre in all their distribution lines. Network Rail has fibre in all its rail lines. The Ministry of Defence has fibre and the Scottish Government has laid fibre on a number of occasions for different purposes. You might not get all of it, but even through those few large organisations you would map a lot.

The Convener: We could flag up in the questions that that suggestion is in the *Official Report* and the organisations might want to reflect on it.

I think that the suggestions were that we write to the Scottish Government, Scottish Enterprise and Highlands and Islands Enterprise to raise the issues highlighted by Rhoda Grant and Rachael Hamilton, including the specifics of the situation in the Highlands and Islands and the south of Scotland. We look forward to a response from those organisations about the concerns that have been highlighted by the petitioner, and thank the petitioner for raising this with us. Does the committee agree with that?

Members indicated agreement.

The Convener: I thank Rhoda Grant for her attendance.

Autistic People (Targets and Outcomes) (PE1704)

The Convener: The final new petition for consideration today is PE1704, by Duncan MacGillivray, on improved targets and outcomes for autistic people in Scotland. Members have a copy of the petition and the briefing prepared by SPICE and the clerks.

Members will note that the petitioner refers to delay in the processing of this petition. As we are all aware, the Public Petitions Committee has a high volume of new and continued petitions to consider and that can result in delays to a petition's progress, which can feel frustrating for petitioners. We understand that concern. Although we recognise and understand his frustration, I hope that the petitioner is reassured—as I hope that all petitioners are—that we value all petitions that we receive and place importance on giving those petitions due consideration.

In the petition, the petitioner is

“Calling on the Scottish Parliament to urge the Scottish Government to ensure that an agenda of real and meaningful change for autistic people is pursued”

by introducing a number of targets and outcomes by 2021, as set out in our meeting papers. As our briefing explains, the Scottish Government published “The Scottish Strategy for Autism: Outcomes and Priorities 2018-2021” in March this year. The publication updated “The Scottish Strategy for Autism” to focus on specific priorities for the next three years. The petitioner is of the view that the update

“failed ... to commit to real, meaningful and measurable improvement for autistic people in Scotland and that they have been subjected to yet more vague and largely meaningless rhetoric.”

Do members have any comments or suggestions for action?

I should say that I attended the launch of a report in which three charities—Scottish Autism, the National Autistic Society, and Children in Scotland—brought together compelling evidence on the experience of families, particularly with regard to young people who had been excluded from school either informally or illegally, had been put on short-term timetables or had been restrained inappropriately. This committee previously dealt with a petition from Beth Morrison on restraint. There is much in that report that probably chimes with the petitioner's sense that although there is a lot of discussion around support for people with autism and autistic children in the education system, there is a gap between that and the lived experience of those young people.

The question is: are the targets that the petitioner identifies appropriate? I think that we should ask the Scottish Government to reflect on the petitioner's view that there is a gap between that is being said and what is being done.

Brian Whittle: I have a very specific interest in the petition, as I am working with constituents who are having issues in this particular area. One of the things with being a list MSP is that you work across several council areas. It strikes me that there are huge disparities in the ways that councils approach education with regard to autism, dyslexia and dyspraxia. I would be delighted to be able to explore why that is the case. I have constituents who have moved to a new house from 10 miles down the road so that they can get a different kind of school support package for their child. That is, without question, an issue that needs to be addressed and which we need to explore, if we can, through the petition.

The Convener: In terms of what the petitioner says about the right to an assessment, the issue is about young people who have been diagnosed with autism in mainstream schools—that was something that again came out very powerfully from the launch event I was at. Is the necessary support identified for those young people? Does the support exist? It was highlighted that where there is a presumption favouring mainstream schooling, it may mean that young people have to go through mainstream schooling in order to access specialist provision later. There is a sense that they have to fail first before they get to the appropriate place.

It is interesting that the petitioner talks about an autism act to enshrine specific rights and services for disabled people. One of the things that the parents who spoke at the launch talked about was simple, small things that could be done in the school system. They do not have to be hugely

expensive. We heard similar things from Beth Morrison in her evidence on her petition on restraint. There are things that we can do to avoid having to deal with a crisis.

There is a huge amount that we could usefully look at. We could write to the Scottish Government and the Convention on Scottish Local Authorities. It might be interesting to speak to individual local authorities on what their different approaches are, and to relevant children's organisations and organisations that support people with autism. Are there any other suggestions?

Rachael Hamilton: We need to take on board what the petitioner has said, which is that he believes that the Scottish autism strategy does not go far enough to be meaningful or have measurable outcomes. Brian Whittle is absolutely right that we need to establish what local authorities are doing, because the petitioner also says that there are inconsistencies and unacceptable delays and waiting times.

It a bit too early to work out what the outcome of the autism strategy will be, but we must imprint on the Government's mind what people are looking for in order for it to make a measurable difference for people with autism.

Brian Whittle: Did we mention teaching unions?

The Convener: Perhaps we should write to teaching unions and unions that represent school staff who are not teachers. What is training is given in initial teacher education that provides proper strategies for supporting young people with autism? What are the training needs of classroom assistants or additional support staff? We would be interested in their views as well.

There is quite a substantial amount of work to be done in establishing the extent to which the strategy is meeting the needs and aspirations of those who want to see more support for people with autism.

I thank the petitioner for submitting the petition. There will be further opportunities for us to discuss it once we have received responses to our letters. Do members agree that we should write to the organisations that have been suggested?

Members indicated agreement.

The Convener: With that, I close the public part of the meeting and we move into private session.

11:15

Meeting continued in private until 11:39.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba