PUBLIC PETITIONS COMMITTEE

Wednesday 17 March 2004
(*Morning*)

Session 2

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PUBLIC PETITIONS COMMITTEE

5th Meeting 2004, Session 2

CONVENER

*Michael McMahon (Hamilton North and Bellshill) (Lab)

DEPUTY CONVENER

*John Scott (Ayr) (Con)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)
*Helen Eadie (Dunfermline East) (Lab)
*Linda Fabiani (Central Scotland) (SNP)
Carolyn Leckie (Central Scotland) (SSP)
*John Farquhar Munro (Ross, Skye and Inverness West) (LD)
*Mike Watson (Glasgow Cathcart) (Lab)
Ms Sandra White (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Frances Curran (West of Scotland) (SSP)
Susan Deacon (Edinburgh East and Musselburgh) (Lab)
Phil Gallie (South of Scotland) (Con)
Rob Gibson (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Lorraine Dilworth
Christine Grahame (South of Scotland) (SNP)
Hugh Humphries
Alexander Izett
Steven Law
Mary Scanlon (Highlands and Islands) (Con)

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Joanne Clinton

LOCATION

The Chamber

Scottish Parliament

Public Petitions Committee

Wednesday 17 March 2004

(*Morning*)

[THE CONVENER *opened the meeting at 10:02*]

New Petitions

Gulf War Syndrome (PE709)

The Convener (Michael McMahon): Good morning everyone, and welcome to the fifth meeting in 2004 of the Public Petitions Committee. We have received apologies from Sandra White and Carolyn Leckie.

The first new petition is PE709. The petitioner, Alexander Izett, calls on the Scottish Parliament to initiate an inquiry into the health and other devolved aspects of gulf war syndrome. Alexander Izett is present to give evidence in support of his petition.

I welcome Mr Izett to the committee. You have three minutes to make your introductory remarks, after which members will ask questions.

Alexander Izett: I thank the Scottish Parliament for letting me come to the committee today. As members know, the gulf war took place in 1990-91. Many British forces were vaccinated with different inoculations—sometimes up to 10 in one day—which was not just morally but medically wrong. I received nine inoculations in one day, including anthrax, pertussis and plague.

As members might know, the anthrax inoculation has neither been released for use on humans nor has it received a licence in the United Kingdom. The pertussis vaccine, which was given to troops as an adjuvant, should not have been given to them in the way that it was. Furthermore, although the Ministry of Defence received a warning that it was unsafe to give those inoculations in such numbers and in the way that they were given, it ignored the fact and carried on with the inoculations. That meant that many gulf war veterans, including myself, became ill. I was never deployed to the gulf area although I had received all the inoculations in preparation for deployment. Two days before my planned deployment, the war finished and I was not sent.

Since 1993, my health has gone seriously downhill. The same has happened to many veterans in Scotland, England and the United States of America. Even after I won the tribunal, the Government continues to deny that the inoculations that I received, which the MOD classed as secret at the time, caused my auto-immune-induced osteoporosis, depression and other illnesses. The MOD will still not accept the facts of my case. I am more than disgusted with the way in which the matter has been handled. I hope that the Scottish Parliament will back my petition and try to look into the issue.

I live in Germany now. Given the treatment in the UK for gulf veterans, I cannot and will not return to live in Scotland. I would not get the medical treatment that I require at present. The treatment that I am getting in Germany is being paid for by the German authorities. That should not have to happen, because the illnesses that I suffer were caused by the Ministry of Defence and, as my employer, it should be forced to pay for any medical treatment that I need.

The war pensions scheme, under which the British Government pays a pension to people who have been injured in a war or during military service, should be reviewed. People like me are living on £61.50 a week. We are incapacitated and have no other means of income. It is likely that we will never work again.

I do not know whether members of the Scottish Parliament know that more than 750 veterans have died since the end of the first gulf war. Many of them committed suicide because they felt that neither their cause nor the health issues that they suffered were taken seriously. It is a disturbing fact that 750 people have died in the space of 13 years. I find it upsetting to see the way in which the British Government has treated its soldiers—the brave men, who at one time would have given their lives for their countries, have been swept under the carpet.

The Convener: Thank you very much for your presentation, Mr Izett.

Linda Fabiani (Central Scotland) (SNP): I have a couple of questions. Although I have read newspaper articles and so forth, I am not up on the issue. I am interested in a lot of what you have said. The figure that you quoted in your last statement for the number of men who have died is horrific. How many of the veterans who have been affected in the way that you describe and who continue to suffer from the syndrome are Scottish? You mentioned that you are now living in Germany and spoke about the health care that you are receiving there. How do other countries deal with the issue? Have any other countries accepted gulf war syndrome? If so, how is it being dealt with in those countries?

Alexander Izett: I am sure that members will have heard about the National Gulf Veterans and Families Association. We have more than 6,000 members, of whom at least 2,000 are Scottish. The problem is that a lot of serving servicemen will not come forward. They are scared that their career will be damaged if they do so. Many people are also too proud to come forward. They feel that they have served their Queen and country and that the Government would not do the things that we have written proof that it did. That is why I decided to petition the Scottish Parliament. I hope that, if people become more aware of what happened to them, more of them will come forward.

There has been recognition of gulf war syndrome. Mr Shaun Rusling, who unfortunately has not turned up this morning, took his case, which the MOD had challenged, to the High Court in London and won. Gulf war syndrome exists. All the British medical journals recognise the syndrome, but despite all that, the Ministry of Defence continues to insist that we are not suffering from an illness and that the syndrome does not exist.

Things are probably run better in Germany than they are here in Britain because the medical treatment is not done through the national health service. Although people do not take out private medical insurance, there is a choice about where to go—you can take your pick.

Linda Fabiani: How have other countries that were involved in the first gulf war—albeit in a smaller way than the United Kingdom and America—dealt with claims of gulf war syndrome?

Alexander Izett: As far as I know, Denmark has accepted that gulf war syndrome exists and has made some pay-outs. The French troops that went to the gulf did not receive the inoculations and they are showing practically no symptoms of gulf war syndrome; the only troops that have been affected are those that were attached to the British and American forces, which received the inoculations. A staggering number of non-deployed veterans who had the inoculations and who are ill are coming forward.

Jackie Baillie (Dumbarton) (Lab): You have asked us to initiate an inquiry into the health aspects of gulf war syndrome and the other devolved matters that it raises. I will press you to be slightly more specific, because a number of the issues that you have raised really concern reserved matters. You have also mentioned issues to do with the courts and have talked about successfully prosecuting your case through the courts. In both those areas, we have no locus. Will you home in on what specifically you want the Scottish Parliament to do?

Alexander Izett: If possible, I would like the Scottish Parliament to look into the health aspects of the gulf veterans' situation so that they get the priority treatment that they desperately need. Many families have been affected. For example, 80 per cent of our members are no longer in the same relationship as they were in at the time of the gulf war. They cannot hold on to relationships, they are depressed and they are committing suicide. A large number of veterans are committing suicide because they do not feel that they are being taken seriously or are getting proper health treatment. They just cannot take the pain or the emotion any more. I would like the health aspects to be made a priority so that people get proper medical treatment and their illness is taken seriously.

Jackie Baillie: That is helpful.

Helen Eadie (Dunfermline East) (Lab): Good morning. I have quite of bit of experience of dealing with the issue—I have a file that is about 6in or 8in thick. Have the Westminster Parliament and the American Government held inquiries on gulf war syndrome? Have you had access to the special health facility that the Ministry of Defence set up for all gulf war veterans, which I believe is based in Bristol?

Alexander Izett: The only thing that I know the Ministry of Defence set up is the gulf veterans' illnesses unit, which is in London. I went to an appointment at the GVIU, at which I was seen by Professor Lee. He turned round and said blatantly that it was all in my head and that there was nothing wrong with me. That is the way in which the Government treats the health aspects—it does not care. It has told so many veterans that there is nothing wrong with them and that they cannot prove clinically that they are ill. The Ministry of Defence just will not accept that they are ill. It is not prepared to investigate matters and to treat the veterans who have been affected.

