

PUBLIC PETITIONS COMMITTEE

Tuesday 19 November 2002
(*Morning*)

Session 1

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PUBLIC PETITIONS COMMITTEE

17th Meeting 2002, Session 1

CONVENER

*Mr John McAllion (Dundee East) (Lab)

DEPUTY CONVENER

*Helen Eadie (Dunfermline East) (Lab)

COMMITTEE MEMBERS

*Dorothy-Grace Elder (Glasgow) (Ind)

*Dr Winnie Ewing (Highlands and Islands) (SNP)

*Phil Gallie (South of Scotland) (Con)

*Rhoda Grant (Highlands and Islands) (Lab)

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

COMMITTEE SUBSTITUTES

Scott Barrie (Dunfermline West) (Lab)

Irene McGugan (North-East Scotland) (SNP)

Mrs Lyndsay McIntosh (Central Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Mary Beck

Heather Coady (Scottish Women's Aid)

Margaret Donovan

Larry Easton

Zandra Elliot (Hawick Community Council)

Mrs Margaret Ewing (Moray) (SNP)

Christine Grahame (South of Scotland) (SNP)

Mary Jones (Dunfermline Women's Aid)

James A Mackie

Euan Robson (Roxburgh and Berwickshire) (LD)

Frances Tait (North Ayrshire Women's Aid)

Pauline Taylor

CLERK TO THE COMMITTEE

Steve Farrell

ASSISTANT CLERK

Joanne Clinton

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 19 November 2002

(Morning)

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

New Petitions

The Convener (Mr John McAllion): Welcome to the Public Petitions Committee. There are no apologies, as we are all here. I seek the agreement of the committee to rearrange the order of the agenda this morning. Mr James A Mackie, who is responsible for the first four petitions, is not here yet. Does the committee agree to move to the petition by Pauline Taylor, which calls on the Scottish Parliament to urge the Scottish Executive to provide a bypass for Elgin?

Members *indicated agreement.*

A96 Improvements (Elgin Bypass) (PE558)

The Convener: In support of PE558 we have Pauline Taylor and Larry Easton, who are the petitioners, and Margaret Ewing MSP, who is here to support the petition. I do not know who is making the opening three-minute statement. I see that it is Pauline Taylor. You have three minutes to address the committee, then I will open the meeting to questions.

Pauline Taylor: First, I apologise for the smallness of our delegation. As the committee will know, we have had a bit of water up in Elgin, so an emergency meeting is going on.

Convener and members of the committee, as a newspaper with a strong community spirit, the *Northern Scot and Moray & Nairn Express* launched the petition for an Elgin bypass to bring to the notice of Parliament the concerns of manufacturers, tradespeople, businesses, tourism operators, environmentalists and ordinary members of the public about increasing traffic congestion in the streets of Moray's main administrative centre. A decision to actively campaign for a bypass was taken after years of chronic and growing disquiet about that omission of an Elgin bypass from successive Government plans to improve the A96, and following the effect that that omission has had economically and environmentally. The support for the campaign has been overwhelming.

Elgin is the main centre in Moray and dominates not only local travel patterns but long-distance

travel in the north-east. We have local industries of international renown, such as Walkers Shortbread Ltd, Johnstons of Elgin Ltd and whisky distilleries, and we have two strategic RAF bases. Good road links to the rest of the United Kingdom and Europe are essential.

The A96 is part of the trans-European network between Aberdeen and Inverness, and carries around 18,000 vehicles a day through the middle of Elgin. We recognise that we may not meet the criterion for through-traffic volume for a bypass, but we believe that we fulfil all other criteria, based on the Government's national objectives, which are economy, safety, environmental impact, accessibility and integration.

The A96 is a single carriageway through the town. In that built-up area there are three primary school traffic patrols, a district general hospital, which is accessed directly from the trunk road, and seven roundabouts—and there are soon to be eight. Recent traffic assessments that have been carried out by prospective developers show that many of the junctions are at or near their capacity at peak periods. Congestion can be severe, with slow-moving queues on the trunk road effectively forming a barrier between the north and south of the town. That is all perceived as a restriction to future growth.

There is currently no alternative route for strategic traffic around Elgin, as has been shown by the recent floods. There is little or no scope for easing congestion with improvements to road junctions. The impact on quality of life in the town cannot be quantified. People fear for their safety, health and property. The promotion of public transport and alternatives to private cars will continue to be an important objective in Moray Council's transport strategy. However, the area is rural, and many of the population are dependent on cars and are likely to remain so for the foreseeable future.

It is accepted that a bypass will not solve all of Elgin's traffic problems, and Moray Council will pursue other traffic management solutions in parallel. We have strong support for the bypass campaign. The major trunk road—the main commercial and social artery—cannot be accommodated through the middle of a town where people live and conduct business.

We appreciate that the committee's decision on the issue will be governed by hard facts. Nevertheless, with a clogged artery, the answer is surgery, and our plea, in the words of our campaign slogan, is

"Have a heart—give us a bypass".

The Convener: Thank you. Before I ask members to comment, does Margaret Ewing want to say anything in support of the petition?

Mrs Margaret Ewing (Moray) (SNP): As a directly elected MSP, I support everything that Pauline Taylor has said. I have been very impressed by the work undertaken in the area on this matter. I have been aware of the problem since I was first selected and then elected to the area. My husband, mother-in-law and I are local residents, and we are all too well aware of the traffic problems in Elgin. I am sure that Winnie Ewing, as a committee member, might want to pick up on some of those issues.

I want to emphasise the huge sense of disappointment experienced by the public in Elgin and its surrounding areas that the potential of an Elgin bypass has been continuously ignored in every strategic road survey or review. We do not expect a miracle, but we believe that action should be taken to ensure that Elgin is included in the next budget level and also in the next strategic road review.

It was interesting that the Deputy Minister for Education, Transport and Lifelong Learning, Lewis Macdonald, spoke about funding of £8 million for the rural transport fund in 2004-05 and £8.5 million for the following year. The Public Petitions Committee, and probably the Transport and the Environment Committee, should consider that issue in all seriousness.

I will be brief because there will be many questions, and Pauline Taylor has already covered many of the points that I would have made. There is a feeling the Scottish Executive has concentrated on transport issues in the central belt without recognising the importance of the A96 between Inverness and Aberdeen. We have outlined all the industries there. We think that that road is just as important as the corridor between Edinburgh and Glasgow, and we want it to be given the same attention and priority that seems to exist within the UK.

Dr Winnie Ewing (Highlands and Islands) (SNP): In her opening remarks, Pauline Taylor did not mention the extra problem caused by the enormous new Tesco store. Is it your view that the floods are no longer rare, but regular, occurrences? Indeed, they are liable to get more regular, as we are told that global warming will threaten more rain. Currently, the water table is so high under the ground that the water cannot go anywhere, and four mighty rivers run through that part of the country. I want to ask Pauline Taylor about the Tesco store and the floods.

I understand that West Road and East Road are bottlenecks. Is that correct? Why is Elgin the biggest town not to have a bypass? Bypasses have been built in many towns: Forres, Lhanbryde, Inverurie and Kintore, to name but a few. There seems to be something wrong with that, especially when we view how economically important that

part of the country is to Scotland and to Gordon Brown's revenue chest.

Pauline Taylor: I will answer the last part of the question first. We have not got a bypass because 20 years ago we were given a stopgap measure, which was a relief road. The relief road bypasses the centre of the town, which is the High Street. It does not take into account East Road and West Road, which are the two approaches to the town. East Road has been badly flooded. People could not get through and that affected the whole network in the north of Scotland.

East Road and West Road are residential roads. As I said earlier, they have road traffic patrols for primary schools and give direct access to the district general hospital. There is no solution to the traffic on those two roads except for a bypass.

10:15

Dr Winnie Ewing: And Tesco?

Pauline Taylor: Yes. I believe that the trunk road is likely to be closed over the next few weeks during the construction of Tesco. When Tesco is up and running, it will be accessed directly from the trunk road, which will lead to horrendous traffic problems.

Rhoda Grant (Highlands and Islands) (Lab): In your opening statement, you said that there was not enough traffic to warrant a bypass through Elgin. You also said that most of the junctions are up to capacity. How much more traffic would be needed to get the throughput to get a bypass? How does that circle square?

Pauline Taylor: The magic figure is through-traffic and we are almost certain that we do not have sufficient through-traffic. Most of the traffic comes into the town and stops there. Elgin is a medieval city. It was not built to cope with the present levels of traffic. The only solution to the capacity problems at junctions is to bypass the town and improve the other junctions. No improvements can be made without a bypass.

Rhoda Grant: But what I am saying is that, given the state of the junctions, it would be almost impossible to get the throughput. If it got to the point where the junctions in the town were close to capacity, people would be more likely to take secondary routes around the town and avoid going through Elgin.

Pauline Taylor: We know that people take what are called rat-runs around Elgin. They use side roads that are not built for heavy traffic.

Dr Winnie Ewing: Those are the roads that are all flooded.

Pauline Taylor: Yes, they are all flooded at the moment.

Dr Winnie Ewing: My husband could not get to an eye operation on Saturday. We were prisoners in Milnorduff.

Rhoda Grant: If people use small roads that are not capable of taking that traffic, that will lead to dangers.

Pauline Taylor: Yes. Some people living on those smaller roads cannot cross the road at peak times because of the traffic.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good morning, folks. As someone who lives in the north, I am well aware of the problems at Elgin. I can well recall the campaign to introduce a bypass at Mosstodloch and Fochabers. We all know the length of time that that has taken.

Like many other towns in the north, Elgin suffers from the development that has taken place in and around the Moray firth. Anyone living in the area is well aware of the high volume of traffic that is trying to access Elgin from the east and west. Part of the congestion problem is caused by the roundabouts that are located at either end of the town. They were designed around 20 years ago and do not meet modern criteria.

What stage has Moray Council reached in its research into a bypass? Has the council come up with a cost?

Pauline Taylor: I cannot answer that question. We hoped that the convener of the council would be with us, but I got a phone call this morning to say that he cannot come because of the floods. I know that consultants have examined the problem and have come up with some solutions, although not an adequate solution as yet.

John Farquhar Munro: From your own observations, have you an idea of how much traffic has increased on the east-west route over the past 10 to 20 years?

Larry Easton: I travel to Buckie every morning and, without being able to place a figure on it, the increase in traffic has been incredible. My pal and I have noticed that the volume of traffic that comes in and out of Elgin every day has increased incredibly.

When we were collecting signatures for the petition, the point was made that we should have had the bypass years and years ago. A golden opportunity to solve the problem was missed 10 or 15 years ago and, effectively, we have a main trunk road going through the middle of a town that contains three primary schools and one secondary school. We also have an old folks home slap-bang by one of the roundabouts. Just a couple of months ago, an old lady was knocked down. It is incredible that there have not been more serious injuries or fatalities.

Moray trades union council is particularly concerned about the fact that the north of the town is effectively separated from the south by this road and the effect that that is having on children and old folk.

Phil Gallie (South of Scotland) (Con): As a southerner, I am familiar with the problems of missing bypasses. Last week, this committee discussed the Maybole bypass—or, rather, the lack of one.

You mentioned the increase in the volume of traffic but you made no reference to the increase in the size of the traffic. One of the things that has happened in recent times is the increase in lorry size from 40 tonnes to 48 tonnes under European legislation. How has that affected Elgin?

Pauline Taylor: There are junctions where the traffic has to come to a halt to let a big lorry through because it cannot negotiate the roads, which are too narrow and have sharp junctions. That holds up traffic. We are concerned about the large loads of landfill that Highland Council is proposing to take to the coast through Elgin. We will have many more lorries every day. It does not bear thinking about.

Phil Gallie: Would you say that, while there has been a long debate about an Elgin bypass, the change in lorry sizes is a criterion that has been ignored when bypasses have been considered in more recent times?

Pauline Taylor: Yes.

Phil Gallie: You mentioned East Road and West Road in the town. How wide are those roads and how close to those roads are the adjacent properties? Do vehicles park along the roads?

Pauline Taylor: Some houses on those roads are accessed directly from the pavement; they do not even have a front garden. Others have small front gardens of perhaps 2m at the most. The roads are narrow and, if a car is parked on them, it brings the traffic to a halt. Most of the houses are old and do not have garages or run-ins for their cars. They are certainly being disadvantaged by the traffic.

Larry Easton: The narrowest point of the trunk road that goes through Elgin—probably the part that Pauline is talking about—is the part of the road that gives access to Dr Gray's hospital and other private properties.

Dorothy-Grace Elder (Glasgow) (Ind): Thank you for making the effort to come here today under the present grievous flooding circumstances.

One of the most compelling statistics that you mentioned was that 18,000 vehicles a day go through Elgin. Does that harm the tourist trade of Elgin, which might be described as one of our national treasures?

Pauline Taylor: Yes. We guess that a lot of people do not stop in Elgin because the traffic is so horrendous that they cannot even get off the road. In that regard, we have had the support of most of the businesses around Elgin, Elgin business action, which represents a lot of local businesses, Moray Chamber of Commerce, the Road Hauliers Association, the Automobile Association and the local bus company. I have not heard of any groups that do not support our call for a bypass to be built soon.

Larry Easton: Furthermore, I would draw your attention to the number of signatures on the petition from tourists, some of whom are from other countries, who gladly signed the petition because they recognise the problems.

Dorothy-Grace Elder: Are there any proven effects on the buildings? As you said, it is a medieval town, but it also contains some fine 18th and 19th century property. Has a structural engineer or anyone ever examined the possibility of damage to buildings caused by the traffic?

Pauline Taylor: We are quite used to seeing road barriers round the corners of buildings that have been hit by lorries and bits of stone or chimney where the structure has been shaken by heavy lorries going past. That is quite common in Elgin.

The Convener: I remind members that more than 8,000 people signed the petition, so it has a lot of support.

Dr Winnie Ewing: I live in one of the side roads that is used by heavy lorries as a short cut to avoid Elgin—the one-track road to Milntown. You have no idea how many lorries—whisky lorries and other lorries—use that road. It is almost certain that it will be barred, as a big protest is developing about the danger. Schoolchildren cross that road; in fact, the chief executive's child was knocked down on it not so long ago. If the road is barred, as it almost certainly will be soon, would not that affect the through-traffic statistics that you say are lacking for it and similar roads?

Pauline Taylor: I am sure that that would affect the statistics, but I just wonder where the traffic would go, because there is no alternative. That is the problem.

The Convener: Our notes mention the fact that the Deputy Minister for Enterprise, Transport and Lifelong Learning, Lewis Macdonald, visited the area in August and met local campaigners. Were you among those local campaigners? What was the minister's response?

Pauline Taylor: He was very encouraging without committing himself at all. He knows Elgin quite well; he once stood as a candidate there. I think he recognised the fact that we have a

problem. At the time, there were road works in the town and East Road was closed, so he did not really see it at its worst. East Road had been closed off and the traffic was being diverted round side roads. When West Road was closed to divert the traffic, the only way for it to go was along a narrow country lane where there were no passing places, so that was how we got into town. I should mention that, at the moment, that road is flooded.

Mrs Margaret Ewing: Pauline Taylor touched on the fact that the closure of the Longman landfill site in Inverness will have a major impact. From March next year, Highland Council will take its waste to the nearest landfill site available, which is in Aberdeenshire. Various estimates suggest that between 30 and 60 additional lorries per day could come through Elgin because, as Pauline says, there is no alternative route. As everyone knows, the lorries that are used to take away landfill waste are substantial, and there is an environmental hazard attached to their use.

Dorothy-Grace Elder: Will those lorries be covered? We know that there is sometimes a horrendous mess from landfill trucks, even when they are covered. Do you know what category of dump they are going to and how high its toxicity level is?

Mrs Margaret Ewing: All that information is in the process of being relayed to us by Highland Council. Larry Easton might have some information via the trades council, but I am not sure about that. We have been trying to find out that information, because it is significant. I think that the landfill site will be at Peterhead, so I have asked a colleague to look at the situation there. The reality is that, whatever truck is used, those additional loads will come through our beautiful city of Elgin. That will be an additional hazard and problem for everybody who uses Elgin, whether for tourism, for business or for living in. It will be a major problem and we must address it rapidly.

Dr Winnie Ewing: Those lorries will not come through Milntown.

The Convener: I thank the witnesses for their evidence, which has been useful for the committee. You are free to listen to the discussion of the suggested action on the petition.

The note on the petition suggests that it is unlikely that the Executive will make a final decision on the bypass prior to the publication of the survey that Moray Council is carrying out. I suggest that we write to the Executive to seek its comments on the issues that the petitioners have raised, with a specific request for an indication whether the Executive is likely to support the development of a bypass in Elgin if the Moray Council study makes a compelling case for it. We should write to Moray Council to ask for details of

the likely time scale within which the study on the bypass will be published. We should also pass a copy of the petition to the Transport and the Environment Committee for information. Are there any other suggestions?

Phil Gallie: I was interested in the comment about the large lorries that exist nowadays. That issue has been ignored when bypasses have been considered, not only in Elgin, but throughout Scotland. We should draw the Executive's attention to the fact that, in recent years, the maximum weight of lorries has risen to 48 tonnes and ask whether the criteria for the provision of bypasses take account of that major change.

The Convener: That is fair. We could also ask the Executive about the implications of the new landfill site and the resultant movement of lorries through Elgin.

John Farquhar Munro: I agree with those suggestions on what to do with the petition, which cover adequately what the petitioners seek to achieve.

10:30

Rhoda Grant: Could we also ask Moray Council whether the study is examining the cost of upgrading the junctions to take the required amount of through traffic? At present, lorries have to stop and reverse to negotiate the junctions. If a bypass is not built, a lot of money will have to be spent on umpteen junctions in Elgin. We should compare the stop-gap funding that would be required to improve the junctions with the funding that would be required for the bypass. In real terms, that stop-gap funding might offset the cost of the bypass.

The Convener: We will ask Moray Council for those details.

Dr Winnie Ewing: When we send the petition to Moray Council, we should include information on the landfill site and the new Tesco store and mention that the heavy lorries that use the side roads will almost certainly not be allowed to continue to do so because the roads are falling to bits after the flooding. Most of those roads are now impassable. We do not have proper statistics about through traffic because a lot of traffic uses the funny little side roads.

Dorothy-Grace Elder: We should also ask Moray Council for its projection of traffic growth. We know that 30 to 60 additional lorries a day will go to the landfill site, which might well be a public health issue. We are waiting for the council to release its full study, but surely it could tell us its estimates for traffic growth in Elgin and the surrounding area.

The Convener: I am sure that that will be part of the study, but we can ask Moray Council for that

information. The most important matter is to get the study published so that the Executive can respond to it.

I thank the petitioners for the lucid way in which they presented the petition. We will keep them informed of progress and of the responses that we receive from the various bodies to which we will write.

Domestic Abuse (Support) (PE560)

The Convener: On the rejigged agenda, the next petition is from Claire Houghton on behalf of Scottish Women's Aid. The petition calls on the Parliament to take the necessary steps to provide and ensure adequate long-term funding for support workers who deal with children and young people who experience domestic abuse. Claire Houghton cannot be here this morning because of illness, but Margaret Donovan, Frances Tait, Mary Jones and Heather Coady are here in support of the petition.

Heather Coady (Scottish Women's Aid): Margaret Donovan will make an introductory statement, which might not last for three minutes, but Frances Tait will take over from her.

The Convener: That is fine—there is no rush.

Margaret Donovan: Good morning. I think that there should be more children's workers in Scotland, because I have heard that Women's Aid has to turn families away if there is not enough room in a refuge. Such families might well go back to situations in which there is domestic abuse. The advert on television about domestic abuse includes children. However, if children phone up for help they might not get it because there are only three outreach workers and six follow-on workers in Scotland. Children who have suffered from domestic abuse should have a follow-on worker. I have one and she really helps me. She gives me confidence and helps me with problems. She is somebody other than my mum, brother and sister to talk to.

No extra money is being given for work with children. I enjoy the group that I go to, which also helps me and gives me confidence. It would be nice if other children could be given that chance. Children are all lumped together in the children's refuge. There is a pre-fives group, a five to 11s group and a young person's group in one playroom. They should be in separate rooms and it would be better if there was a separate worker for different age groups.

I know about ChildLine, but there should be a phoneline so that workers who understand what young people are going through can give them support. There should be a drop-in centre for young people to discuss problems, display their

work and carry out activities in their own space. Someone should always be there and there should be lots of space. Young people should be able to drop in or phone at any time. They should have 24-hour support.

The Convener: Thank you very much. That was excellent—first class.

Frances Tait (North Ayrshire Women's Aid): I have worked with children and young people in Women's Aid for more than 14 years. Developments in children's work have been slow. There are many opportunities to expand, as our children's and young people's services are still fragmented.

Eight groups in Scotland do not have a children's worker to provide basic support for children who witness or suffer domestic violence; children in a refuge need that support. We still do not have an adequate number of children's and young people's follow-on and outreach workers. Children in the transition period of moving from a refuge to their own homes need support to move on. Sometimes children start to open up about the abuse that they have suffered only when they leave the refuge. Children need support at that point, but we have only six follow-on workers and three outreach workers in Scotland.

Children and young people who are in a refuge face considerable pressure at school. Some children cope well, but others do not. Some have to move to different schools and different refuges three, four, five or six times to escape the violence. We have started to include work on domestic abuse in the school curriculum, but even when it is in the curriculum and children hear about it in school, there are no workers in the classroom to support children who are living with abuse.

Many children's workers are part time and funding can be short term. A lot of children's workers work in a refuge for only 10 hours. There could be 15 children in the refuge, so there is not much time for each child. If there is only short-term funding from various sources, there is no continuity for these vulnerable children. The quality and effectiveness of our service are important for many children and young people. We need to address all the gaps in our service for the sake of the children. If we are to work effectively for children, we need commitment and resources. Action must be taken on their behalf. Although there are many children's workers in Women's Aid, it is obvious that there are not enough. Each child who comes to our service has the expectation that they are going to get help and support, but sometimes we cannot give it. It is hard to turn children away. I support eight young people in a support group, but the group has a long waiting list. It is hard to tell children who

experience domestic abuse that I will be able to give them support only in a few months.

The Convener: Thank you. We hear from many petitioners in the committee, but Margaret Donovan is as good a petitioner as we have seen.

Dr Ewing: Most of your evidence related to the aftermath of discovering that domestic abuse is taking place. Margaret Donovan mentioned a helpline—does that not exist in most parts of Scotland? The initial problem is enabling a child who has been abused to get in touch with someone. Does some of that contact come through teachers' referrals? How difficult is it for children to get in touch with someone? Where I live there is a good neighbourhood watch scheme, which falls within the jurisdiction of the chief constable. Is there a way of joining the services that already exist with neighbourhood watch schemes, which have telephone lines and volunteers?

Frances Tait: As members may know, domestic abuse is a sensitive issue that needs to be tackled in its own right. We have a domestic abuse helpline for adults and some children and teenagers also use it. However, those who answer the calls are not experienced children's workers who can answer the callers' questions. Some children phone ChildLine, but often they do not get through. Some children want an answer there and then—they do not want to have to wait for an answer.

Rhoda Grant: From the evidence that the witnesses have given, it appears that the big gaps exist before someone enters a refuge—there are children's workers at refuges, although not enough of them—and after they leave. Young people want to deal continuously with the same person. How can we provide that continuity, given that folk move to different refuges if they are tracked down? How can we build trust between a children's worker and a young person?

Frances Tait: It is hard to provide such continuity. I work part time in a refuge for only 15 hours and it is hard to deal on a continuous basis with the children who are there. We are now trying to do follow-up work with children when they leave the refuge. I work with children for six or eight weeks after they have left the refuge. Unfortunately, because of the limited time that children's workers have to work with children, they cannot provide continuity of support. It would be wonderful to have two full-time children's workers in the refuge. Eight of our refuges do not have even one children's worker. It is hard to provide continuity of support when the basics are not in place.

Rhoda Grant: What kind of training and skills does a children's worker need? How long does it take to train someone to be a children's worker?

Frances Tait: Training varies throughout Scotland. Scottish Women's Aid training takes a number of weeks. The national office also provides continuing specialised training for children's workers. Some children's workers have a background in child care, but others do not. Training is provided to enable them to work with children. The associated child protection issues are also addressed.

Rhoda Grant: So training is not the issue. Funding is needed to make posts permanent and to provide more of them.

Frances Tait: Yes.

Dorothy-Grace Elder: Thank you for your evidence, Margaret. How old are you?

Margaret Donovan: I am 14.

Dorothy-Grace Elder: You spoke about feeling more confident once you got to know your child support worker. How did you feel before your support worker came into your life?

Margaret Donovan: I did not know what to do. I had no one to talk to. All my feelings just crammed up inside me, and sometimes they got the better of me. I do not know what I would do if I did not have a support worker.

Dorothy-Grace Elder: You were very down.

Margaret Donovan: Yes.

Dorothy-Grace Elder: Were you still living in a violent situation at that time?

Margaret Donovan: No.

Dorothy-Grace Elder: You were away from that, but you were terribly down.

Margaret Donovan: I would not say terribly.

Dorothy-Grace Elder: But your child support worker was an adult in your life different from those whom you knew already.

Margaret Donovan: Yes.

Dorothy-Grace Elder: You did not feel that you could tell the adults whom you knew everything about things. Do you feel that you can tell your support worker everything?

Margaret Donovan: Kind of, yes.

10:45

Dorothy-Grace Elder: Had you ever tried to use a helpline, Margaret?

Margaret Donovan: No.

Dorothy-Grace Elder: You thought it might be too difficult to get in touch with someone.

Margaret Donovan: Yes.

Dorothy-Grace Elder: How often do you see your support worker?

Margaret Donovan: Every week.

Dorothy-Grace Elder: For how long?

Margaret Donovan: Two hours.

Dorothy-Grace Elder: But that two hours means a lot to you.

Margaret Donovan: Yes.

Dorothy-Grace Elder: She has become a friend, has she?

Margaret Donovan: Yes.

Dorothy-Grace Elder: Thanks very much.

Phil Gallie: I will pick up on Rhoda Grant's comments on continuity. You mentioned in the presentation that some people work as support workers for as little as 10 hours. Is that through choice, or because that is all that is on offer from the organisations that employ you?

Frances Tait: The reason is funding restraints. The funding is not available for more hours. Some groups do not have funding for any more than 10 hours. Some groups may be fortunate, and be able to provide 30 or 35 hours, but quite a number of groups have a small number of hours. Some groups have no hours at all.

Phil Gallie: If, all of a sudden, the money became available, would there be enough support workers with expertise to fill the additional posts that you seek?

Frances Tait: I am sure that there would be. Of course, we give training as people come to our organisation, and we have follow-on training. There would be people who were willing to do the work. Even people who only do 10 hours would love to increase the work that they do with children.