Helen Eadie: All reports of the Westminster Parliament and the Scottish Parliament are highly accessible on the internet. There has been a major inquiry at Westminster. Have you read the relevant report, which covers health and all the other aspects, such as benefits?

Alexander Izett: No, I have not, but I know which report you are talking about and I have read parts of it. Veterans must apply for war pensions—they do not get them automatically. They have to go through the Ministry of Defence to get them and they are put through such a fight, even though they are very ill.

It took me five years to get my 50 per cent war pension. I ended up going through a tribunal, which I won. The tribunal said that my illnesses were definitely caused by the inoculations for anthrax and pertussis. That was also backed up by a lieutenant colonel who served in the Royal Army medical corps, who the Ministry of Defence tried to make a laughing stock of by saying that he was only a psychiatrist. The Ministry of Defence and Parliament are not taking the matter seriously.

I have written on more than one occasion to the right honourable Geoff Hoon and my questions have been ignored.

Mike Watson (Glasgow Cathcart) (Lab): I have a question for Mr Izett that follows up on his final point. The clinical director of psychiatry of the British forces health service in Germany presented a paper, presumably after examining you, and his view was taken into account, which is why you received the 50 per cent pension. Am I right in thinking that you had applied for a pension before but had not been granted one?

10:15

Alexander Izett: Yes.

Mike Watson: It was only because of that report that you received the 50 per cent pension.

Alexander Izett: Correct.

Mike Watson: As I understand it, the war pensions agency is an executive agency of the UK Government. At least you have had some recognition that, even if it is not gulf war syndrome, what happened to you in preparation for the gulf war had some effect. I link that with a point that you made in your submission. I hope that I am quoting you correctly. You talked about

> "what the Government has done"

and you said that you had written proof. I understood that there had never been independent medical proof of a link. How are you able to say that there is written proof? Can you point to what it is, if it is not just this report from the psychiatrist?

Alexander Izett: Studies have been done by Dr Asa in America. She did a study on a substance called squalene, which should not be and has never been released for use in inoculations.

You will perhaps remember when vials of anthrax were washed up on a beach down south—I think it was last year sometime. Granada TV got a hold of them, tested them and found squalene in them. Granada TV then asked Dr Moonie to give a statement and he said that although the vials of anthrax were tested at a Government laboratory, there was no such substance as squalene in them. Squalene is known to cause auto-immune problems—which means that the body attacks its own tissues such as the bones, nerves, heart and kidneys—which are the problems that gulf war veterans seem to have.

Mike Watson: You are saying that there is proof but the Ministry of Defence is not accepting it.

Alexander Izett: Yes.

Mike Watson: The report on the BBC website said that you had been given inoculations but you were not given information on them and they were classified as secret. Therefore, as I understand it, as a former serviceman, you have been denied access to the records that show what was administered to you during the time that you served. Is that information being withheld under the Official Secrets Act 1989?

Alexander Izett: Yes. The records have not been declassified. The MOD admitted that proper record keeping was not done. It did not have enough time to note the inoculations on our records so they are not there. That is the MOD's excuse, and 72 per cent of medical records of troops who served in the gulf war in 1991 were lost.

Mike Watson: That concerns me greatly. How can you get treatment from a hospital or doctor if you cannot tell them exactly what you have been inoculated with? How could they formulate a response, other than by responding to your symptoms? You have no way of knowing or telling medical people what you have had.

Alexander Izett: No. A doctor or hospital can only treat the symptoms from which I am suffering. No one knows what was in the inoculations. Even the Ministry of Defence has said that it does not know. It cannot say what each individual was given and when because the record keeping was so bad. I have that admission in writing.

Mike Watson: I have one final point. You mentioned that you live in Germany and that you are receiving treatment through the German health service. How does that treatment differ from what you believe you would get if you were still living in Scotland?

Alexander Izett: For instance, if I need an appointment with a specialist, I get one within a fortnight. I have heard from other people who live in Scotland that they wait for up to three years to be seen by some specialists. That worries me.

John Scott (Ayr) (Con): I, too, am appalled by what you are saying. You spoke about textbook references and, presumably, medical papers that acknowledge gulf war syndrome. Can you provide the committee with copies of those?

Alexander Izett: Yes—that is no problem.

John Scott: That might be helpful. You said that the High Court in England accepted the existence of the condition. Has that decision been accepted without challenge? Does the High Court judgment stand or is the MOD challenging it in a higher court?

Alexander Izett: Mr Rusling had three tribunal hearings, each of which found that he suffered from gulf war syndrome. That is the title that the tribunal gave to his illnesses. The MOD denied the finding three times before taking the case to the High Court in London, where it lost. I can submit a copy of the High Court's judgment to the Scottish Parliament. That is no problem, as I have a copy from Mr Rusling.

John Scott: Is the MOD taking the case beyond the High Court?

Alexander Izett: No. When I won my case in the tribunal, it refused to challenge the ruling in the High Court—for a medical reason, rather than on a point of law. If the MOD thought that my medical evidence was not up to standard, it could have taken the case to the High Court, but it refused to do that.

The Convener: Is it possible for us to advance this issue if there is not some recognition of gulf war syndrome by the Ministry of Defence? Can we take it forward regardless of that? You say that you want treatment for the signs and symptoms of gulf war syndrome. Are the two issues connected, or do we have to wait for the MOD to recognise gulf war syndrome before treatment can be provided?

Alexander Izett: I would prefer the issue of gulf war syndrome to be dealt with at the same time, but it is to the benefit of the veterans that the signs and symptoms are treated. It is not just a matter of the syndrome being recognised. The lives of many veterans living in Scotland are a shambles and they are not getting the medical treatment that they need.

Mike Watson: We should write to the Executive and ask it to respond to the points that Mr Izett has made. Scottish servicemen and servicewomen who served in the gulf war or who, like Mr Izett, were inoculated in preparation for it, require treatment of some kind. I am concerned about how they can get that treatment if they do not have access to the records of what they were given. The Scottish health service is separate from the UK national health service. We have a right to consider the issue in the terms that I have outlined and to say that there seems to be a block on Scottish citizens being treated because they lack the information that is necessary for treatment to be provided. We should write to the Executive on the basis of what we have heard this morning.

The Convener: Mike Watson has suggested a very good question to put to the Executive.

Linda Fabiani: I agree completely with Mike Watson. We all have a responsibility in this matter. We could also ask the Executive what records are kept in Scotland of people who have served and of veterans who are still living here. If we are to assist them, we will require that basic information. Let us ask all the questions that might enable something to happen sooner rather than later.

The Convener: Do members agree that we should put those specific questions to the Executive?

Members *indicated agreement.*

The Convener: Mr Izett, thank you for your evidence. We will let you know what response we receive from the Executive.

Independent Special Education Advice (Scotland) (PE717)

The Convener: Petition PE717, in the name of Steven Law, on behalf of Independent Special Education Advice (Scotland), calls on the Parliament to urge the Executive to provide adequate funding to allow organisations such as ISEA to continue their essential work across Scotland. Before being formally lodged, the petition was hosted on the e-petitioner website, where it gathered 448 signatures. Members will recall that the petitioners were involved in the demonstration of the e-petitioner system at its formal launch in February 2004.

Steven Law will give evidence in support of his petition. He is accompanied by Lorraine Dilworth and Cathy Flynn. I welcome you all to the committee. You have three minutes for your opening remarks, after which we will ask questions.

Steven Law: Thank you for allowing us to give oral evidence today. I will quickly introduce myself. I have two children. My 11-year-old son Matthew has severe autism and very complex needs. About a year ago, we decided that we needed to get our son into a more specialised education environment. That is when I became involved with ISEA.

ISEA offers highly specialised advice and intervention services that no other support group in Scotland can offer. ISEA takes people from the beginning of the process right through to the very end by providing help with records of needs, with getting involved with the local authority and with understanding the Education (Scotland) Act 1980.

It is likely that my son will go to a specialised school this year. There is no question but that that will be a life-changing environment for him. I do not think that that would have happened without the specialist intervention of ISEA.