Phil Gallie: Finally, I seek clarification, because I am not sure if I have got the picture right. We are talking about children who have witnessed domestic abuse, rather than suffered abuse themselves. No doubt some will have witnessed and suffered domestic abuse but, in the main, they have witnessed domestic abuse within households.

Frances Tait: Yes. Both situations may apply but, in the main, they have witnessed abuse. They may have been in the same room or in the room next door, but the children themselves may have been abused as well. Also, children who have never been in a refuge or never used our service sometimes need support. We have workers who go into schools and talk about domestic violence. In a class there may be several children who are living with abuse at home, and they may want

someone to phone or to talk to, but we do not have the resources to cover that.

Helen Eadie (Dunfermline East) (Lab): Good morning. I would like to ask about resource funding. I do not know who will answer the question. I see from the background papers provided by the committee clerk that separate amounts of money—£10 million and £4.5 million—have been made available to develop support services. That is what has happened at this end, but how has that translated into reality at your end? We see that money going out, but it would appear from what we are hearing this morning that it is not really hitting the ground and allowing you to run fast enough to keep up with demand.

Heather Coady: Quite a lot of money has been made available. The problem for Scottish Women's Aid is that it has gone into refuge development so, although there are more refuge places, there is no guaranteed money for support work with children, or even for support work with women. The funding is focused on buildings rather than on wages costs.

Helen Eadie: Who in Scotland is co-ordinating support work with children and ensuring that best practice is translated between local authorities?

Heather Coady: That is a difficult question to answer, because each of the 39 groups in Scotland is autonomous. I am one of the national children's rights officers, and the national office is working very hard to get some kind of co-ordination. It is difficult to co-ordinate a service that is patchily funded. There is no comprehensive, cohesive service at all, but that is what we are aiming for. It is difficult to have minimum standards where either no hours, or only five or 20 hours, are being spent doing children's work. The network is aware of those problems and is pushing all the time to increase funding, but it is difficult when it is not secure. What we need is secure funding. If funding runs out after a year or three years and funding for a whole new project must be applied for, that takes up a lot of energy and time. Does that answer your question?

Helen Eadie: I suppose that, to some extent, it does. The background papers for today's meeting contain information about standards. Do you feel that those standards, if implemented, would match your expectations of how things ought to go? The Scottish Executive has clearly tried to set standards, but the issue is how those are enforced in local authority areas.

Heather Coady: That is a problem. It is difficult because a lot of the groups do have some council funding, but it is minimal. There does not seem to be any mechanism to say that councils have to provide funding for those groups, so provision is mixed across the country. That is part of what we

are asking. If we can have secure funding and improve the service, that could change. At the moment, it is difficult because we cannot make local authorities fund that work.

Helen Eadie: Are you saying that the service standards are probably adequate, but that the problem lies with the money that is coming from the Executive and with implementation at the grass roots? Is it just a matter of everything not coming together as it should?

Heather Coady: Applications to the domestic abuse service development fund require matched funding, so a bid has to go to the Scottish Executive, with councils and other groups doing the work. That is not always easy.

The Convener: Could you explain matched funding?

Heather Coady: It means that the local council or the local domestic abuse forum can apply to the Scottish Executive for funding from that fund, but the local authority must say that it will match the funding that it gets from the Scottish Executive. The Executive is quite flexible about matched funding—it can be funding in kind—but it is still difficult for groups to get access to money. If the domestic abuse forum does not apply for the money, it does not happen.

Helen Eadie: Are there examples of what you would call best practice in Scotland that you would like to highlight?

Heather Coady: Yes. North Ayrshire is a good example, as there are a number of children's workers there. It is one of the lucky areas where there is a quite a cohesive service. As Frances Tait and Margaret Donovan have said, that service is still limited, but it is one of our better examples. Follow-on work is being done there and there is also work in refuges and a small amount of outreach and prevention work in schools. There are areas where there is good practice and there are councils that are committed to funding those posts, but that is not the case across the board.

Helen Eadie: You are working at national level to oversee all of that. Who are the link people in the Scottish Executive responsible for monitoring that activity?

Heather Coady: Our biggest link is with the Scottish Executive crime prevention unit, which gives us most of the funding for our national office. The unit also runs the domestic abuse development fund.

We are concerned that when children are involved in cases of domestic abuse, their problems can fall between departments. If domestic abuse is involved, the crime prevention unit should become involved. If the case involves children, it should go to the children and young

people's group. Children's problems can disappear in between those departments, which is a problem.

Given that domestic abuse impacts on children's health and education and that it can result in homelessness, social exclusion and extreme poverty, a number of departments should be taking responsibility for the issue. We would like that. We are asking the Scottish Parliament to examine the issue and find a way of identifying an appropriate funding stream.

Helen Eadie: You spoke about the matrix of people who ought to be involved in the issue. You have helped us to highlight the need for a team approach by services and departments. The Scottish Executive needs to take a more proactive interest in the subject to ensure that the development of services reaches the parts that we want it to reach. Thank you for helping us to get to that point.

The Convener: We have two small final points from Phil Gallie and Dorothy-Grace Elder.

Phil Gallie: You mentioned 39 different groups. Are all of them related to various local authorities?

Heather Coady: Yes. I should have said that there are 39 affiliated groups. There are also a number of unaffiliated groups in Scotland—I think that the number is five. Each local authority area has one or more group.

Phil Gallie: Why is the subject not the responsibility of local authority social work departments? Children are all important and social work departments have a duty to look after their interests. Why do those departments not pick up their responsibilities?

Heather Coady: That is a hard question.

The Convener: You are not the one to answer that question—local authority social work departments should do so.

Heather Coady: We work with social work departments and, depending on the area, we work closely with them.

Phil Gallie: Would that be an ideal?

Heather Coady: If social work departments picked up the work?

Phil Gallie: If they picked up the responsibility and provided the service.

Heather Coady: The service that we provide has been built up over many years. We have expertise and I think that we are best placed to provide the service. What we need are the resources to provide it well.

Dorothy-Grace Elder: The area is specialist, Phil. Social work is overloaded with everything else.

You said earlier that children and their mothers sometimes have to move three, four or five times to escape a violent man. The children therefore go to different schools. When people try to get a place in a refuge nowadays, are they shifted anywhere in Scotland? A couple of years ago, phone calls would have to be made up to Aberdeen or down to Galloway to get a Glasgow woman and her children a bed for the night in a refuge. That was because Glasgow was so overcrowded. Is that still happening?

Heather Coady: Yes, I think that that is still the case. Our statistics will be published in a couple of week's time. I am focusing on children, but our statistics show that thousands of the children that go with their mothers to get a refuge place are still turned away. That means that they either have to go to departments that deal with the homeless or to a different area. We do not fulfil the need that is out there.

Dorothy-Grace Elder: A couple of years ago, 9,000 women and children were turned away from your refuges in Scotland. Is the level the same today?

Heather Coady: Yes, although I would have to check the figure, as there are some changes to the statistics. Housing shortages mean that women and their children are staying in refuges for longer periods of time. That can have the effect of the statistics looking as if they are coming down, but it simply means that people are not getting rehoused for a year or so.

Dorothy-Grace Elder: Some extra money was made available, but I seem to recall that the actual number of additional beds or rooms that were available was very small.

Heather Coady: With the domestic abuse service development fund, there will be an increase, but the concern is that there will not be an increase in the money being made available to do the work.

Dorothy-Grace Elder: The children are traumatised not only by the fact that they have had to move around so many times with their mothers to escape violence, but by seeing whether they can even get a place in a refuge. Are children still being sent from Glasgow to Aberdeen or to the Borders for instance?

Heather Coady: I shall let the local group members answer that.

Dorothy-Grace Elder: Have you any experience of that?

Mary Jones (Dunfermline Women's Aid): We have four women's refuges in our area and we often have to turn women and children away. We then have to use the network to find space for them and quite often that space is as far away as Inverness or Glasgow.

Dorothy-Grace Elder: Do any of them get nothing at all and just go out into the night or back to the abuser?

Mary Jones: When people contact Women's Aid we do our very best to accommodate them where they want refuge space. If we cannot do that, we phone the network of Women's Aid groups and find them a space. Failing that, we would get in touch with the local authority provider of accommodation for the homeless.

Dorothy-Grace Elder: Do you agree with your colleague that the figure of around 9,000 women and children being turned away from refuges every year in Scotland is probably going to be near the mark again when the new statistics come out?

Mary Jones: Yes.

11:00

Dorothy-Grace Elder: That is absolutely shocking.

Mary Jones: We have had to accommodate larger families for anything up to a year, because of the lack of housing stock. There are not enough houses that are big enough to accommodate a woman with, for example, six children, so those families stay in refuges longer, which means that the space is not available for families who phone up to ask for it.

Dorothy-Grace Elder: So children such as Margaret are living in limbo with the anchor of one support worker.

The Convener: In your petition, you also talk about national minimum standards of service. You gave us figures this morning, such as that there are only three outreach workers for the whole of Scotland and six follow-up workers, when it is estimated that 100,000 children suffer from domestic abuse. Are no figures, standards or criteria available? What are the correct figures and how many workers should there be?

Heather Coady: The Convention of Scottish Local Authorities recommended a number of refuge spaces for each area of the country. However, there are no national standards for children's support work.

The Convener: There are no national standards?

Heather Coady: No.

The Convener: And no one has ever drawn them together?

Heather Coady: No.

The Convener: That is shocking.

Heather Coady: When the Parliament was inaugurated in 1999 we ran a campaign in which

we asked MSPs to listen to what the children had to say about their circumstances. There was consensus and broad-based support. This year we ran a "Listen Louder" campaign. We have moved on a number of years, but there has not been a significant change in the situation. There has been a little increase in the number of workers in the whole of Scotland. We urge the Scottish Parliament to put its money where its mouth is.

The Convener: And our mouths are big enough.

John Farquhar Munro: We should compliment the young lady who has come before the committee this morning. It takes quite a bit of courage to come and make a presentation such as the one that you gave this morning and you did it very well, so we are very proud of you. Given the excellence of your presentation and your support team, I am sure that the committee will give your petition every bit of support that it possibly can.

The Convener: John Farquhar Munro speaks for us all in those comments. Very well done, Margaret, and everyone else. That was a very good presentation. You are free to listen to the committee's discussion about the suggested action on the petition.

I draw to members' attention the suggested action. The first stage would be to approach the Executive to ask for its comments on the petition and particularly to raise the points that are set out. First we should ask about the details of the funding streams that are currently available to local groups to provide support services to children who are experiencing domestic abuse. We should also ask whether local organisations might not be in a position to apply for funding from the domestic abuse support fund because of the requirement for matched funding.

Secondly, we should ask the Executive whether there are any plans to provide long-term sustainable sources, rather than project funding, to address the shortage of support workers, which the petitioners argue is likely to worsen with the expansion of refuge accommodation. Finally, we should ask for details of the measures that the Executive is taking to ensure that local authorities adopt the service standards for women and children who experience domestic abuse that are outlined in the national strategy.

We could draw Helen Eadie's point about the obvious lack of co-ordination and departmental responsibility in that area to the Executive's attention and ask what it intends to do about that.

Dorothy-Grace Elder: With your permission, convener, we might state that we are very disturbed by some of the evidence that we have heard today. It does not look as if there is a profound difference in the situation from three years ago, although we welcome the small amount

of funds that has been given. We have been presented with the most terribly disturbing situation.

The Convener: It would be fair to say that we recognise that there have been improvements in terms of the support for additional refuge places in Scotland, but as yet there has been no funding.

Dorothy-Grace Elder: There has been support for a small number of additional refuge places, but the general scene has not changed in three and a half years.

The Convener: We are trying to encourage the Executive to do something, so we should try to be nice. We should acknowledge that the Executive has allocated funds for additional refuge places, but say that we are disturbed to see that, as yet, there has been no progress in allocating funds for support workers for children who are in those refuge places.

Dr Ewing: Can we mention the terrible statistic of 9,000 women and children that Dorothy told us about?

The Convener: There is no reason why we cannot do that.

Dorothy-Grace Elder: It is expected that that statistic will be roughly the same when the new report comes out. Those figures are two years old.

The Convener: We will certainly draw that to the Executive's attention.

Rhoda Grant: Can we highlight the outreach workers? If work is going on in schools to support children who are living with domestic abuse, and such children are being identified, we need to get the support in there. There should be outreach workers providing support before and after children go into refuges. The refuge places might attract support workers, but more work needs to be done with people before they go into refuges.

The Convener: We will draw the Executive's attention to the very low level of outreach workers and follow-up workers who are available to work with such children, and the absolute absence of any national standards in that respect. It is important that the Executive addresses those issues and identifies sources of revenue funding to tackle the problem.

As there are no other points, I thank the witnesses for attending and for their excellent exposition of the arguments.

Further Education (Funding) (PE561)

The Convener: The next petition is PE561 from Miss Mary Beck on the subject of a review of the Scottish Further Education Funding Council's revenue funding formula. Mary Beck is here along

with Zandra Elliot, who is vice chair of Hawick community council. Euan Robson and Christine Grahame are here in support of the petition.

You have three minutes to make your presentation and then the meeting is opened up to members of the committee to ask questions.

Mary Beck: Convener, ladies and gentlemen, the petitioners wish to register their concerns about the threatened removal of full-time education courses from Hawick by Borders College. The Scottish Further Education Funding Council's rural and remoteness element assists Borders College annually, but the total sum available for remoteness across Scotland is between £3 million and £4 million. That is welcome, although it is not substantial.