I will pass over to Lorraine Dilworth, who is the director of ISEA. She will give some more information about ISEA and why it is so specialised.

Lorraine Dilworth: I do not know how familiar the committee is with ISEA, but we are a unique organisation in Scotland. We could perhaps be called a one-stop shop for parents. Parents who come to us are desperate, as they have usually been through every other support group and have fallen out with the local authority. They are at the end of their tether. Some of them even talk about committing suicide or putting their child into full-time care because they cannot deal with the bureaucratic system.

I suppose that that bureaucracy is why the Scottish Executive has introduced into Parliament the Education (Additional Support for Learning) (Scotland) Bill. In our view, our services will be needed even more once the bill is enacted, because at least 35,000 parents in Scotland will experience a change in how their child's needs are identified and met. A new bureaucracy will come with the new system to replace the old one.

We have struggled for funding. We have been on the go for only six years. We do not advertise our services, because we believe in providing a quality service to the individual families who come to us. Most families hear about us by word of mouth.

As I said, we are unique. For example, time and again we are asked to give talks on consultations. We gave evidence on the Education (Additional Support for Learning) (Scotland) Bill, on which we consulted 1,800 parents. We were constantly asked by the bill team to give our views during the consultation because we know what is happening at grass-roots level and what would benefit parents of children with additional support needs and the children themselves.

We have applied to the Scottish Executive for funding on four occasions. We have applied twice for core funding and twice for project funding. We have been refused and we keep asking why. The reasons range from the fact that our office is not big enough to, "You can't get project funding because you don't have core funding."

We have been funded over the past six years by BBC Children in Need and we have also received some funding from the lottery and from the Lloyds TSB Foundation for Scotland. That funding has come to an end. We will be closing our doors at the end of March. As Steve Law said, we call on the committee to ask the Scottish Executive why at this crucial time it is not funding an organisation such as ours, especially with the Education (Additional Support for Learning) (Scotland) Bill coming into force.

10:30

The Convener: Do you have anything else to add, Steven?

Steven Law: I have two quick points. First, it is important to say that ours is a parent-led and fully independent organisation. Secondly, the additional information that I handed in recently regarding the independent assessment that was carried out on behalf of BBC Children in Need makes it clear that the work of ISEA is extremely important and must carry on, especially at this crucial time, when many thousands of parents are confused about the new provisions under the Education (Additional Support for Learning) (Scotland) Bill. On top of that, it is likely that many thousands of parents—depending on whom one believes—who have fought hard to get a record of needs may lose that provision under the new legislation.

The Convener: We are joined by Christine Grahame. Christine, do you have any comments?

Christine Grahame (South of Scotland) (SNP): I have a couple of supplementary points. I thank the committee for allowing me to come at short notice. I hope that you have received a copy of the letter that some of us wrote to Peter Peacock. Can you confirm that you have the letter of 16 March? I e-mailed it to everyone.

The Convener: Yes, we have it.

Christine Grahame: The important point about the letter, apart from what it contains, is the signatories, who are James Douglas-Hamilton, Donald Gorrie, Rosemary Byrne and I. Dennis Canavan and Margo MacDonald are also providing support and I am sure that there are others. That is some campaigning team in the Parliament, if you do not mind me saying so. We have all come to the matter independently, because we have all had experience of contacting ISEA. I first met Cathy Flynn and Lorraine Dilworth because the parents of children with special needs directed me to their organisation.

ISEA does wonderful work, as do the signatories, and I do not understand why it is not being supported. The conclusion of the BBC Children in Need report makes it clear that ISEA could grow. It is not expected that it should suddenly be an enormous organisation that will help parents, but it should be allowed to grow, for which it requires funding. The key phrase is "grass roots", because Cathy Flynn and Lorraine Dilworth came to ISEA through their own experiences and learned by fighting against the establishment and the authorities. They know exactly what parents are dealing with. They speak the language of parents.

Finally, I understand that ISEA has 1,246 cases on its books. It has 70 cases on the waiting list and the waiting list has had to be closed. That shows that parents are saying something to the Executive and the committee.

The Convener: Do members have questions?

Linda Fabiani: I have a quick question, which may be for the witnesses and the clerks. The Education Committee has completed stage 2 of the Education (Additional Support for Learning) (Scotland) Bill. Were you invited to submit anything to the committee on the advocacy provisions when the committee was considering the bill?

Lorraine Dilworth: Yes. We submitted written evidence. We also lodged a number of amendments through various MSPs from different parties. We will continue to do that at stage 3 to improve the bill.

We received a letter that stated that Peter Peacock would consider carefully any application to the unified fund for a grant to help to support parents through the new tribunal process. As far as I am aware, we are the only group in Scotland that submitted a specific grant application to provide advocacy for parents who are going through the new tribunal system, yet we were turned down, because we did not have core funding.

John Scott: How many children and parents have you helped over the years and how many do you help per year?

Lorraine Dilworth: As I said, we do not advertise our service because we know that, if we did, we would be inundated—our committee agrees that we need to expand. However, we have helped in 1,246 individual cases and we have received nearly 10,000 phone calls to our advice line, which is open only part time, Monday to Thursday. On several occasions, because we did not have the extra funding, we have had to shut down the service for four weeks to catch up on the backlog—we have an answering machine. We desperately need to fund the service and we are applying to different funders to do that and to get more staff. The need is definite; it is the funding that is the main problem.

Mike Watson: The letter that Christine Grahame has submitted says:

> "ISEA … did apply for funding specifically in relation to giving guidance to parents during tribunals".

Apart from that, can you set out for us the extent to which your organisation is, as you said in your opening remarks, unique?

Lorraine Dilworth: The committee will probably be aware that the Scottish Executive funds a group called Enquire. Enquire gives advice and information when a parent phones in on a subject. We, too, provide advice and information, but the difference is that we ask the parents to send in the papers on their child so that we can have an holistic picture of the case and can guide the parents appropriately through the system. The Enquire service does not do that.

We do individual casework. Some of our parents cannot read or write, so we might have to write a letter, tell them what is in it and proceed with that. Some of our parents, although they are articulate, cannot express themselves because they are so close to the situation. We will help them with that. For each case, we ask the parents what their ultimate aim is and we make targets with them to get there. Some of our cases can take two or three years to complete because they are so complex. Parents may have come without a diagnosis or they may disagree with the diagnosis or with the record of needs. All cases are different and are treated individually and they all involve casework.

If the parents have to go to appeal—we try to avoid that at all costs, but it might be necessary—we will support them through that appeal. Quite a few parents, even those who are solicitors, have asked us to represent their cases at appeal, because they are so emotionally involved and have never handled that type of case before—we have done that for them. Even if a case has to go to court, which is rare, parents need support there as well. We have even had to provide support and advice to advocates, because few cases in Scotland have been taken as far as that in the legal system.

That is what makes us so different from any other organisation. We offer a one-stop service but we do casework and we support families right the way through.

Mike Watson: Is none of that work done by Enable Scotland or by Partners in Advocacy?

Lorraine Dilworth: No.

Mike Watson: I do not know whether you or Christine Grahame can answer this question. Her letter to Peter Peacock says:

> "We refer … to your letter of 21 January to Rhona Brankin which details the reasons for your department's rejection of the application."

You briefly explained that the reasons have ranged from the fact that you have no core funding to the fact that you have too small an office, but there must have been something more specific in Peter Peacock's refusal of your application. Can you tell us what his letter to Rhona Brankin said that was?

Lorraine Dilworth: One reason was that we did not have core funding. The other reason was that we did not have local authorities sitting on our committee. As an independent, parent-led organisation that some local authorities really do not like because we empower parents, we think that that seems a bit strange. The letter also said that we had no professional—what was it?

Christine Grahame: I can assist, convener—I have the letter with me.

The Convener: It would be helpful if you passed a copy to the clerks.

Lorraine Dilworth: There were about four reasons that we found strange.

Mike Watson: Is your organisation capable of overcoming those points if a fresh application is submitted?