Of the £9 million to £10 million that is available for social exclusion, very little goes to rural colleges because of the use of a postcode deprivation index. For example, in the last financial year, Borders College received £3,000 to combat problems of social exclusion. That is almost not worth the effort in distribution.

We would therefore be grateful if the committee would ask the funding council about both of those special elements, with a view to increasing the former and spreading the latter more evenly. I trust that the Public Petitions Committee will discuss and debate the situation at Hawick campus and will help us to keep it open. I cannot understand why we are under threat of closure when we have a busy, thriving hub of college life in Hawick.

The original Henderson technical college was bequeathed to the people of Hawick in 1928 by Sir Thomas Henderson. We also have three acres of adjoining grounds. I cannot understand why we have not been considered as main headquarters, because that would be the most cost-effective option.

Our numbers are up, with 670 full-time students. Part-time courses are busy and evening class attendance is up by one third. For those reasons, I cannot comprehend why Borders College management has decided to centralise everything in Galashiels. A full investigation of its arguments and reasoning is required.

Borders College's vision is of a single campus. We are not against investment in the improvement of the college's campuses. However, we draw attention to the fact that, although investment in the college's plan would see a brand new, state-of-the-art college established in Galashiels, there is already a higher education facility in the town that is currently used by Heriot-Watt University. That facility is under-utilised, but Borders College has not investigated the possibility of shared facilities.

We ask the committee to investigate the revenue funding of all colleges in rural communities and the allocation of funding resources by the funding council, with particular reference to Borders College. We would be grateful if the committee would consider the plan to concentrate on one campus in Galashiels and investigate whether there are not twin campus possibilities that would meet the needs of our community in Hawick.

The Convener: I ask members to note that, since the petition was submitted, the number of signatures in support of it has risen from 7,654 to 8,104.

Euan Robson (Roxburgh and Berwickshire) (LD): I congratulate the petitioners, who often collected signatures in the pouring rain. The figure to which the convener alluded demonstrates the strength of feeling that exists on this matter.

Mary Beck touched on the three relevant issues. The first is the revenue funding of rural colleges in general. About £3.7 million is distributed to rural colleges under a remoteness formula. That is not a vast amount of money. The funding council may want to consider increasing that sum. It has received transitional funding that might release extra resources from within its current allocations. Over the next three years, funding from the Scottish Executive to the funding council will increase.

Mary Beck spoke about the money that is awarded to some rural colleges to deal with social exclusion. Those allocations are made to the 20 most deprived postcode areas. The formula produces some strange distortions, because it is a crude mechanism for delivering money to deal with deprivation. Some postcode areas are very big. TD9, which covers Hawick, contains pockets of severe deprivation. However, this huge geographical area also contains relatively affluent places. Postcode areas are not a sophisticated measure of deprivation. As a result, Borders College received only £900 in the previous financial year and £3,000 in this financial year for social inclusion purposes. The college cannot do much with that kind of money. A sensible way forward may be to apply a flat-rate formula to all colleges. The problem could be addressed by increasing resources over the next three years.

There are two points to be made about the national situation. Because of problems on the revenue side, Borders College has been forced to think about containing its deficit and developing plans for the future. An increase in the resources that are allocated to rural colleges would alleviate some of those problems. There are also problems on the capital side. The funding council makes no bones about the fact that it intends to concentrate much of its effort on west-central Scotland,

because of need. It says that it must provide a great deal of capital expenditure in that area. As a result, fewer capital resources are available to rural colleges in other parts of Scotland. Consideration should be given to that issue.

The twin pressures on capital and revenue are leading Borders College to reconsider its facilities. The college has developed a plan for a single campus and a hub-and-spokes approach. That would entail the closure of the Henderson building in Hawick. For the reasons that Mary Beck mentioned, there is a strong affinity between Hawick and further education. Further education is highly valued in the town. The Henderson building was opened in the '70s. Hawick had the first technical college in Scotland. There are powerful emotional and historical reasons for the college to retain a significant presence in the town.

No one is suggesting that the college's plans for significant investment in its campus facilities, which are intended to bring it into the 21st century, are other than worthy and worth while. However, the point is that it seems that only one option is being pursued, which is for the site at Galashiels, instead of a perhaps more ambitious or different type of investment in a two-campus model. The issue has a national element that goes wider than Borders College, but there is also an issue with the situation at Borders College itself.

I cannot add any more to what Mary Beck has eloquently said, but there is a strong feeling within Hawick that people would like full-time further education courses to be retained within the town. In the past, the population of Hawick has enjoyed further education provision from which many people have benefited, and they would like to do so in the future.

11:15

Christine Grahame (South of Scotland) (SNP): I speak in support of the petition. I have lodged a motion on the crisis at the Hawick campus of Borders College. In that motion, I refer to two documents that are mentioned in members' papers: Audit Scotland's report, "Overview of further education colleges in Scotland 2000/2001", and the Enterprise and Lifelong Learning Committee's report on the crisis in colleges.

The crisis, whose ramifications have now landed in Hawick, arises from the way in which rural colleges are funded. I understand that part of the problem is that funding is based on the growth in student numbers. That militates against rural colleges. The result is that the unit resource, which is the cost provided for individual students, has dropped. Rural colleges do not have as many individuals to take up places, but that is the basis on which they get some of their funding.

According to my figures, the whole of the Borders College network gets £3,800 for social inclusion, whereas Glasgow gets £330,000 per college. The way in which the funding formula operates puts colleges such as Borders College into crisis.

As a consequence, Borders College has had to drop courses. The courses cannot run unless they can be cross-subsidised. As a result of the way in which the funding operates, an engineering course in the Borders must have the same staff-student ratio as one in Angus. That is just not possible, so courses are being dropped. Consequently, the number of teaching staff has gone down from an equivalent of 105 to 72.

Borders College has been pushed by the centre into a crisis that has worked to the detriment of Hawick. Similar things are happening in rural colleges throughout Scotland. The Scottish Executive must address the matter urgently. I understand that the Scottish rural colleges forum, which was set up five years ago, has made a case that rural colleges should operate under different criteria from those that are set for colleges in urban areas. Travel should be taken into account, as should the smaller classes and the higher capital and revenue costs.

My motion was lodged three months ago. The Enterprise and Lifelong Learning Committee has published a report that draws attention to the problems in Scotland's rural colleges, as has Audit Scotland. I hope that the issue will now be pressed. Chickens are coming home to roost. People are losing their jobs. Instead of being dispersed, education is being centralised. In a way, I am sympathetic to Borders College, which has been pushed into this financial crisis.

Rhoda Grant: I have a great deal of sympathy with the petition, because the area that I represent is also very remote. We have tried to tackle that remoteness through remote learning centres, but funding has been a problem because unit costs are so high. Mary Beck has explained how the postcode-lottery style of funding to tackle social exclusion can actually create exclusion in rural areas, where postcode areas can be enormous and can include communities that are quite wealthy as well as remote deprived communities. Have the petitioners looked at the mechanism that is used to tackle deprivation? Are there other funding mechanisms that would be better for further education?

Mary Beck: I have not really looked at that. Unemployment has risen because of the knitwear industry going downhill. Having been brought up when there were knitwear factories in the town, people are now getting re-educated in the further education college to do a different job.

The proposal would be a big problem. People who have young families in Hawick, on the doorstep, would not be able to travel to Galashiels. At the moment, they can get to college for 9 o'clock and can go out again later with their families. Moving the facilities to Galashiels will exclude many whose circumstances will not allow them to travel there.

Rhoda Grant: So, to try to retain the Hawick campus, you will be considering funding sources that provide additional training money for areas of high unemployment or areas that have had a downturn in an industry.

Mary Beck: Yes.

Dr Ewing: The college's letter to Euan Robson justifies the centralisation of facilities in Galashiels. Do the two MSPs who have an interest in the petition—Euan Robson and Christine Grahame—want to retain, if not improve, the Hawick campus? What are the MSPs' views on that matter?

The Convener: We are supposed to be asking the petitioners questions.

Dr Ewing: I know. I will come to the petitioners, but I want to know the MSPs' views.

The Convener: Could each of the MSPs comment briefly?

Euan Robson: Borders College is recommending a centralised Galashiels site, which is to be revamped at a cost of about £12 million or £15 million—I cannot remember the exact figure. However, as Mary Beck mentioned, at the other end of Galashiels is Heriot-Watt University's Netherdale campus, which is over-accommodated, and there is Borders College's Hawick campus. Options need to be drawn up and there should be proper public consultation. However, I want a continuing presence in Hawick for full-time further education courses, even if that means Borders College having twin campuses. The funding of rural colleges is the relevant issue—the funding council ought to cope with any extra costs.

Rhoda Grant made a point about funding mechanisms. An alternative mechanism for distributing social inclusion money might be to give all the colleges a flat rate and then allocate top-up money according to their postcodes. That might need to be done transitionally for several years to ensure that some colleges do not lose out. However, I think that that could be a method of giving a meaningful amount of money to each college for social inclusion purposes.

The Convener: That was as brief as a politician can be.

Christine Grahame: Of course we want to keep both the Hawick and Galashiels campuses going, but the heart of the matter is how rural colleges

are funded. Statistics that I obtained from a meeting at Borders College show that the unit resource—which is the college's funding per student—has lost about 40 per cent of its value. Therefore, although its student numbers are up, Borders College is making less money. Whether we like it or not, further education colleges are now businesses. They are funded through the Scottish Further Education Funding Council but must also bring in revenue.

We are failing to assess how colleges are funded. The situation at Borders College is a result of the funding crisis. The Audit Scotland report shows that 50 per cent of Scottish further education colleges are on recovery plans. Nobody seems to have paid attention to that fact. Borders College is just on the edge of the relevant threshold, so it is not even helped by a recovery plan. Bob Murray said to me that Borders College is simply not on the radar. Colleges in rural areas have additional problems that the funding does not take into account. Borders College's proposals should be put on hold and the issue of funding should be considered to ensure that rural colleges are on a level playing field.

The Convener: You support Borders College having two campuses.

Christine Grahame: Of course, but funding is the basis of the college's problems.

Dr Ewing: I was interested in what the petitioners said about a high proportion of the college students being re-educated for another job. Is that a significant matter in the Borders, given that many people there have lost their jobs? Are a great number of students re-educating themselves for other jobs?

Mary Beck: Yes. A great number of students are married with a family or are in their 30s. They do not come straight from school. Many students were trained in their teenage years and then worked in the mills, but those kinds of jobs no longer exist. Businesses will not come to Hawick if we do not have a trained work force. Hawick has the largest school in the Borders. If there is no full-time college in Hawick, that will create problems for our school leavers as well as for older students who want to retrain.

Phil Gallie: What is the distance between Hawick and Galashiels?

Mary Beck: Eighteen miles.

Phil Gallie: What public transport provision is there?

Mary Beck: The provision is not very good. A bus runs between Hawick and Galashiels every hour. People who miss the bus have to wait for an hour.

Phil Gallie: You mentioned the pick-up in evening classes at Hawick.

Mary Beck: Yes.

Phil Gallie: What is the provision for night-time buses?

Mary Beck: That is not any better. There are fewer buses as the evening goes on. Between 6 o'clock and 10 o'clock, only three buses run to Denholm, which is 5 miles from Hawick.

Phil Gallie: The Parliament talks about social inclusion, but closing the buildings in Hawick would be education exclusion.

Mary Beck: Yes.

Phil Gallie: That says it all.

Helen Eadie: One of the points that I picked up from the interesting letter from the principal of Borders College was that the development plan, which Scottish Borders Council approved, states that Galashiels will be the main centre for development in the years ahead. What is your comment on that?

Mary Beck: We are in the process of regenerating Hawick. I mentioned that issue to the Hawick partnership, but it was knocked on the head. A motion of no confidence was passed and the council stated that it does not agree with the central campus proposal. The letter misrepresented the issue.

Helen Eadie: I was not overly impressed by the principal's letter. One of the factors that he pointed to as a rationale for bringing together the campuses made it sound as if the college is a marriage agency. He argued that many female students are in the Hawick base and the many male students are in Galashiels. I am interested in your comment on that.

I was a candidate in the Borders in 1997. Not long after the election, Lord Gus Macdonald, Brian Wilson and others made high-profile visits to the area with the message that we needed to do much more in the Borders. The proposed move seems to fly in the face of that message. I remember that around 700 or 800 people turned up to public meetings on similar issues in Hawick town hall. What is your thinking about the push away from Hawick up to Galashiels? The railway line will stop at Galashiels and the college will be in Galashiels, even though Hawick is a good bit further south.

Mary Beck: The proposed move would be a nail in the coffin for Hawick. Although I am trying not to focus on economic issues, the proposal would not be good economically. The 670 full-time students do not all eat in the canteen at the college in Hawick. When we did a survey at the doors of the college in the pouring rain, the students were carrying bags from the high street shops. The

move would have an economic effect on the town. People are worried about more than educational matters; shopkeepers are worried about the knock-on effect of the move.

We do not hear much about knitwear industry pay-offs, but every week eight or 10 people are paid off from a knitwear factory, which means that 40 or more people are put out of work every month. We need somewhere to re-educate people and to allow them to do other courses.

It is true that there is a high proportion of girls in the college buildings at Hawick, but that is because of the courses that are available—hairdressing, child care and art are the main courses at Hawick, as opposed to bricklaying and electronics at Galashiels. That is why there is a male-female divide.

Helen Eadie: Another point in the principal's letter is that information and communication technology will become a big issue in the Hawick area. Perhaps the people of Hawick will want that to be considered.

Mary Beck: I have spoken to many people who go to afternoon classes on information technology, many of which are for people who have not been brought up with IT. Those people are retired, have time on their hands or want to re-educate and they have told me that they will not travel to Galashiels because the course is a leisure interest. Such classes make the building in Hawick busy. I have raised that issue with Dr Murray and informed him that he will lose students if the proposal goes ahead. Even if a brand-new college is built, people will not be willing or able to travel to fill the classes. That is a worry.

The Convener: Are there any further points that you would like to draw to our attention?

Zandra Elliot (Hawick Community Council): I would like to say something on behalf of Hawick community council. We heard the rumblings about the matter in spring. In June, we decided to write to the management of Borders College, inviting them to attend one of our monthly community council meetings. We eventually nailed them down to September, when they came along to an ordinary meeting. The agenda listed who was going to speak and the townspeople of Hawick came out in abundance. They were really behind the issue, because enough is enough. We have had enough taken away from us. The heart is being torn out of our town. Once upon a time, Hawick was queen of all the Borders. I like to remind Gala about that.

11:30

The Convener: You had better watch out, because you may provoke a petition from Galashiels.

Zandra Elliot: We have nothing against Gala getting a brand-new college, but we want to keep the Henderson building. There is nothing wrong with it. It is well supported, and at least it keeps the young people in our town. If we lose any more young people to the city, what will happen to the rural areas? That is another aspect that really worries me.

The Convener: That is a good point.

Mary Beck: I have a point on the historical aspect. The first college was bequeathed to the people of Hawick and was built near the secondary school in 1928. By the late 1960s, it was full to capacity and offered knitwear, textiles, secretarial and woodwork courses. When Hawick High School needed more ground to build on, the district council of the time gave it the building. Sir James Henderson, the son of the original founder, was asked for consent to build a new technical college. The new building was built in 1969 in Commercial Road and was opened by Sir James Henderson in 1971. In 1993, the education authority gave that building to Borders College at no cost. In my view, that building still belongs to the people of Hawick. It cannot be taken away from us. If Borders College wants to pull out, let it pull out and we will find another college that will work hand in hand with us. I am saying: do not take away our further education, and leave us our building.

The Convener: Power to the people. Well done. Thank you for your evidence and for raising an important issue. You are free to listen to the discussion on the suggested action on the petition.

I remind members that we recently considered PE552, on the adequacy of funding for further education in West Lothian, and we agreed to write to the Scottish Executive and to the Scottish Further Education Funding Council about the adequacy of funding in the sector as a whole. We have not had a response from the Scottish Executive on that petition, but it is unlikely that the issues that are raised in PE561, which are on funding mechanisms for Hawick, will be specifically addressed in the Executive's answer.

It is therefore suggested that we write to the Scottish Executive and to the Scottish Further Education Funding Council and seek their views on the issues that the petition raises. First, we should seek comments on Borders College's proposals to centralise its facilities at one site in Galashiels and on the potential impact on the area surrounding Hawick of reducing the number of courses that are provided at the Hawick campus.

Secondly, we should ask the Scottish Executive and SFEFC to comment on the claims that the current funding mechanism for further education fails to address the needs of rural colleges. We

should seek an indication from the Executive as to why the special premium appears to apply only to urban colleges that attract students from the most deprived postcode areas.

Thirdly, we should seek an indication from SFEFC on whether it is likely to look favourably on an application for capital funding for the Galashiels site, should the college's bid for European funding be successful. We should then ask the Executive and SFEFC to comment on the Enterprise and Lifelong Learning Committee's recent recommendation for a review of funding across the further and higher education sectors—with a view to introducing a single funding system for all learning providers—and for a cross-sectoral national estates review.

Finally, we should ask for details on how the Executive and SFEFC plan to address the capital expenditure needs of further education in Scotland, given the Executive's apparent commitment to tackle that issue, as outlined in the Enterprise and Lifelong Learning Committee's report.

Is that enough, or do members wish to raise other points with the Scottish Executive and SFEFC? It is suggested that we also ask for the Executive's comments on the fact that the pattern of the distribution of money to address social inclusion issues appears to be heavily loaded in favour of urban areas and against rural areas.

Phil Gallie: Can reference be made to the fact that several colleges, certainly in the central belt and west of Scotland, seem to have extended their range of operations? For example, James Watt College in Greenock has set up a brand-new building in Kilwinning, which is in direct competition with further education provision in Kilmarnock and Ayr. We seem to be going against provision in a rural area, where, given the communication links, it is all the more important to have college sites available.

The Convener: As well as asking about the disparity in the allocation of social inclusion funding to urban and rural areas, are you suggesting that we ask the Executive to comment on the fact that college education seems to be expanding in urban areas and retracting in rural areas?

Phil Gallie: Yes.

The Convener: If there are no further points to be made to the Executive or the funding council, we will consider the role of Borders College. The college appears to be intent on pursuing centralisation at Galashiels, partly because it claims that it cannot afford both to repair the existing buildings, which are deteriorating, and to pay the on-going operating costs. The college also considers that a move will allow a more modern

and cost-effective approach to the delivery of further education in the Borders.

We can write to the college seeking its formal views on the issues that the petition raises, together with confirmation of its plans for the future of the Hawick campus and a likely time scale for implementation of any intended reduction in core provision. We can also ask the college whether it plans to sell or to retain and repair the existing buildings at Hawick and request the particulars of when it will receive details of the outcome of its European funding bid. We can ask the college for confirmation of the likely time scale for the development of the project that it has embarked on. Are there any other points that need to be made to the college?

Rhoda Grant: We should point out that the people of Hawick feel that the college building is theirs, and that, if Borders College will not continue to use it, the building should be returned to the community.

The Convener: We will ask the college to comment on the view that the building belongs to the community and not to the college. We will ask whether the college acknowledges that the building will have to be returned to the people of Hawick if the college does not intend to use it. We will also ask the college whether it has seriously considered the twin-campus approach that was suggested this morning.

Phil Gallie: Can the *Official Report* of this meeting be sent to Borders College? The petitioners' case was very well put and concerns have been expressed across the committee. It may well be worth while for the college to read the comments.

The Convener: That will delay the letter being sent, but we will certainly flag up the *Official Report* to Borders College. We should also send the *Official Report* to the Executive and the funding council, to draw their attention to the comments that have been made at this meeting and to ask them to take the views that have been expressed into consideration.

Helen Eadie: Phil Gallie mentioned transport. We are always asking health authorities to undertake a transport study when they are revising their plans. Can we ask Borders College what transportation study it has carried out in devising its plans and what consultation processes it has undertaken with the public about transport facilities? Euan Robson's constituency stretches for more than 100 miles, from Eyemouth down to Newcastleton. That is a massive area and a transport study would be essential before anyone arrived at any conclusions.

The Convener: We will ask the college what consultation and transport studies have been

carried out on the travel implications of proposals to concentrate the facilities on one site.

Dorothy-Grace Elder: Is it possible to add to Rhoda Grant's point about public ownership? Can we request the college to advise us of the terms of Mr Henderson's original benefaction? Sometimes such benefactions include a proviso that the site or building must always be used for educational purposes.

The Convener: We can ask for clarification of that issue. This letter is beginning to turn into "War and Peace".

I thank the petitioners for their attendance and for raising this important issue. We will keep you informed of the petition's progress.

Psychiatric Services (PE538)

The Convener: We will revert to the original order of the agenda and deal with the petitions from James A Mackie, who has now arrived.

James A Mackie: Thank you for allowing me to come in late. The traffic this morning was hellish so you might get a petition about transport into Edinburgh before long.

The Convener: No doubt.

Mr Mackie has submitted four petitions, but he has agreed that we should deal with them in two batches. We will deal with PE538 before addressing the three other petitions, which are associated.

Petition PE538 deals with the definition of autistic spectrum disorder. I invite you to make an opening statement, Mr Mackie. You have three minutes.

James Mackie: As you will be aware from reading my petitions, during my period of employment as a researcher for Nick Johnston MSP, I got involved in the case of a family who were having problems with psychiatric services. My work in that area has developed and I now regularly receive lengthy and distressful phone calls from parents of adult autistics.

Psychiatric services are the only services that have anything to do with adult autistics and people with other behavioural problems and the situation will not be helped by the Mental Health (Scotland) Bill, which contains only three definitions: mental illness, personality disorder, and learning disabilities.

Psychiatric services and medication deal purely with theory. There is nothing practical about them. I was in Westminster yesterday and was handed a Citizens Commission on Human Rights publication that spells out a lot of what I want to say. It quotes Professor Edward Shorter as saying:

"By 1900, psychiatry had reached a dead end. Its practitioners were concentrated for the most part in asylums, and asylums had become mainly warehouses in which any hope of therapy was illusory. Psychiatrists themselves had a rather poor reputation among their medical colleagues".

The document also says:

"From Johann Reil, who coined the word 'psychiatry' in 1808 to Sigmund Freud ... psychiatrists have tried in vain to emulate medicine. After 300 years of suppressing symptoms with pain and force, they have yet to define insanity, yet alone find a cause or cure."

As a layperson who has had experience in the past couple of years of helping families who have had problems with psychiatric services, I can say that the situation has not moved on from there. There is still no definite definition of autistic spectrum disorder and the only treatment that is considered by psychiatric services is the use of drugs that are brain debilitating and leave people with permanent physical disabilities, which we will deal with when we come to the other petitions. The terms that are used are vague and are likely to remain so after the enactment of the Mental Health (Scotland) Bill. I mean no disrespect to the committee but, the way that things are going, Mr Gallie might be classed as having a personality disorder because he is a Conservative and Dr Ewing might be said to have a mental illness because she wants home rule for Scotland. We may joke about it, but that is the direction that we are moving in.

The only professional guidance that is used is the fourth edition of a book called "Diagnostic and Statistical Manual of Mental Disorders"—DSM-IV—which is produced in America, although there is a UK version of it. However, more and more psychiatrists are coming out against the DSM-IV. I quote from the Citizens Commission on Human Rights publication:

"There are indeed many illusions about DSM and very strong needs among its developers to believe that their dreams of scientific excellence and utility have come true, that is, that its diagnostic criteria have bolstered the validity, reliability and accuracy of diagnosis used by mental health clinicians.' The 'bitter medicine' is that DSM has 'unsuccessfully attempted to medicalize too many human troubles.'"

In a nutshell, there must be a major overhaul and consideration of the definition of mental illness, personality disorder and learning disability.

11:45

My particular interest concerns autism. Depending on how the autistic person presents himself and to whom he presents himself, untrained personnel might class that person as having a mental illness, a personality disorder or a learning disability. Why should someone who is different in nature from other people suddenly be

classed as having a mental illness and dealt with by psychiatrists, when they do not have mental illness?

I envisage the problem getting far worse in the future, especially if we consider another condition, the so-called attention deficit disorder, which is the subject of another petition. If an individual is classed as having ADD as a child, once they reach 16 or 18, they are no longer a child and their condition is no longer called ADD. Suddenly, they will be classed as having a personality disorder.

More and more, we come across the category "untreatable personality disorder". Nobody can define what that is—it is purely theoretical. The drug companies are pushing that category and treating people with inappropriate psychiatric medication, which costs the national health service a fortune. It is spending money on expensive drugs that do not cure any of those so-called illnesses. The treatment is debilitating for the patient and puts a lot of stress on their families.

The Convener: Thank you, Mr Mackie. It is a brave man who accuses members of the committee of having personality disorders.

James Mackie: I only suggested it as a possibility.

The Convener: You said nothing about my belief in socialism and what that says about me.

James Mackie: I have learned not to fight the convener.

Phil Gallie: On that point, I say to Mr Mackie that I have visited Helen Eadie's constituency over the years. When I socialise there, I am told many worse things than that I have a personality disorder.

That worries me little, but what worries me about your petition is that it requests that yet another advisory committee be set up. The Parliament abounds with committees at all levels. What is the advantage of having reports from all those committees, such as the one that you recommend?

James Mackie: Psychiatric services have been left to their own devices—they are the cinderella of the health service. They are controlled by the psychiatrists, who are unaccountable to anyone else.

A number of families have challenged the psychiatrists' opinions and found that they could not get another psychiatrist in Scotland to stand up and query a colleague's decision. Under the current and forthcoming legislation, there is no right of appeal against decisions and treatment. I am asking that a group of individuals be set up to examine psychiatric services in Scotland and that members of the psychiatric profession be pushed to the side because they are part of the problem.

It is interesting that the Clinical Standards Board for Scotland recently produced reports on services for schizophrenia. Most of the reports that I have seen have been damning, but there seems to be no process for following up those results. The Public Health Institute for Scotland has also published a recent report on services for autism in Scotland. Again, it has shown up major deficiencies, but there is no mechanism for progress to be made. Therefore, I ask that a group be set up to consider and highlight the issues before returning to Parliament and the Executive so that steps can be taken to improve psychiatric services and people's health.

Phil Gallie: Ministers have responsibilities. The executive of the health service in Scotland has responsibilities. If they feel that psychiatrists are creating a closed shop that does not benefit clients and others, why should they not be able to determine whether there should be change and whether definitions should be provided, if, as you suggest, there is a gap?