Lorraine Dilworth: We found the reasons to be unjust. We are a voluntary organisation that was set up by parents for parents. The majority of parents who come to us ask us how independent we are, who funds us and whether we have any contact with their local authority. Parents want to know that they can trust us.

Mike Watson: If you were funded by the Scottish Executive, could you claim to be independent?

Lorraine Dilworth: We are not asking for the whole service to be funded by the Scottish Executive. We are looking either for project funding for specific pieces of work or for a small amount of core funding. Every time that we apply to bodies or trust funds, they ask us why the Scottish Executive does not fund the project. We can only give them the answers that we have received from the Scottish Executive.

Steven Law: It is important to read the independent assessment by BBC Children in Need, which is clear that, although ISEA is a small group, it could grow with proper funding, although perhaps slowly. Some of the Executive's criticisms could be overcome if proper funding was in place.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Your evidence was interesting. I am most surprised and perturbed that you are running up against the buffers all the time. Is it correct that one of the reasons that the Executive gave for its refusal to provide funding was that you do not have somebody in your team in a professional capacity?

Lorraine Dilworth: The Executive wanted us to have a professional overview of our work. BBC Children in Need came up with a consultant to do that. The people on our committee are parents, but one of them deals with a £5 million budget in her work and another—our chairman—gets funding from the Scottish Executive to help small businesses throughout Scotland to grow and develop. We have a range of expertise, but in all our grant applications the Executive has never assessed us or asked who is on our committee. The Executive has never been interested when we have tried to explain the situation.

John Farquhar Munro: You said that your group's main attraction to parents is that it is independent and that parents want to keep it that way. Is there not a fear that, if you receive financial support from the Scottish Executive or the local authority, they would want an input by appointing someone to sit on your committee or board? That would imply that those bodies had an influence and would destroy your independence.

Lorraine Dilworth: As part of the commissioned report by BBC Children in Need, parents to whom the questionnaire was sent were asked who they felt should fund ISEA. The majority of parents said that the Scottish Executive should, but with the caveat that no strings should be attached. It would not be a problem to have an adviser from the Scottish Executive on our committee, but that person should not tell us what we could and could not do. Through monitoring and evaluation, our organisation is run and planned using what parents see as the need for services. The organisation is parent driven, not committee driven. Each parent who receives our service is asked how we can improve it and what new services they would like. Our organisation is run by the parents of Scotland.

John Farquhar Munro: Do the children of the parents whom you help suffer from learning difficulties or do they have physical disabilities as well? What range of individuals do you cater for?

10:45

Lorraine Dilworth: We cater for children with a range of conditions, from dyslexia right through to autism and cerebral palsy, as well as blind or deaf children—children with any kind of disability. We often cater for children with social, emotional and behavioural difficulties, who, under the 1980 act, are often caught in the middle—they do not get a record of needs and their parents find that difficult. Increasingly, we have been drawn into representing parents and children at children's hearings. We cater for the full range of children, including those with rare conditions, which we research so that we can offer help.

John Farquhar Munro: I am sure that you provide a tremendous service for those poor individuals. You said that, unless the organisation gets core funding or other funding, it will close at the end of March.

Lorraine Dilworth: Yes.

John Farquhar Munro: That will surely present a problem for many of the people on whose behalf you are campaigning. Do you have any idea what is likely to happen after the end of March?

Lorraine Dilworth: My office and I are going at the end of March. I am the last member, as Cathy Flynn, our vice-manager, has already been paid off. The committee will continue to give evidence and have an input into the Education (Additional Support for Learning) (Scotland) Bill, but we will not be able to do casework. I will do voluntary work, as Cathy Flynn has been doing, to try to help out with existing cases that are at complex stages. The service should not rely on our working on a voluntary basis.

Mike Watson: Ms Dilworth said in her opening remarks that the Education (Additional Support for Learning) (Scotland) Bill was one of the reasons why the organisation will require funding, because its provisions will mean that you are needed more. In the e-petition, you made the fairly serious charge that, if the bill is enacted, it will remove some of the most fundamental legal rights of parents and children in Scotland. What do you mean by that? I do not have detailed knowledge of the bill.

Lorraine Dilworth: Currently, 35,000 children in Scotland are identified as having special educational needs. Of those, 17,500 have a record of needs, which is a legal document. When the bill is enacted—there have been big debates about this—50 per cent of those children will lose their record of needs. We have given evidence on that and our view is that that 50 per cent, or more, of children will lose fundamental legal rights. If they do not have a co-ordinated support plan, they will not be able to use the proposed tribunal service. Currently, if they have a record of needs and they do not agree with it or are not satisfied with what the local authority is providing, they can lodge an appeal under parts IIIb and IV of the record of needs. Those children will lose their record of needs, so they will have no right to appeal in that way.

Some autistic children are home educated and are following the Lovaas programme. I believe that Stirling Council pays some of the costs of that in its area, but the City of Edinburgh Council does not. Under the bill, the local authority can wash its hands of those children. Under the existing system, children can have a record of needs and the authority has a duty towards them. Those are some of the areas in which children will be losing out. The bill refers to assessment or examination, but under the current system a child has the right to be assessed fully by educational and medical professionals such as psychologists. A lot of children will lose that right. There are good things in the bill, but there are also worrying things.

Mike Watson: Do the local authorities and organisations such as Enable and Partners in Advocacy share your concerns about those aspects of the bill?

Lorraine Dilworth: Children in Scotland, Enable, Capability Scotland and the Govan Law Centre have made many representations about their concerns about the bill.

Linda Fabiani: We have not followed up on the points that Christine Grahame raised with the Executive. I would be keen to know clearly what the Executive said in its response about why the funding cannot be forthcoming.

Steven Law: Do you want me to read it out?

The Convener: If you do not mind, Mr Law.

Steven Law: The relevant bit is in the second paragraph onwards. The letter states:

> "These centred on overlap with other services and doubts about the capacity of ISEA's organisation to deliver the project outcomes. For example, the information and advice aspects of ISEA's application overlapped with … ENQUIRE".

It continues:

> "In addition, ISEA's application failed to demonstrate financial viability, one of the Scottish Executive's procurement criteria against which funding bids are evaluated. There was no evidence of core funding being in place to sustain the organisation's wider objectives, which in turn undermined the case ... for delivering the national project outcomes. While ISEA's application claimed working relationships with a variety of other organisations, there was no evidence of this in its latest annual report."

The BBC Children in Need report obviously makes a nonsense of that. The letter continues:

> "Neither did the annual report demonstrate any use of professional expertise or management oversight of the organisation's activities."

As Lorraine Dilworth said, the Executive has never come back and asked about that. The letter concludes:

> "For these reasons the Executive is unable to provide funding".

Jackie Baillie: I would like to test the notion of financial viability. Based on what you said earlier, it seems that the whole service is closing down, yet you say that the Executive funding that you sought was only for part of the service, as you had several other sources of funding. That does not quite square the circle for me. Did you rely on the Executive not just for project funding, but for core funding? If not, why is your whole service now closing down?

Lorraine Dilworth: Our whole service has been running on the funding that we received from BBC Children in Need. We have made four applications over the past five years, two of which were for core funding, with which we got nowhere. As we could not get core funding, we tried for project funding. As I said, when we apply to any trust funds, they ask us why the Scottish Executive is not funding any part of our service. That makes a difference. Ideally, we would like to receive a small amount of money—I am talking not about hundreds of thousands of pounds, but about £20,000 or £30,000—as core funding. That would enable us at least to say that the Scottish Executive recognises our service and is willing to invest something in it if we go out and find the rest of the funding to keep the service going.

Jackie Baillie: Let me turn that on its head. I understand that nobody else is providing the service for tribunals, although we would want that service to be provided in the context of the bill—I accept that. However, there is a point to be made about financial viability, as your whole service is closing down. I understand what you are saying about using the money to attract other funding but, realistically, is your organisation stable enough to enable you to do that?

Lorraine Dilworth: It is not stable, as we have no funding. BBC Children in Need cannot continue to fund us in the long term, as it has to fund other organisations. We need some stability in order to attract other funders, but we do not have that.

Linda Fabiani: We are really putting you through the mill.