James Mackie: There seems to be a fear of psychiatrists and psychiatric medication. If families challenge the system and make complaints, a number of things happen. Nine times out of 10, the family are pushed away, and their complaints are ignored or investigated by the health board or hospital authority that is responsible for their relative. In cases in which the patient is over 16, the family can be barred from visiting their relative. I was barred from visiting a patient by a psychiatrist, who would not tell me the grounds for barring me. I found out later that it was because an article had appeared in the local newspaper saying that the patient was in hospital and wanted to go home to stay with his parents for the summer. As I said earlier, psychiatry is a cinderella service. It is hidden and pushed away—no one wants to look at it.

The Mental Welfare Commission for Scotland has a responsibility to look after the welfare of patients in psychiatric services, but it always appears to take the side of the hospital. Not one of the families who have come to me for help in the past two years has been complimentary about the Mental Welfare Commission or has found that it has helped the patient.

Dorothy-Grace Elder: I congratulate you on developing this interest and for putting a lot of work into it from the time when you worked for Nick Johnston. I know how it happens—you develop an interest and then more and more cases of the same type come to you.

Someone remarked that people are always calling for the Executive to set up special investigations. Sometimes it is easier to get one of the Parliament's cross-party groups to get things moving. There is a cross-party group on mental

health and another that is involved with autistic spectrum disorder. Adam Ingram convenes the former group and Lloyd Quinan is the MSP who is most involved in the latter group. Would you consider letting one of those groups look at the situation?

James Mackie: I am a member of the cross-party group on autistic spectrum disorder and I have been invited to go along to the cross-party group on mental health. Over the past 18 months, the issues have been raised through the cross-party group on autistic spectrum disorder.

A number of charities are involved in those groups. In drawing up PE538 and PE452, I asked for the support of various groups. What emerged from doing so is that, although some of the charities support the petitions, they do not want to do so publicly in case of kickbacks against individuals. They are also worried about their funding.

I feel that the petitions are now beyond that point. What is needed now is professional help from those with legal expertise and others on the medical side.

Dorothy-Grace Elder: Thank you. You have answered the question. I did not know that you were so involved with one of the groups.

Dr Ewing: The petitioner mentioned that the legislation in the pipeline recognises only three categories, which are mental illness, personality disorder and learning disability. Should autism be recognised as a separate category?

James Mackie: Very much so. It is not a mental illness nor should learning disability come under mental health legislation. People who are born with, or who have, autism and learning disabilities regularly end up in psychiatric services, because psychiatric services are good at treating symptoms, but they refuse to examine the cause. If they understood the cause and the underlying problems, the individual would not have a psychiatric problem and would not need the heavy drugs that they receive.

Dr Ewing: Am I right in saying that it is only in recent times that the category of autistic people has been understood?

James Mackie: In the early 1940s, two doctors—Dr Kanner and Dr Asperger—identified two separate groups under the heading of autism. It was not until the early 1980s, when a Dr Lorna Wing in England translated the papers of Kanner and Asperger into English, that the problem became more understood. In recent years, there has been an explosion in the number of children who have been identified as having autism. Those children will become adults over the next 10 to 15 years.

The Medical Research Council's recent report said that one in 166 children has autism. I am not arguing about what causes autism. Autism exists—it is a specific problem. It is well known that autistic people have diet problems that aggravate their condition. Putting such people into a psychiatric ward and hammering them with neuroleptics does them no good; in fact, it causes far more harm. To return to the question, treatment for autism should be completely separate. Scotland needs to have specific facilities for autistic people.

The Convener: That seems to be the end of questions, for the moment. You will stay with us, because you have three further petitions, which we will deal with in a moment. You can listen to our discussion of what we should do in relation to PE538.

It is suggested that, because PE538 raises issues that are similar to those that PE452 raised, we should link our treatment of the petitions and should consider them in the context of the Executive response that we received on PE452. That response indicated that the Executive has already undertaken a significant amount of work on improving the diagnosis and treatment of autistic spectrum disorder. It has identified the need for improvements in joint working, training and research, although it is not yet in a position to confirm how those priorities will be delivered or what the time frame will be. The Executive will also commission an in-depth study to identify the number of people with ASD and learning difficulties in secure settings.

In the light of that response, we might wish to write to the Executive to seek its comments about two aspects. First, it is suggested that we request an indication of whether the Executive plans to establish clear guidelines to define the different aspects of ASD. That would allow the condition to be properly classified as a mental illness, learning disability or personality disorder. That recommendation is not quite right, as the petitioner is not asking for that. I would argue that the petitioner wants ASD to be classified as a condition that is distinct from a mental illness, learning disability or personality disorder, for the purposes of the Mental Health (Scotland) Bill. He does not want ASD to fall within those other categories. We should make that amendment to the suggestion.

Secondly, we could ask the Executive for confirmation of whether the information that will be gathered in its forthcoming study on the number of people with ASD and learning difficulties in secure settings will be based on the Executive's guidelines, if it has any such guidelines. We should also ask about how the information that will be gathered will be used to ensure that

appropriate services are provided to meet the demand. It is suggested that PE538 and PE452 could be reconsidered jointly, once we have received a further response from the Executive. Do members have any comments?

Dorothy-Grace Elder: I would like to clarify which grades of secure settings we are talking about, because the issue goes all the way to Carstairs.

The Convener: I imagine that all secure settings will be included in the study, not just one grade. We can ask for clarification of that point. We will pass a copy of PE538 to the clerk to the Health and Community Care Committee for information.

Psychiatric Drugs (Side Effects) (PE547)

Ritalin (Effects on Children) (PE548)

Clozapine (Safety Issues) (PE549)

The Convener: We will deal with petitions PE547, PE548 and PE549 together. They are similar; they all concern the implications of using medication as a means of treating various disorders. The routine is the same, Mr Mackie—you may introduce the petitions.

James Mackie: One of my petitions calls for an investigation into the side effects of psychiatric drugs and an assessment of alternative treatments.

From what I have seen, and from the complaints of parents and patients, the drugs that are used in psychiatric services basically perform chemical lobotomy. That is what they are there to do; to change the brain. From my studies, I learned that the lobotomy came about as a freak accident in the mid-1880s, when Phineas Gage was working on a railway squad in the USA laying a new railroad. He was packing black powder into a hole drilled in the rock when he fired the charge accidentally. A 3ft long metal rod penetrated his jaw and came up through the front of his brain. He survived for 11 or 12 years, but his personality was changed completely as a result. Medical lobotomy stems from that, and lobotomy is all that psychiatric drug treatment achieves.

12:00

It is well known that diet is the main problem of children who are autistic or have attention deficit disorder. For some reason, people who work in psychiatric services look at the brain on its own, as if there is no connection to the rest of the body. If they think that something has gone wrong with the brain, they hammer people with drugs. The drugs that they give are far worse than most of the street drugs that are available. They cause brain damage and leave the patient with permanent

physical disabilities, such as a bad walk or twisted bodies. Slavering from the mouth is not caused by the schizophrenia but by the drugs.

As far as I am concerned, one of the two worst drugs around at the moment is Clozapine, which is supposed to be a last-resort drug for those who are resistant to all the other neuroleptics. I know one patient who has been on nine different neuroleptics in the past five years. The common theme is that for the first four or five weeks of taking the neuroleptic, the individual fights, because the drug changes his brain pattern. From weeks six and seven through to the end of months three and four, the individual is heavily sedated as the drug takes effect. After months four and five, the patient comes to terms with the drug and stops fighting against it. In the meantime, they start to get the side effects from the drug, which include seizures or epileptic fits. They are then given drugs to counteract the side effects.

Clozapine, which was introduced in the 1970s, has caused lots of deaths worldwide. Finland was the first country to acknowledge those deaths and banned its use. It was reintroduced in the past five to 10 years on the condition that weekly blood samples are taken from the patients who are using it. Clozapine affects the blood in that it destroys white blood cells. If the monitoring service feels that the blood sample has not met the correct standard, it phones the psychiatrist to say, "Stop the drug." Suddenly a patient who has been on the drug for three months, six months or a year has their use of it stopped dead and they go on to cold turkey. Where the patient seems to become resistant to the neuroleptic the psychiatrist will stop one drug in the morning and put the patient on to another type of neuroleptic at night. For the next six to eight weeks the patient has sudden cold turkey and withdrawal symptoms from the drug that he was on while he is trying to cope with the effects of the new drug that has been thrown at him.

Ritalin is given to children for ADD. A lot of studies from the UK have shown that the problems with ADD are related to diet. The studies show that there is a major deficiency of omega 3 fish oils in the diet or a deficiency of other nutritional elements such as magnesium manganese. That point comes up all the time with charities and people who go for private medical tests on their children. However, the national health service throws Ritalin at children who are as young as two and a half. We know from evidence from the United States and the UK that Ritalin is worse than cocaine. A charity that is based in Edinburgh had 28,000 referrals last year alone from parents in the UK on the use of Ritalin.

Children are becoming addicted to Ritalin, which slows down their growth. In fact, if the drug is

given to children as young as two and a half or three years old, it slows down the growth of their brains and affects their mental ability. We know that older children who are addicted to the drug sometimes snort and inject it. The parents of children on Ritalin get extra benefits from the state because the condition is seen as a disability. A doctor can prescribe as much Ritalin as he wants; however, if a parent decides to take their child off Ritalin and go down the nutritional route, a doctor is not allowed to prescribe fish oil capsules. Such treatment would probably cost 30 to 50 pence a day, whereas Ritalin costs two or three pounds a day and permanently damages the child.

That is the gist. The petitions contain much more information for members to examine.

The Convener: They do indeed. Thank you very much.

Members will see that PE547, PE548 and PE549 are related. PE547 calls for inquiries into the side effects of psychiatric drugs on patients and the failure to pursue alternative treatments to those drugs. PE548 focuses on the use of the psychiatric drug Ritalin for attention deficit disorder. PE549 is concerned with Clozapine. We should take all three petitions together and ask general questions about them.

James Mackie: Before I answer the committee's questions, I would like to make one more point about the side effects of these drugs. I have brought along examples of the art that was done by a 16 or 17-year-old lad, just to show members the standard of the work that he did then. He was once told that his work would appear in the Tate gallery in London. However, in the past three and a half to four years, he has been prescribed nine different neuroleptics, along with combinations of antidepressants, serotonin reuptake inhibitors and drugs for epilepsy and Parkinson's disease. I also have examples of the daily work that he churns out now, which shows the result of psychiatric services for people with autism. In Scotland, a junior psychiatrist can overrule the diagnosis of professors of psychiatry who are world renowned for their work in autism.

The Convener: Okay. That was an effective demonstration.

Dr Ewing: Can we learn anything from other European Union countries? Does a country whose population not only takes fish oil but eats all kinds of fish all the time have fewer cases of autism? What about the Japanese? They eat a lot of fish.

James Mackie: I think that the Japanese have other problems. The sudden increase in cases of autism seems to be a western European and American phenomenon. Many different reasons are being advanced for that and all of them are right. However, whatever the causes of autism,

ADD or schizophrenia, the drug route is not the problem. Drugs are used to treat the symptoms but they make the situation far worse. They do not improve the patients; in fact, every patient I have seen gets worse over a period of time. It is well documented that the life expectancy of those patients is shortened. The problem is the cost of the psychiatric system's brutality to the individual and their family and the cost of treatment to the national health service, because the money that is wasted on those treatments could be spent elsewhere.

Dr Ewing: I have attended meetings with the families involved. Do they resist the prescription of drugs now that they have come together and realised that there are problems with the diagnosis?

James Mackie: Yes. The families have been fighting against the drugs for a long time. However, they have been totally ignored. In fact, not only the parents have been ignored. Under existing legislation, once an individual reaches 18, he is an adult and the parents have absolutely no input into his treatment. For example, in one case, the family was well aware that their son was different; however, it was not until he was into his 20s that he was privately diagnosed as autistic. The parents took the precaution of ensuring that they were given the power of attorney to look after their son and that they had to be consulted about his medication. However, they have been totally ignored.

In another case, the Court of Session appointed a Queen's counsel as tutor dative to look after the legal rights of the son of a family. When the QC phones to ask how the patient is, the ward staff refuse to speak to him and ask him who he is. When major changes to the patient's medication are made and significant problems arise, the psychiatrist and the ward staff refuse to phone or contact the QC. He is kept up to date only by my passing on information that I have received from the family. Such difficulties affect every family with whom I am involved. I receive phone calls from places as far apart as Orkney and Taunton. In every case, the situation is exactly the same. People who work in psychiatric services—specifically those who deal with autism—do not accept the possibility of alternative treatment. All they see is psychosis, which they hammer with drugs.

I have visited psychiatric units on a number of occasions. When visiting one patient regularly, I get to see others, who quietly get hold of me. When I chat with them they all tell the same story—regardless of whether they are diagnosed as schizophrenic or as having a personality disorder. They know that the drugs are killing them and want to get off them, but they cannot. The psychiatrists ignore them totally.

Earlier we talked about the charities and the cross-party groups. They are upset by the publicity that a certain drug company has gained by being seen to be working with the Executive on the Mental Health (Scotland) Bill. A one-day conference took place that was supposed to be a consultation conference, at which the Minister for Health and Community Care would listen to professionals and service users. However, of the 250 people present at the meeting only three were service users. The conference was sponsored by a drug company. Since then, *Holyrood* magazine has published an eight-page supplement—including quotes from MSPs—promoting a certain drug company that has a major involvement in the supply of neuroleptics and other drugs to psychiatric services. That is frightening.

Helen Eadie: I am interested in the background papers that we have received and in your comments about alternative therapies, including homeopathy. To your knowledge and in your experience, how has homeopathy been able to assist people?

James Mackie: Diet is the main issue and has been considered by the Scottish Association for Mental Health. Together with a commercial company, SAMH has examined the benefits of omega-3 fish oils for schizophrenics. It is well documented that all autistics have a leaky gut. They have major allergy problems with gluten and most of them are intolerant of lactose—dairy products. Because of those intolerances and allergies, the gut produces toxins that enter the blood, affect the brain and create psychosis-type symptoms. Straightforward liver conditions can create symptoms that resemble psychosis.

The 15-year old daughter of a friend of mine is diagnosed as dyslexic and dyspraxic and shows tremendous aggression. After listening to lectures and reading papers on diet, we put her on fish oil capsules. Rather than give her two capsules a day, we gave her eight a day for a fortnight. That produced a dramatic change for the better in her behaviour.

We have read papers on attention deficit hyperactivity disorder and spoken to the parents of adult autistics. Many of those patients have been ignored by the NHS, which has refused point-blank to carry out allergy tests on them. The patients' families have taken them to private clinicians, who have carried out the tests and changed the patients' diet. Within a week of altering their diet, patients' behaviour changes for the better. People who work in psychiatric services are interested only in drugs; as soon as parents speak to them about diet and try to introduce supplements, they are told that they are crazy.

The Convener: You said that you were not at all happy with the role of the Mental Welfare

Commission. There are proposals to take the handling of individual complaints away from the Mental Welfare Commission and give it to the new public sector ombudsman service. Would you welcome that?

James Mackie: Yes, given the way in which the Mental Welfare Commission is stacked up. The cross-party group on autistic spectrum disorder raised the problem that people who represent autistic groups were not given the opportunity to give oral evidence to the lead committee on the Mental Health (Scotland) Bill. I have still to come across a service user who has a good word to say about the way in which the Mental Welfare Commission operates.

12:15

Dorothy-Grace Elder: One of your petitions refers to some research work that is being done at Carstairs. Would you like us to write and ask for details?

James Mackie: The parents of adult autistics understand—it is occasionally referred to in psychiatric services—that a Dr Young at Carstairs is researching autism and the treatment of autism. We know that autistic adults have been sent to Carstairs under his care. As you will probably be aware, autistic adults have communication problems, irrespective of which end of the intelligence scale they are at, and they do not understand everything. We do not know under what powers that work is being done.

Dorothy-Grace Elder: Would you like us to write and ask this Dr Young?

James Mackie: It would be extremely useful to find out what the treatment is, under what powers it is being administered and whether the patients are willing.

Dorothy-Grace Elder: We should be asking how many autistic patients Carstairs has, for example. Some members of the Health and Community Care Committee recently visited Carstairs.

James Mackie: Because the treatment is carried out at Carstairs, the parents just do not have access. Once the patient is over 18, nobody can interfere on the patient's behalf. As the law stands—I cannot see it changing—if a psychiatrist says that a patient who is sectioned does not understand what is happening or does not have the ability to give permission, that individual has absolutely no legal rights. He could, in theory, apply for the section to be reviewed or appeal it, but if a psychiatrist says that he cannot understand what is going on, he cannot instruct a lawyer, so nobody can represent him. That is the big fear about those whom we believe are autistic

and subject to research at Carstairs. Who is responsible for their well-being and what input do their families have?

The Convener: The reference to Carstairs was in support of PE538, which we dealt with previously. We are already approaching the Executive to ask for details of those with autistic spectrum disorder in secure units, so we can also ask about the research that is being carried out at Carstairs.

James Mackie: As you will realise, I have a lot of the data here. I made similar representations yesterday at Westminster, so my head is still buzzing.

The Convener: Are there any further questions?

Dr Ewing: I have such a burning anger at the lack of human rights of some of the adults whom we are hearing about. They just have to submit to all the drugs, when there seems to be genuine doubt as to whether those drugs are harmful or curative. It would be tempting to invite some of those psychiatrists to come before us so that we can ask them those questions, but it would be difficult to decide which psychiatrists we should invite.

The Convener: We are not yet at the discussion stage. I asked whether members had further questions for the petitioner.

Dr Ewing: I am sorry. I thought that we had reached the discussion stage.

James Mackie: In a newspaper article in April this year, the UK's chief pharmacist was quoted as saying that 94 per cent of patients on neuroleptics receive no benefit from them.

The Convener: Thank you for your presentation, which was comprehensive.

We now turn to suggested action on the petitions. We have already agreed to treat the three petitions together. Winnie Ewing suggested that we could ask psychiatrists to come to the committee, but first we would have to get a formal response from the Executive.

It has been suggested that we ask the Executive for its views on all the issues raised in each petition, in particular on the safety and the alleged adverse effects of the use of psychiatric drugs in the treatment of patients with mental illness, personality disorders and learning difficulties. That includes the use of drugs such as Ritalin and Clozapine, which the petitioner argues are being used to treat children from the age of three who are diagnosed with attention deficit hyperactivity disorder and autism.

It is also suggested that we ask the Executive for its position on the use of alternative therapies such as arts and exercise programmes, self-help

support and homeopathic approaches in the treatment of psychiatric patients. We could also ask for comments on the petitioner's claim that hospitals and community homes often fail to address the dietary and nutritional requirements of their patients, despite the suggestion that nutritional deficiencies or imbalances can cause or aggravate many psychotic symptoms.

Finally, we could ask whether the Executive plans to conduct any investigations into the side-effects of psychiatric drugs and alternative treatments, the adverse side-effects of Ritalin and similar treatments in children suffering from attention deficit hyperactivity disorder and the use and safety of the drug Clozapine, as called for by the petitioner.

It is suggested that we agree to write to the Medicines Control Agency and the Committee on Safety of Medicines seeking their comments on the safety and use of psychiatric drugs, particularly Ritalin and Clozapine. We might also wish to pass a copy of the petition to the Health and Community Care Committee for information only at this stage.

Is any other action needed?

Dr Ewing: The suggestion that we should write to the MCA is welcome. I have listened and it strikes me that there is a human rights issue if there is genuine doubt about the curative or harmful effects of drugs that are more or less forcibly administered to adults who have no rights, even in cases in which the court has attempted to employ a protector such as a tutor dative. The situation is alarming, but perhaps it is too early to get worried at this point.

The Convener: To be fair, the Mental Health (Scotland) Bill, which is being dealt with by the Health and Community Care Committee, is concerned with compulsion and how the law can be amended to protect people's rights. The Health and Community Care Committee is examining the issues that you raise and is taking evidence from a wide range of groups, including lawyers. Indeed, sheriffs gave evidence at a recent meeting of the committee.

Helen Eadie: I am interested to hear that 94 per cent of patients who are treated do not respond to the treatment. If that is the case, we must ask about the cost of the treatment. If the money could be used in a different way—to give homeopathic treatment or whatever—that would be helpful.

The Convener: We could ask the Executive about the cost of psychiatric drugs to the national health service every year and whether it has carried out research into the effectiveness of the use of psychiatric drugs.

Phil Gallie: The drugs that we are talking about have been cleared for use in the UK.

Dr Ewing: So was Thalidomide.

Phil Gallie: Exactly. My point is that I would not want to give the bodies that cleared the drugs a get-out clause that would allow them to say that the drugs went through a safety process. Mr Mackie is concerned about the way in which the drugs are used. The situation for Clozapine might be different, because, as we were told, it has been banned in Finland.

We should ask the Executive about how the drugs are used, as that is the main question.

The Convener: We have said that we will ask the Executive, the Medicines Control Agency and the Committee on Safety of Medicines in detail about the use of the drugs in the NHS and the reasons why they are used.

Phil Gallie: That is fine.

Dr Ewing: If the Health and Community Care Committee is considering the issue of compulsion, could we write to it to say that we have expressed concern about the facts that we have heard today?

The Convener: Yes. We will pass the petitions to the Health and Community Care Committee and draw the attention of its members to the fact that we are pursuing the matter with the Executive.

Dorothy-Grace Elder: We did not agree to invite the doctors, did we?

The Convener: No. We are getting a response from the Executive before we agree anything. In any case, it might be for the Health and Community Care Committee to consider the matter rather than us.

Do we agree to follow the action that has been outlined?

Members *indicated agreement.*

Title Deeds (PE566)

The Convener: The last of the new petitions before the committee today is PE566 from Mr James Duff, calling on the Parliament to take the necessary steps to set up an independent body to ensure that any title deeds of land or property acquired by anyone through the Scottish judicial system process without the owner's permission be safeguarded within that system.

This is the sixth petition that Mr Duff has submitted to the committee following a lengthy dispute over the handling of the sequestration of his firm and estate by various sections of the legal profession from 1984 onwards. Members will recall that we have considered five earlier petitions in connection with that sequestration in relation to complaints against solicitors, the police, judicial appointments and the alleged failure of current bankruptcy procedures.

Mr Duff has written to us in support of PE566, indicating that he will "go public" if the Executive blocks the petition

"in support of the legal profession and accountant in Bankruptcy."

His letter was made available to all members and I hope that they have all read it.

We must consider whether there would be any merit in taking any further action on the petition. Although the petition raises a different issue from the issues raised in the previous petitions, it would appear that the petitioner's key aim is to prove that the courts and the legal profession at all levels acted in a conspiratorial and fraudulent way during his bankruptcy and sequestration. That is an area in which the Parliament simply cannot become involved.

A response from the Executive is unlikely to support the creation of an independent body, as proposed by the petitioner, solely on the basis of the alleged problems associated with his individual case. I also remind the committee that the bankruptcy laws have been changed since the petitioner's experiences and the Executive intends to consult on proposals to modernise further the personal bankruptcy laws with a view to proposing legislation when time can be found in the legislative programme. The Parliament will consider that legislation in due course and it is unlikely that the justice committees would wish to conduct a separate inquiry in advance of that.

Before we attract criticism from any source, I make it clear that the Public Petitions Committee would never want to be obstructive in considering the concerns of petitioners. We are here to encourage and facilitate participation by the public in the work of the Parliament, and to ensure that their concerns are addressed where appropriate. However, we must ensure that petitions have genuine merit and are clearly in the public interest before recommending that they be considered further. There is no question of the Public Petitions Committee blocking Mr Duff's petitions, nor does there appear to be any evidence that the information provided by the Executive is anything other than reasonable.

There is also nothing to back up Mr Duff's assertion that the views of the Executive or of the Public Petitions Committee are influenced by some sort of conspiracy of members of the legal profession. The bottom line is that if individuals are of the view that the statutory procedures in the court system are not complied with in their cases, procedures exist for them to have their concerns addressed through that system.

The Parliament is not a court of appeal. If petitioners have concerns about the action taken by a member of the legal profession on their

behalf, those concerns can be raised through the complaints system that exists for that purpose. The regulation of the legal profession is already the subject of a major inquiry by the Justice 1 Committee.

On that basis, I suggest that we agree to write to the petitioner and recommend that he raises any concerns about his experience of the handling of sequestrations in the courts or by the legal profession in the context of the Executive's forthcoming consultation exercise on the modernisation of bankruptcy legislation. We could also ask the Executive to ensure that Mr Duff is included on the list of consultees for that exercise. We could also agree to indicate to the petitioner that any further petitions that he might submit that are clearly linked to his efforts to have his concerns about the handling of his sequestration addressed are likely to be responded to in the same way.

Are we agreed?

Dr Ewing: Agreed.

Phil Gallie: It might be agreed, but we should make some comment of sympathy for Mr Duff. My reading of everything from Mr Duff suggests that, if we go back far enough, he has been the victim of injustice. Once again, I do not see that there is anything that the Public Petitions Committee can do about it and, on that basis, I agree to the recommendations, but I think that Mr Duff got a heck of a raw deal.

Dorothy-Grace Elder: I second that.

The Convener: Are we agreed?

Members *indicated agreement.*

Current Petitions

Social Services Policies (PE432)

12:30

The Convener: The first current petition is PE432 from William McCormack, on the subject of independent appeals and review panels. The petition was prompted by his concerns about Dumfries and Galloway Council's charging policy for the provision of non-residential community care. The petitioner calls on the Parliament to recommend to local authorities that review panels or independent appeals panels should be empowered to alter or change faulty social services policies and not simply to make recommendations back to the committees that originally authorised the faulty or illegal policy.

We considered the petition on 18 December 2001 and asked for the views of the Scottish Executive and Dumfries and Galloway Council. The Scottish Executive response arrived rapidly—I think that it was in March—but we did not receive Dumfries and Galloway Council's response until more recently. The council has provided comprehensive details of the background to its complaints system and the Executive has provided information on a number of initiatives that, it hopes, will improve the system for complaints about local authority social work functions.

The Executive has identified three initiatives. First, it has pointed out its process of advising local authorities that complaints review committees should consist of three independent members, whereas the previous requirement was for one. Secondly, the Executive has stated that it proposes to review complaints procedures. Thirdly, the Executive has stated that the work that the Convention of Scottish Local Authorities is carrying out on inconsistencies in charging for non-residential care by local authorities will also be pursued.

Given the time that has passed since the Executive's response was prepared in March 2002, it is suggested that we write to the Executive to ask for details of any progress on those initiatives before we decide what to do with the petition. At this stage, we should simply send a copy of the responses from the Executive and Dumfries and Galloway Council to the petitioner and wait until we receive a further response from the Executive. Are those suggestions agreed to?

Members *indicated agreement.*

Criminal Memoirs (Publication for Profit) (PE504)

The Convener: The next petition is from Mr James Watson, on convicted murderers who profit

from their crimes by publishing and selling accounts of those crimes. We considered the petition on 6 June and 24 September, when we agreed to seek clarification from the Executive. We have received the response from the Executive, details of which are given in the briefing that members have. One point to highlight is that the Executive does not agree that it should take action on the criminal memoirs issue in advance of the completion of the work that is being done on the matter by the Home Office.