Lorraine Dilworth: That is all right. I am used to it.

Linda Fabiani: It seems to me that the organisation needs the stable core funding that would enable it to attract money from elsewhere. That is an obvious premise. When did you last apply for core funding? The letter from Peter Peacock suggests that you applied only for project funding this time.

Lorraine Dilworth: That is right, because our application for core funding had been rejected the previous two times.

Linda Fabiani: So you were trying another angle.

Lorraine Dilworth: We were trying another angle.

Linda Fabiani: When was your last core funding application made?

Lorraine Dilworth: About two years ago. We were told that it had been rejected because Enquire provides the same service.

Linda Fabiani: That is clearer in my mind now—thank you.

Christine Grahame: The letter submitted to Peter Peacock was referred to as my letter, but it is not just my letter. It was drafted by all the signatories; it was a combined letter. They will be after me if they think that I have said that it is mine.

The Convener: Thank you for that clarification. Do members have any suggestions as to what we should do?

Linda Fabiani: I have some general concerns. Obviously, I am concerned about the particular organisation, but my general concern is about the services that will continue to be offered to people, particularly as a result of the Education (Additional Support for Learning) (Scotland) Bill. The matter of tribunals is a big issue. It is essential that people can be represented though them. If nobody else is providing that service, that is a big issue for me.

Speed is of the essence. We need to get on to the Executive quickly and ask who will be conducting the appeals under this great new system that we are going to have. Is the provision for that in place? We also need to highlight the service that ISEA has been providing. Given the provisions in the bill, the organisation will play a very valid role. I worry about over-professionalisation in that regard. The organisation is not unknown to the Scottish Executive and I wonder whether some compromise could be considered. Can we ask the Executive to meet representatives of ISEA soon in order to discuss the viability of potential core funding? Such funding has been needed—even though it has not been applied for—for two years. We could be leaving a gap in the services that parents require.

The Convener: I know what you are asking for, Linda, but I think that what you are saying is too specific. We should be much more general. As the Public Petitions Committee, we could not ask the Executive to intervene or negotiate with ISEA. We should perhaps generalise the matter.

Linda Fabiani: Well, let us home in on the tribunals aspect and use that as the key to pulling the rest of the issues in. We require quick answers, though.

The Convener: Yes, I would have thought so. The questions are highly pertinent, given the issues that have been raised about the outcome of the bill and the financial support for those organisations that will be affected by it. If we were to ask specifically about ISEA, we would be getting into difficulties. I think that we should keep the matter general and ask about the issues around funding support for tribunals, for example. If we do that, I think that we would be on pretty secure ground. Will we write to the minister with those concerns? Are members happy with that?

Members *indicated agreement.*

Linda Fabiani: Can we stress that we want a quick response, because we are very concerned about the matter? Should we perhaps also copy our letter to the convener of the Education Committee, which has been considering the bill?

The Convener: There would be no harm in doing that for that committee's information. I thank the petitioners for their time this morning.

Field Impairment Tests (PE714)

The Convener: The next petition is PE714, from Hugh Humphries. The petition calls on the Parliament to urge the Executive to review the validity of field impairment tests in its road safety campaign on the dangers of driving under the influence of drugs; to issue guidelines on the disposal of vehicles belonging to individuals who fail field impairment tests; and to issue guidelines to courts about the evidential value of field impairment test results. Hugh Humphries is present to give evidence in support of his petition. Welcome to the committee, Mr Humphries. You have three minutes.

11:00

Hugh Humphries: I will make two short opening statements. First, the Scottish Executive has 100 per cent backing from me with regard to its attempt to eradicate drugs from Scotland. My concern is that the way in which the Executive goes about that is just and seen to be just, and is fair and seen to be fair. Secondly, I stress that the concerns that I have raised in the petition are not fictional.

I have two documents in front of me. One is used by Strathclyde police to train the officers who carry out field impairment tests. The training document, which contains a lot of information, says that if a person is apprehended and suspected of driving under the influence of drugs, or of being in charge of a car while under the influence of drugs, the police officers who are to administer the test are required to ask certain questions before any test is carried out. Those questions relate to the physical area in which the test will be conducted—for example, they ask whether the ground is wet or at an angle. The police officers are not required to ask questions about the person's medical or psychological condition. As I point out in the petition, around 4 per cent of the United Kingdom's population suffer from severe dyslexia and research has associated dyslexia with balance. Field impairment tests rely quite heavily on the subjective perception of balance. Dyslexia is not a condition that can be cured—people can cope with it, but it cannot be cured. Research has been done on young people, but people continue to have dyslexia as they get older.

I also have with me a Scottish Road Safety Campaign report, which contains a small reference to the field impairment test. The report expresses concern that young drivers in particular are not aware of field impairment tests, but hopes that they will become aware of them as tests are carried out in full public view.

I am concerned that, although the Strathclyde police document does not stress anything to do with the psychological aspect of the driver's condition, it is concerned with the physical location. A test that is being conducted in full view of the public is to the police's advantage, because the public can see what is happening. A test could be conducted in George Square in Edinburgh or George Square in Glasgow on a day such as today, when everything can be in full public view. In the petition, I argue that the location and the driver's mental condition could affect the outcome of the test.

A person could fail the test, be taken to a police station and be examined by a doctor. The doctor could deem that the person is fit to drive and their keys could be handed back to them. They could then go back to get their vehicle and find that it has been removed. Parking is not a police matter nowadays—it is a public matter—and the car could have been put in a pound. There could be an extra-judicial fine of around £140 a day before the person gets the car out of the pound, which is unfair. More important, the person could raise the matter with the police and say, "Look, my keys were handed back to me. I went back to get my car and it wasn't there. I was deemed fit to drive by the police doctor." The reply could be, "When the doctor examined you, you were fit to drive, but an hour or two hours ago when you were stopped by the police, you failed the test and the field impairment test is of evidential value." I have concerns about that, because, at the end of the day, the police could come back with the argument that everything that they do is approved by the Scottish Executive.

The Convener: I invite members to ask questions.

Mike Watson: I do not know whether this is a registrable interest, but Mr Humphries is a constituent of mine and the correspondence with the Minister for Justice that is referred to in the petition is correspondence that I initiated on his behalf after he raised the issue with me.

The matter is important. I was not aware of the existence of field impairment tests until the matter was drawn to my attention and I did not know that they had been in use for nearly three years.

I do not know whether Mr Humphries is aware that we have statistics from the annual report of Her Majesty's chief inspector of constabulary for Scotland for 2002-03, which states:

> "By 31 January 2003, a total of 655 FIT forms had been served, with 2 in every 5 persons tested … identified as being impaired."

The report claims that field impairment tests were accurate in 94 per cent of cases.

I note what you said about wanting, like everyone else, to ensure that no one drives while they are under the influence of drugs. Given the success rate to which I have referred, is it not the case that the benefits of the test have been demonstrated but that it needs to be fine tuned to ensure that the issues that you have raised are addressed? Would that not be preferable to doing away with the test?

Hugh Humphries: I can refer only to my opening statement that the test must be fair and seen to be fair, and just and seen to be just. Four per cent of the population of the UK are diagnosed with severe dyslexia, while a further 6 per cent have a type of dyslexia. We are talking about 10 per cent of the population, although I do not know whether the same applies to 10 per cent of the driving population. If it is possible that a cohort of drivers could fail the test for reasons other than drugs and the test results can be used in evidence, caution must be exercised. That is especially true if someone is found fit to drive by a doctor and the keys are handed back to them, but they are then told that they were fit to drive at the time that they were examined but not a couple of hours previously. People may be deemed not to be fit to drive because they have failed the test. Real caution must be exercised.

Mike Watson: That could be seen as retrospective justice, with people being guilty until they are proved innocent. I take your point.

Linda Fabiani: The advice that we have is that the tests are voluntary, rather than compulsory. When will they become compulsorily?

Hugh Humphries: I hope that they cannot become compulsory. There is an issue around where the tests are carried out. The information that I have received is that a test must be conducted at the place where a driver is stopped, rather than elsewhere. I have asked why that is the case. If someone is stopped in a very public place, where everyone is looking at them, why can they not be taken out of the limelight for the test? I have not been given a reason that explains why that cannot happen. If the location of the test is not suitable, I do not suppose that the test can ever be compulsory.