I have received a further letter, in which Mrs Watson provides details of the publication of criminal memoirs by the person who was convicted of murdering her daughter. Mrs Watson makes it clear that the petition's intention is not to deny convicted murderers the right to free speech, but to stop them from profiting from selling accounts of their crimes. The petitioners request a means by which false or misleading statements in such material can be challenged. Mrs Watson states that victims' families want the same rights in law as convicted murderers and their families have.

The Executive remains of the view that it does not make sense to take action in Scotland before the Home Office has completed its work. We have a number of alternatives. We can take the view that the Executive's response is reasonable and take no further action until the Home Office completes its work. Alternatively, we could take the view that there is merit in the Parliament investigating the matter further and refer the petition to one of the justice committees. We could also write to the Home Office to ask what the situation is. It is certainly the committee's view that action should be taken in Scotland.

Phil Gallie: I want to pass the matter to one of the justice committees. According to the clerk's note on the petition, the Executive has said that visits from journalists to prisoners to talk about their crimes are not permitted, but the letter to the convener demonstrates that such a visit happened and that a distressing article was produced thereafter. The committee is limited in that it cannot follow up such issues, but I would like to query the Executive on why that visit was allowed.

The Convener: My fear in passing the matter to one of the justice committees is that, because of their busy agendas, the matter will not get immediate attention. I suggest that we write to the Executive and highlight the inconsistencies between its reply and the letter from the petitioners. I also suggest that we write to the Home Office to ask when it will complete its work. We cannot complete our work until we know what the Home Office is doing.

Dr Ewing: As Phil Gallie said, despite the assurances that prisoners cannot do certain things

when they are in prison or out on licence, we have information about a case in which such things happened. According to the Executive, prison governors are given a lot of jurisdiction over what is allowed in prisons, such as phone calls and so on.

Could we not write to the head of the Scottish Prison Service, saying that, despite the assurances that we have been given about the law, it seems that the law is not always enforced in prisons?

The Convener: There is a problem because we are talking about two different units. The first is the Kerelaw secure unit, which does not come under the jurisdiction of the Scottish Prison Service—it is secure accommodation. The second is Cornton Vale prison, which is run by the SPS. I suggest that we ask the Executive to ask the governor or whoever is in charge of the Kerelaw unit and the governor of Cornton Vale to comment on the fact that journalists were allowed to interview prisoners. We must ask them why that was allowed on both occasions.

Dr Ewing: We could also ask the Home Office when it will address the matter.

Dorothy-Grace Elder: The more recent letter from Mrs Watson makes an excellent suggestion, which is cited in Steve Farrell's note under the heading "Petitioner's letter". She does not want convicted murderers to be denied the right to free speech, but she also does not want them to profit from selling their accounts. She also wants to stop them from making inaccurate statements, and she requests a means by which victims' relatives can challenge false or misleading statements in such material.

Such statements are as devastatingly wounding to the families as the fact that the criminal may make some money out of the interview. It is a supreme injustice that someone who has murdered another human being is allowed to defame and libel them and make inaccurate statements. In some cases in England, the whole case has been turned against the victim by the murderer. Mrs Watson's request is terribly reasonable. Could that please be highlighted in the correspondence?

The Convener: I suggest that we copy Mrs Watson's letter to the Home Office and the Executive, asking them to respond to that point.

Dorothy-Grace Elder: If they knew that there would be some comeback, it would also stop the manipulative murderer who adores being interviewed by the press and the press going too far in what they say. Newspaper stories are vetted all the time in advance of their publication—even simple, movie star stories and that sort of nonsense.

The Convener: We will agree to raise the matter with the Home Office and the Executive.

Dr Ewing: The family of a victim of homicide should also have the right to receive a transcript of the trial without incurring enormous cost.

The Convener: I am not sure that that issue is part of our recent correspondence.

Dr Ewing: It is mentioned in the recent letter. It is expensive to get a transcript of a trial.

The Convener: We can ask the Executive and the Home Office to respond to that point and tell us why people are not given copies of the transcript of the trial.

Dr Ewing: It is not such a bother to make an extra copy. We know that dozens of copies are made anyway.

The Convener: Is that course of action agreed?

Members indicated agreement.

Unadopted Roads (PE507)

Adoption of Roads and Footpaths (PE563)

The Convener: We will now consider two petitions. The first is PE507, from Mr Dan McRae, on behalf of the Menzieshill action group, asking for a review of the current system for the adoption of roads and pavements by local authorities. The other petition is PE563, from Miss E J Stanley, on the maintenance of unadopted roads and footpaths, especially in Aberdeenshire. We have received a response from the Scottish Executive on the first of those petitions, giving the legal position and the policies that are pursued by COSLA in relation to unadopted roads. We have not yet received a response to PE563, but we agreed to link it with PE507 and to consider them together.

Legally, it is a matter for each council to decide what priority to give to the maintenance and improvement of local roads and to allocate resources accordingly. However, councils deal with the issue that is raised in PE507 in different ways. Some have chosen to harmonise the maintenance of all roads and footpaths that are in the ownership of the council, with the work being carried out by one council department. That results in all those areas being treated as adopted for maintenance purposes, including winter maintenance. In other areas, that has not happened and the responsibility continues to be divided between the housing department and the roads and transportation department, leading to the problems that the authors of PE507 have identified.

It is suggested that the harmonisation of the maintenance of all council-owned roads, whether

adopted or not, seems to be a reasonable way of providing a more effective service. At the very least, more effective corporate working appears to be a basic requirement.

Although there is no case for a review of the procedures for the adoption of roads and pavements as requested by the petitioners, there may be a case for the Executive to issue good practice guidelines to councils. Therefore, the committee may wish to consider suggesting to the Executive and to COSLA that such guidance should be produced. The responses submitted to the committee could be used as a starting point for the production of such material.

The issues raised in PE563 are related to those in PE507. The position in relation to local authority responsibility for the maintenance of roads and footpaths is made clear in the responses to PE507. However, the specific difficulties of frequent landslips and ground erosion highlighted in PE563 do seem to go beyond the more general road maintenance issue in the other petition. Therefore it is suggested that the committee writes to the Executive to provide additional comments on that particular petition. Is that course of action agreed for both petitions?

Members indicated agreement.

Scottish Airports (Access to Public Roads) (PE528)

The Convener: This petition is from McRoberts Solicitors on behalf of Glasgow Airport Parking Association Ltd. Committee members will recall that the petitioners are concerned about the exclusive agreement entered into by Glasgow Airport Ltd and NCP Flightpath, which is working to the disadvantage of the association's members.

The committee has received a response from the Scottish Executive, which is still awaiting responses from BAA on several points relating to the petition and so cannot respond in any meaningful way. It is suggested that the committee agrees to defer consideration of the petition until it receives the further response from the Executive. Is that agreed?

Members indicated agreement.

Mental Welfare (Complaints Procedure) (PE537)

The Convener: The last current petition is from Alexander Mitchell, on the handling of complaints regarding mental welfare, especially those concerning the Mental Welfare Commission. Again, we cannot become involved in the individual case to which the petitioner refers.

The new Scottish public services ombudsman, Alice Brown, has just taken up her post. The

committee could agree to write to her requesting an indication of whether she intends to review the complaints-handling procedures that she has inherited from the health ombudsman and the Mental Welfare Commission.

Before we do that, it is suggested that we agree to seek the views of voluntary bodies that may be able to advise the committee whether there are wider concerns about the way complaints relating to mental health care are handled. It is suggested that the committee consults the Scottish Consumer Council, the Scottish Association of Health Councils, the Advocacy Alliance and the Advocacy Safeguards Alliance about any approach that we decide to make to the new ombudsman. Is that agreed?

Members *indicated agreement.*

Organic Waste Disposal (PE327)

The Convener: This petition is one for Dorothy-Grace Elder. It is from the Blairingone and Saline Action Group on the current practice of spreading sewage, sludge and other non-agriculturally derived waste on land in Scotland.

The petition was discussed briefly at the last committee meeting. George Reid has now suggested that Dorothy-Grace Elder should conduct an inquiry into the health aspects of the case, as the Health and Community Care Committee is unable to do so. I understand that Dorothy-Grace Elder is prepared, in principle, to do that.

The clerk has established that there is no opposition from either the Health and Community Care Committee or the Transport and the Environment Committee to that proposal. However, before we decide whether we should proceed as suggested by George Reid, there are several points to consider.

First, the Scottish Executive has acknowledged that the practice of spreading sludge should be better regulated and has proposed that strict biological standards should be introduced. The Executive has just issued a consultation paper on that.

Secondly, it is hoped that the type of operation that prompted the petition will be a thing of the past. Therefore, the principal objective of the petition appears to be fully met.

Thirdly, we need to consider whether conducting an inquiry into the specific health issues related to the petition will provide any added value. It appears that, regardless of whether the specific activities that prompted the petition affected the health of local people, any potential health risk will, in the future, be reduced by the new standards.

Those points were for debate and discussion; they are not suggestions for action. Do members think that it is worth while to appoint Dorothy to undertake the inquiry suggested by George Reid, or will no value be added from it?

Dorothy-Grace Elder: What does George Reid, who has done an enormous amount of work, think? What do the people of Saline and Blairingone think?

The Convener: George Reid is pressing for a Health and Community Care Committee inquiry.

Dorothy-Grace Elder: So he is aware of the consultation and everything and has said to press on.

The Convener: George Reid obviously wants an inquiry. We do not know whether the petitioners want an inquiry, but I assume that they do. We could write to the petitioners to confirm that.

Dorothy-Grace Elder: I am not sure that the Executive's proposals will adequately cover all the problems. We are not certain, and while I think that many things are not provable, it would be interesting to get evidence of what happened.

The Convener: If Dorothy-Grace Elder is willing to go ahead with an inquiry on behalf of the committee, we would be quite happy for her to do that.

Dorothy-Grace Elder: An inquiry would be quite a lot of work, as I am sure the convener will appreciate. I am still working away in the three constituencies. Doing such an inquiry is not something to be entered into lightly—rather like marriage. If George Reid wishes it done, I will do it.

The Convener: Are members happy with that?

Helen Eadie: Dorothy-Grace Elder said she had three constituencies. I thought she had eight, but there we go. Realistically, will she be able to achieve something at the end of the inquiry? It would be a mistake to raise people's expectations.

Dorothy-Grace Elder: That is a danger.

12:45

Helen Eadie: The question is one of balance. The proposed standards may help to improve the situation, and everybody's time is tight between now and May. The matter is entirely up to Dorothy-Grace Elder and I would not oppose her going ahead, but she has eight constituencies to represent.

Dorothy-Grace Elder: Tell me about it. I have three constituencies in particular in the east end of Glasgow but, of course, the Scotland Act 1998 means that I get folk from all over Glasgow.

The Convener: Would it be helpful if we wrote to the Executive to ask whether it would be prepared to conduct a study into the health implications as part of its consultation study? If it is not prepared to do that, Dorothy-Grace Elder could do so in any case.

Dorothy-Grace Elder: Asking the Executive about that would be helpful. Has it given any indication of when it might produce its study?

The Convener: The consultation paper has been issued. The matter is out for consultation.

Helen Eadie: If we followed the convener's suggestion, that would give Dorothy-Grace Elder time to check out what George Reid and other colleagues feel might be gained by pressing on with the study. None of us wants to stand in the way or block any action. We want to be helpful, but the question is what effect an inquiry would have.

Dorothy-Grace Elder: A door-to-door job is what is required. At the least, a questionnaire would need to be issued to the around 400 houses in the village.

The Convener: Will you contact the petitioners?

Dorothy-Grace Elder: Yes. Mr Hope is the main petitioner.

The Convener: George Reid is also one of the main petitioners. Will you report back to the committee on their views?

Dorothy-Grace Elder: I will ask them what they honestly think and whether we should include the committee's request that a health investigation be done alongside the rest of the Executive's work.

The Convener: It is suggested that you could contact the petitioners to ask whether they would prefer that you were appointed as a reporter to carry out an inquiry on the committee's behalf, or whether they would rather submit the health evidence to the Scottish Executive so that the evidence could be included in the Executive's consultation. You could then report back on the petitioners' views at the committee's next meeting.

Dorothy-Grace Elder: Another option that occurs to me is that I could work with the people who are doing the Executive work. Given the option, of course the petitioners will say that they want yet another survey and that they want me to do it independently. However, there is a danger of lines being crossed.

The Convener: You could liaise with the petitioners. There are all kinds of possibilities, but we do not know the petitioners' views. Will you discuss the matter with George Reid and the other petitioners, keep the clerks informed and report back to us at our next meeting?

Dorothy-Grace Elder: I will do. That is fair.

Convener's Report

The Convener: The final item on the agenda is to remind members that they have been issued with the Scottish Civic Forum's report, because we intend to respond to it. The report makes a number of recommendations about the future conduct of the Public Petitions Committee. I ask members to read the report and be prepared to make suggestions about our response when a paper on the matter comes before us.

Phil Gallie: I think that we will accept a large proportion of the report's recommendations, which are fairly complimentary. The report goes along the lines that we determined before, particularly after our visit to the Bundesrat.

Dorothy-Grace Elder: What are we talking about?

The Convener: We are talking about the Scottish Civic Forum's report. I ask members to take it away and have a look at it, as we will return to the subject at a future meeting.

Meeting closed at 12:48.

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