John Scott: I am interested in what you said about dyslexia and young people. Do people grow out of the condition as they get older?

Hugh Humphries: Not as far as I know. I am a teacher. People can be taught how to cope with dyslexia, but it cannot be cured.

John Scott: How well documented is the link that you mentioned between dyslexia and balance?

Hugh Humphries: The best way of getting the answer to that question would be to approach the Scottish Dyslexia Association. As far as I know, people cannot grow out of dyslexia—they simply learn to cope with it. One therapy for coping that has been tried, and which I mention in the petition, relates to balancing.

John Scott: Of those who suffer from dyslexia, how many suffer from balance problems?

Hugh Humphries: You would have to put that question to someone else. I can comment only on what I am aware of in relation to the field impairment tests.

The Convener: Mr Humphries has produced a considerable amount of evidence that is new to me. Indications suggest that it is also new to most other members of the committee. It would be worth our writing to the Scottish Executive and, probably, to the Association of Chief Police Officers in Scotland to ask them to comment on the evidence that Mr Humphries has submitted. We need to know what guidelines are in operation in respect of the test and whether they take on board the issues that Mr Humphries has raised, so that we can improve the system.

Helen Eadie: I agree. Perhaps we should also take up the petitioner's last suggestion and approach the Scottish Dyslexia Association for comment.

The Convener: There would be no harm in our doing that. We could seek background information that might prove useful. If we receive answers from the Scottish Dyslexia Association on the petition, we can examine that information in the context of the Executive's reply.

Linda Fabiani: That sounds fine. However, although Mr Humphries has focused on dyslexia, the issue affects not only people with dyslexia. A wider rights issue is involved.

Hugh Humphries: At present, someone with one leg would not be required to undergo a field impairment test. However, Strathclyde police's training document gives no indication of how to deal with a driver who says something like, "I am suffering from anxiety as a result of being kept here for some purpose with everyone looking at me."

A driver has the right to turn down the test, but they could still be arrested in any case, so they might as well go through with the test.

The Convener: I think that we need some clarification from the police and the Executive of how the system is supposed to be working. We should also ask them to answer the specific points that Mr Humphries has made. Do we agree to do that?

Members *indicated agreement.*

Scottish Opera (Funding) (PE715)

The Convener: Petition PE715, from Brian Jamieson, on behalf of the council of the Friends of Scottish Opera, calls on the Parliament to urge the Executive to ensure that Scottish Opera has adequate resources to maintain a full range of operatic provision. The petitioners claim that the budget that is allocated to Scottish Opera is inadequate to allow it to continue its core activities. Scottish Opera's income derives from three sources: public funding from the Scottish Arts Council and Scottish local authorities; box office income; and private sector support.

In response to a recent parliamentary question, the Minister for Tourism, Culture and Sport said:

> "The budget allocation for Scottish Opera for 2003-06 has been set."—[*Official Report*, *Written Answers*, 18 November 2003; S2W-3534.]

In response to another parliamentary question, the minister said:

> "Scottish Opera has been asked to prepare a forward business plan, based on the available budget, for consideration by the Scottish Arts Council and the Executive."—[*Official Report*, *Written Answers*, 4 March 2004; S2O-1383.]

Do members have any comments?

Linda Fabiani: I am not convinced that we can take the petition much further forward until that business plan has been submitted.

The Convener: Do you mean that we should assess the petition in respect of the plan?

Linda Fabiani: I suppose not. However, it is all very well saying that we could write to the Executive and ask for it to comment, but all that the Executive will say is that Scottish Opera has been asked to produce a business plan and that, until that plan has been produced, it cannot comment further. Perhaps we could ask Scottish Opera and the Executive when the plan is expected. We are kidding ourselves if we think that we are doing anything constructive by writing to the Executive for its comments on the petition.

The Convener: Do members agree with Linda Fabiani's suggestion that we write to the Executive and Scottish Opera to ask them when the plan is expected? I imagine that that is as much as we can do.

Jackie Baillie: Linda Fabiani's position is correct. The figures have been known for some time and there has been nothing secretive in the process. It is to be hoped that the process will soon bring together all the parties so that they can have a substantive discussion about what can and cannot be achieved. The Executive's position is clear, which means that we can ask only about the process by which the discussions will progress.

Mike Watson: We should take on board the fact that the Executive is due to announce a review of the structure and funding of the arts in Scotland. That is likely to involve the question of the funding of the major arts companies. We should ask when the review is likely to be announced—I think that it had been anticipated that that would have happened by now, so the announcement cannot be far away—and what input Scottish Opera might expect to have to the process.

The Convener: Do we agree to ask the questions that have been discussed?

Members *indicated agreement.*

The Convener: We can keep the petition open until we get some answers and information on which we can base our assessment.

Scottish Parliament (Requests for Information) (PE708)

11:15

The Convener: PE708, in the name of William Burns, calls on the Parliament to introduce legislation to require the Lord Advocate, the Crown Office and other public bodies and officials to respond to requests for information from the Parliament within specific time limits; it also calls for penalties to be imposed when they fail to do so.

The petitioner is concerned about the length of time that was taken by the Lord Advocate to respond to a request for information by the Public Petitions Committee relating to his petition PE652. Members will recall that that petition raised a number of issues concerning the 100-year closure order on certain files relating to the Cullen inquiry. The committee considered PE652 at its meeting on 29 October 2003 and requested a response from the Lord Advocate by 10 December 2003. A response from the Lord Advocate dated 12 December 2003 was received on 15 December 2003 and was considered by the committee at its meeting on 4 February 2004.

In the past year, clerks and Executive officials have been working to an informal six-week response period and the clerks have advised me that that appears to be working well. All other organisations whose views are sought in relation to petitions are also given a six-week deadline, after which reminders are routinely sent out. Do members believe that we need legislation to force people to reply to us in a given time period?

Linda Fabiani: Is that the decision that we are being asked to make today, or are we being asked to pass the matter on to somewhere else? I have read paragraph 3 of the cover note, which gives details of the time period within which the committee asked for a response and the date when the response was given, and I do not see what the problem is.

The Convener: Mr Burns may well have been concerned that the time period was too long, but we set a time limit and the response came in within five days of that limit. The date of receipt of the response was outside the period that we requested, but it allowed us to deal with the matter at another committee meeting without unduly upsetting the timescale.

Linda Fabiani: If we want to say to the Lord Advocate's office that it should have let us have the response earlier because its late arrival caused us a bit of hassle, that is fine, but I do not want him to be severely reprimanded.

Helen Eadie: I suggest that we take no further action on the petition. In addition to the point that Linda Fabiani mentioned, the cover note states that the clerks to the committee and the Executive department committee liaison officers had a meeting and reviewed the response times that we ask for. I think that the arrangement about the timescales is adequate. The committee will be advised when there is a particular reason for a justified delay on a petition. We should note what Mr Burns said and close the petition.

The Convener: Are members happy to do that?

Members *indicated agreement*.

Skye Bridge Tolls (PE711)

The Convener: Today's final new petition is PE711, which is on the Skye bridge tolls, in the name of Robbie the Pict on behalf of the Scottish Peoples Mission. The petition calls on the Parliament to urge the Executive to order the immediate suspension of tolls on the A87 between the Isle of Skye and mainland Scotland. Members will recall that the committee considered a similar petition by Stella R Anderson at its meetings on 5 February 2002, 21 May 2002, 25 March 2003, 25 June 2003 and 17 September 2003.

At its meeting on 25 June 2003, the committee heard further evidence from Robbie the Pict on PE445, before agreeing not to pursue any further his concerns relating to the legal status of certain documents, on the basis that the courts have ruled that the documents are valid and the relevant authorities in the UK Parliament have found them to be in order. However, the committee agreed to seek further clarification from the Executive in relation to the proposed review of bridge tolls in Scotland.

At its meeting on 17 September 2003, the committee considered a response on the matter from the Executive, and agreed to take no further action on the petition on the basis that the Executive is clearly committed to working towards ending the current Skye bridge tolling regime. Members will wish to consider whether PE711 raises any new issues in relation to the Skye bridge tolls. The petitioner has provided several documents in support of his petition, which have been circulated by the clerks. Do members have any comments on those documents?

John Farquhar Munro: At the very least, Robbie the Pict is persistent and he is a regular witness before the committee. As the convener said, the committee has received several petitions on the issue.

When the committee last debated such a petition, we decided that we had considered the petitions in question regularly and had not moved forward. We came to the conclusion that the Executive was taking forward the issue and would, we hoped, reach a conclusion in the not-too-distant future. Annex A in the committee papers gives us the information that we seek. I suggest that we agree the recommendation in the cover note on PE711, which is that we should take no further action at this stage in view of the response that we have had from the Executive.

Linda Fabiani: Basically, I agree with John Farquhar Munro's comments, but there is another point. Jackie Baillie referred to me earlier as an anorak, but I am fascinated by the royal charter documents that Robbie the Pict has sent in.

Jackie Baillie: I stand by my earlier comments.

Linda Fabiani: Should the document that we have been sent, which contains extracts from a royal charter, be sent to the appropriate person or persons to ask whether the charters have been lawfully repealed or whether Robbie the Pict might have a point?

The Convener: I am not sure that it is our responsibility to do that. If Robbie the Pict has discovered documents that relate to decisions in court, that is the place for them to be tested. It is not for us to test whether the law has been amended. The new legislation on feudal tenure introduced all sorts of things that changed legislation that had been in place for 1,500 years. I do not know that going back to investigate King William of Inverness in 1120 will change whether tolls are changed on the Skye bridge. I do not know whether he had the foresight to know that we would build a bridge between Skye and Scotland when he made the ruling and whether he would support it.

Linda Fabiani: That is hardly the point. I accept what has been said, but I find the issue fascinating and I thought that it would have been a good project for the committee.

The Convener: If you want to investigate the issue in your spare time and bring your findings back to us, everyone would be happy. The specific request is that we look again at the Skye bridge tolls. As John Farquhar Munro said, we have considered the issue a number of times. The Scottish Executive is addressing the issue of the Skye Bridge tolls and we must wait for the Executive to say what it intends to do. All the other documentation is being tested in court. Are members content to wait and thereby back up the decisions that we have made previously?

John Farquhar Munro: I am inclined to support the view that we should perhaps write to the Executive and ask when it is likely to make a decision.

Jackie Baillie: My understanding is that the minister has still to decide on membership of the working group. Rather than just close the petition, we should send all the information—there is loads of it, some of which is very detailed; clearly a lot of work has been done—to the working group. Members of the committee will, for other reasons, be keeping an eye on the working group's deliberations and will be pressurising it about the timescale. We could make those points in the letter to the minister.

Linda Fabiani: As long as we send the charter documents.

The Convener: We will send everything and make everyone aware of the information. Are we happy to close the petition, but to use it to ask the Executive where it is on the matter?

Members *indicated agreement*.

The Convener: I suggest that we take a five-minute comfort break.

11:24

Meeting suspended.

11:35

On resuming—

Current Petitions

Hedgehogs (Relocation from Uist) (PE581)

The Convener: Our first current petition is PE581 on the proposed cull of hedgehogs. The petitioner calls on the Scottish Parliament to take the necessary steps to enable the British Hedgehog Preservation Society to relocate, or at least complete a trial relocation of, hedgehogs that live on the islands of Uist to avoid the proposed cull. At its meeting on 25 March 2003, the previous Public Petitions Committee agreed to urge Scottish Natural Heritage and the BHPS to enter into further discussions with a view to reaching an agreement on the matter.

The committee has received responses from SNH and the BHPS. SNH states that it understands that a trial relocation is now unlikely to take place and that a decision to proceed with the cull was taken by its main board on 16 December 2003. The BHPS states:

> "Scottish Natural Heritage again delayed discussions and have made it impossible for the study to take place even if the funds could be raised in 2004 because of the need to order equipment in time."

Do members have any comments on the petition? I find it strange that SNH could make a decision on the cull, and then ask others to consider whether the hedgehogs could be relocated without providing the funds to trial a relocation. However, I do not know that we can ask SNH to do anything other.

John Farquhar Munro: We should just leave the two parties to get on with it. They obviously have different views, but there is nothing that we can do to contribute to the resolution of their dilemma.

The Convener: I would not have thought that there was. Do members agree with that?

Members *indicated agreement*.

The Convener: We will close that petition.

Eating Disorders (Treatment) (PE609)

The Convener: Petition PE609 calls on the Scottish Parliament to ask the Scottish Executive to address, develop and fund the specialised treatment of eating disorders in Scotland. At its meeting on 10 December, the committee agreed to refer the petition to the Health Committee. That committee has responded:

> "With its current workload, the Health Committee feels unable to afford the petition the time the Committee thinks

> appropriate, but is of a mind that the petition merits further inquiry."

A further letter from the petitioner, which is dated 16 March, has also been circulated to members. In it, the petitioner states:

> "Dr Harry Millar of the Aberdeen Eating Disorder Unit … has carried out an excellent review of services and resources in Scotland for eating disorders".

Do members have any suggestions on how to proceed with the petition?

Helen Eadie: It would be helpful if the committee could write to the Minister for Health and Community Care and invite him to comment on the view of the Scottish division of the Royal College of Psychiatrists that it is extremely concerned about the lack of appropriate specialist services for patients with eating disorders and on whether the Executive has any plans to conduct further research in that area. We could also invite the minister to comment on the apparent lack of national data on patients diagnosed with an eating disorder.

The Convener: Are members happy to do that? As we have the new information about Dr Millar's research, perhaps we should ask him for his views on the petition. That might help us to take matters forward.

Members *indicated agreement.*

Linda Fabiani: We agreed at our meeting on 3 March that, because of our work load, it was difficult to schedule any inquiry. However, perhaps we could keep that option open in the light of further information. If we are told that the data do not exist and that no real provision has been made to address the problem, that would be quite serious and we would perhaps need to reconsider some form of investigation.

John Scott: I know that we do not normally copy a petition to health boards throughout Scotland, but might it be worth doing that to draw to their attention the comments from the Royal College of Psychiatrists and the fact that we would like to investigate the matter further, besides asking them whether they are aware of the situation.

The Convener: We have an advantage over Linda Fabiani, who was not at our previous meeting, when we again discussed our work load. Members agreed then that the number of petitions that we are currently dealing with makes it impossible for us to hold an inquiry. We need to consider how we can take the petition forward without holding an inquiry. Does that help you in any way, Linda?

Linda Fabiani: Yes. That makes things clearer. I was worried that the petition might disappear into the ether.

The Convener: We do not want that to happen. Everyone agrees that there is merit in the petition, so we want to see how we can take it forward. As the Health Committee cannot deal with the petition at the moment, we will ask for comments from the Royal College of Psychiatrists and from Dr Millar to see whether we can get some information that will allow us to continue the petition.

Linda Fabiani: So the petition will come back to us anyway.

The Convener: Yes. Is everyone happy with that?

Members *indicated agreement.*

Falkirk Football Club (Promotion) (PE647)

The Convener: Petition PE647 calls on the Scottish Parliament to investigate the Scottish Premier League's decision to deny Falkirk Football Club promotion to the SPL. At its meeting on 25 June 2003, the committee noted that an appeal against the SPL's decision was to be heard the next day by the Scottish Football Association's appeals committee. We agreed to draw the appeals committee's attention to the existence of the petition and to the strength of feeling among the supporters of Falkirk FC and the wider community that the club represents.

The SFA's response states that the appeal from Falkirk FC was not upheld. Although that statement is historically accurate, my recollection is that the debate raised many issues that reflected badly on Scottish football. I am also aware that, in light of those issues, the Enterprise and Culture Committee has decided to begin an inquiry into the state of Scottish football and the current difficulties. It might be useful to close the petition and send the details to the Enterprise and Culture Committee for its information.

Helen Eadie: I agree with that recommendation. On Sunday, I had occasion to be in Falkirk, where I saw Falkirk FC's wonderful new stadium. As I recall, part of the debate centred on the claim that the club did not have a nice new football ground. In actual fact, it has a spectacular-looking new facility. That destroys one of the arguments that was put up at the time.

The Convener: One of the petition's supporters was Dennis Canavan, who is the member for Falkirk West. He contacted the committee yesterday to ask that the petition be sent to the Enterprise and Culture Committee. It will be useful to let Dennis Canavan know that we have agreed to do that.

Mike Watson: I declare my interest as a director of Dundee United Football Club. However, I was not a director when the issue was considered by the Scottish Premier League.

As a member of the Enterprise and Culture Committee, I think that it would be appropriate to refer the petition to that committee. Two reporters have now been appointed to carry out our inquiry into Scottish football and I am sure that they would be interested to hear what the petitioners have to say.

The Convener: Is everyone happy with that?

Members *indicated agreement*.

The Convener: I can tell from the look on Linda Fabiani's face that she is not interested in football.

Linda Fabiani: I beg your pardon. I think that wee Henrik is wonderful.

Mike Watson: Are you referring to Enric Miralles?

Education (Anti-Semitism and Gender Inequality) (PE669)

The Convener: Petition PE669 calls on the Scottish Parliament to investigate what practical steps are being taken to deal with anti-Semitism and to promote gender equality within schools. At its meeting on 10 December 2004, the committee agreed to seek the Executive's views on the issues that are raised in the petition. The Executive's response states that it is committed to equality of opportunity and to raising the levels of attainment of all our young people, regardless of their gender, race or religious beliefs. The Executive believes that schools must take a lead in promoting equality and in demonstrating that discrimination, prejudice and bigotry are unacceptable. The Executive has also provided details of a number of initiatives that are aimed at promoting equality and good race relations within schools.

Have members any comments on the Executive's response?

Mike Watson: The Executive has given a comprehensive response. Although I am sure that neither I nor any other committee member would like to suggest that we are complacent about the issues that were raised by the petitioner, the Executive's response shows that as much as can be done has been done. Although we might have to keep an eye on developments, it is fair to say at this stage that we have taken petition PE669 as far as we can.

11:45

Linda Fabiani: Basically, that is what I was going to say.

The Convener: It is incumbent on every parliamentarian to keep an eye on the issue. That said, PE669 raised an important point to which the Executive responded at some considerable length. On that basis, I suggest that we close the petition.

Members *indicated agreement*.

European Union Constitutional Treaty (PE673)

The Convener: Petition PE673 calls on the Scottish Parliament to take the necessary steps to hold a consultative referendum of the Scottish people on the finalised European Union constitutional treaty prior to ratification of the treaty by the Westminster Parliament. At its meeting of 12 November 2003, the committee agreed to write to the Minister for Finance and Public Services inviting him to expand on the comments that he made at a meeting of the European and External Relations Committee on 9 September 2003 that the Executive might wish to engage in some form of dialogue with the Scottish people to obtain views on the new EU constitution. The committee also requested the minister's view on the holding of a consultative referendum on the issue.

In his response, the minister said that, given

> "The failure of the IGC to adopt the Treaty, we have no plans to hold a referendum on this issue. Rather, we will continue to work closely with the UK Government in engaging in a dialogue with the Scottish people on the full range of European issues."

Does any member have a comment to make on the petition? Basically, the issue is: no treaty, no referendum.

John Scott: Given the change in the Spanish political situation, the treaty may well be about to get back on to the agenda. Should the EU constitution be resurrected, the Conservative party would want a referendum to be held. I am perfectly happy that PE673 is passed to the European and External Relations Committee for information. Nonetheless, as I said, I want to record the fact that, if the EU constitution raises its head yet again, the Conservatives think that a referendum should be held.

Mike Watson: That is at UK and not Scottish level.

John Scott: Notwithstanding.

Helen Eadie: I accept the convener's advice that we take no further action on the petition. We are where we are: we have to deal with the facts as we know them at this time and not how they might be. If the point that John Scott raised were to come up again we could address it at that time. In the meantime, we should close PE673 on the basis that was outlined by the convener.

The Convener: And we will send PE673 to the European and External Relations Committee for information.

Members *indicated agreement*.

Motor Neurone Disease (PE674)

The Convener: Petition PE674 calls on the Scottish Parliament to consider the funding of services for people who suffer from motor neurone disease. The context for the petition is the Scottish Motor Neurone Disease Association's "Manifesto for the Scottish Parliament". At its meeting on 26 November 2003, the committee agreed to seek the views of the Executive on the petition. In its response, the Executive stated:

> "The Committee will be well aware that these understandable goals are shared by a very large number of condition-specific voluntary organisations, not least through the substantial number of ongoing petitions before it all calling for Executive initiatives and dedicated funding for a wide variety of conditions. The Committee is also aware of the Executive's view that the planning and management of services is in general best carried out a local level, and that the unified budgets made available to NHS Boards should be maximised rather than holding back funds to be used for specific conditions."

What do members think of the response?

Helen Eadie: Perhaps we should write to the petitioner to ask for their view of the response?

The Convener: That is a good suggestion. Are members happy with the suggestion that we do not close PE674 until we receive the view of the petitioner?

Members *indicated agreement.*

Shop Workers (Safety) (PE677)

The Convener: Petition PE677 calls on the Scottish Parliament to work in partnership with retailers, the police and local authorities to improve the safety of shop workers by promoting and resourcing safer shopping partnerships. At its meeting of 26 November 2003, the committee agreed to write to the Scottish Executive inviting its views on the petition. We also asked for an indication as to whether such partnerships were likely to address the problem of retail crime in the context of the Antisocial Behaviour etc (Scotland) Bill.

In its response, the Executive stated that it is currently drawing up proposals for new initiatives on the protection of public service workers, which includes, in this context,

> "all workers who provide a service or come into contact with the general public in the course of their employment e.g. bus and transport workers, retail staff etc."

It is expected that a short-life steering group will report to ministers before the end of March.

Linda Fabiani: I do not think that we can do anything further until we receive the steering group report at the end of March. I suggest that we respond once we have been able to take a look at it.

The Convener: I would have thought that we would also want to see the outcome of the steering group's decisions.

John Scott: We will want to see whether it makes any proposals on this important issue.

The Convener: We will keep open PE677 until that time. We could also advise the Executive that that is what we intend to do. That would let the Executive know that the petition is not closed and ensure that we receive a reply.

Scottish Environment Protection Agency (Main Board) (PE680)

The Convener: Petition PE680 calls on the Scottish Parliament to disband the Scottish Environment Protection Agency board and allow the agency to re-form its board without political interference. At its meeting on 10 December 2003, the committee agreed to invite SEPA to respond to the issues that were raised in the petition. In particular, we requested details of any progress that SEPA had made in implementing the various recommendations that arose out of the policy and management review that was conducted in 2003.

SEPA's substantive response to the petition states:

> "The petition refers to the public's need for an open, effective, honest, just, impartial, autonomous and accountable regulator. Clearly these aspirations are entirely laudable, and I can only say that SEPA is not aware of anything in the way it has acted which detracts from such sentiments."

In respect of the implementation of the policy and management review, SEPA states that an implementation plan was approved by ministers on 5 September 2003 and that a system was established to ensure that progress against the implementation plan is monitored. SEPA also states:

> "although significant progress has already been made by SEPA and the Scottish Executive in addressing the PFMR's recommendations, full implementation will not be completed until 2005-6".

John Scott: There is no question but that this has been a burning issue in Ayrshire. We might wish to invite the petitioner to respond to SEPA's good and detailed letter—I welcome the way in which it was put together. In fairness, before we close down PE680, we might wish to seek the petitioner's response.

The Convener: Is everyone happy with that suggestion? There is a lot of information in the response and it would be useful to get the petitioner's take on it.

Members *indicated agreement.*

The Convener: That is us for this morning. I thank everyone for their attendance.

Meeting closed at 11:54.

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