

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 16 March 2005

Session 2

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## PUBLIC PETITIONS COMMITTEE

5<sup>th</sup> Meeting 2005, 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)

Rosie Kane (Glasgow) (SSP)

Campbell Martin (West of Scotland) (Ind)

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 :

Dennis Canavan (Falkirk West) (Ind)

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

Alex Fergusson (Galloway and Upper Nithsdale) (Con)

Jenny Fullarton

Mr Adam Ingram (South of Scotland) (SNP)

Kenneth MacLennan

Jack Miller (Alloway and Doonfoot Community Council)

Alan Paterson (Alloway and Doonfoot Community Council)

Peter Watson (Alloway and Doonfoot Community Council)

### CLERK TO THE COMMITTEE

Jim Johnston

### ASSISTANT CLERK

Richard Hough

### LOCATION

Committee Room 4



## Scottish Parliament

### Public Petitions Committee

*Wednesday 16 March 2005*

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

### New Petitions

**The Convener (Michael McMahon):** Good morning and welcome to the Public Petitions Committee's fifth meeting of 2005. We have received apologies from Jackie Baillie, for whom Susan Deacon will substitute. Susan has been delayed, but will be here as soon possible. We have also received apologies from John Farquhar Munro and Rosie Kane.

The first agenda item is new petitions. Members will wish to note that the petitioners for PE822 will arrive later this morning—they are coming from Inverness. So that we can allow them to speak to their petition, I hope that members will agree to make PE822 the last of the new petitions that we consider. We will take other oral evidence and, after the petitioners from Inverness arrive, we will hear from them.

#### **Robert Burns (Culture and Tourism Policies) (PE824)**

**The Convener:** Our first petition is PE824, which is by Peter Watson on behalf of Alloway and Doonfoot community council. The petition calls on the Scottish Parliament to review the Scottish Executive's policy on and commitment to placing Robert Burns and his legacy at the heart of its culture and tourism policies, and to urge the Executive to assume responsibility for bringing together all interested parties to ensure that the flagship assets of our Burns heritage are properly restored and developed in good time for the major events that are planned for the 2009 homecoming year, which will mark the 250<sup>th</sup> anniversary of the national bard's birth.

Peter Watson, who is Alloway and Doonfoot community council's chair, will make a brief statement in support of his petition. He is accompanied by Alan Paterson and Jack Miller. I welcome you all to the committee. You have a few minutes for opening comments, after which we will discuss the issues that you raise.

**Peter Watson (Alloway and Doonfoot Community Council):** On behalf of Alloway and Doonfoot community council, I thank Mr Adam Ingram MSP for his guidance on preparing the petition and for securing the debate on the issue in

Parliament only six weeks after our first public meeting. We are indebted to MSPs of all parties for their support and to Patricia Ferguson MSP for her timely intervention with South Ayrshire Council and the Burns trustees.

In November 2004, we learned that South Ayrshire Council was to lease the Tam O'Shanter Experience and withdraw from the joint management board. We deplored that local action, which was taken with no thought about its impact on the bigger picture. We were concerned that the loss of one facility would jeopardise the viability of the Burns cottage and museum. In fact, the museum has been allowed to deteriorate to such an extent that it is no longer suitable for keeping priceless Burns artefacts, so some have already been removed for safekeeping. The lesson to be learned from that is that our Burns heritage cannot be managed piecemeal as being but one among conflicting priorities in a local authority budget, or by local groups that have limited focus and limited skills. That is not the way to develop and sustain a modern facility that will attract people from all over the world; the petition has attracted signatures from 37 countries throughout the world.

We urge the Scottish Executive to recognise that our Burns heritage must be managed as a national cultural and tourism asset, and to take the lead so that a Burns national heritage park and trail of which we can be proud can be restored and ready in time for the year of homecoming in 2009. The involvement of the National Trust for Scotland in the management board must be finalised quickly. Time is short, so the Executive must try actively to remove any roadblocks and it must provide backing—including funding—until 2009 and possibly beyond. The NTS has the track record that is necessary to develop and restore the park and to market and manage it in the future. It also has expertise in working with private and commercial interests, which could be involved as required. Our vision is of a vibrant Burns national heritage museum, park and trail that together are recognised throughout the world as being among the leading tourist and cultural attractions in Scotland.

**The Convener:** Thank you very much.

Adam Ingram is with us this morning. I will allow committee members to ask questions and I will give Mr Ingram an opportunity to sum up or make some points at the end.

**John Scott (Ayr) (Con):** I welcome the gentlemen from Alloway. For the people of Ayr and Ayrshire, PE824 is among the most important petitions to have come before the Public Petitions Committee. It is presented at a crucial time, when discussions are continuing that involve the Minister for Tourism, Culture and Sport; South Ayrshire Council; the National Trust for Scotland;

the Burns Monument Trust; Scottish Enterprise Ayrshire; and other interested parties. Those discussions will decide the future of the Burns heritage in Ayrshire; it is vital that they succeed in bringing about the restoration of the Burns cottage in Alloway and the protection of the artefacts therein.

The Burns cottage and its contents are national treasures, but it is a national disgrace that they have been so neglected in the past. However, we have to go forward. We have to acknowledge Burns's international importance and to realise—for Ayr, Ayrshire and Scotland—his full potential for attracting tourists to south-west Scotland. As the petitioner said, the situation has got so bad that the Minister for Tourism, Culture and Sport herself has had to intervene. I welcome her support and that of the Scottish Executive. I also welcome the involvement of the National Trust for Scotland. For the first time in years, I am optimistic that Burns's memory and heritage will be retained and developed in Ayrshire.

What are the petitioners' views on the National Trust for Scotland's proposal on development of a Burns heritage trail for south-west Scotland?

**Alan Paterson (Alloway and Doonfoot Community Council):** We consider that to be a positive solution to a problem that is, at this stage, massive. Something like 330,000 people visit the Tam O'Shanter Experience—its situation has brought the issue to the table—every year. From the figures that we have been given, it also appears that 25,000 visit the Burns cottage. Some of those 330,000 people are local people who go into the Tam O'Shanter Experience for a coffee, but we have to get more of those who visit the Tam O'Shanter Experience on bus trips, for example—they walk in, buy some touristy toys, have a coffee then move on—into the Burns centre.

As we understand it, the heritage trail proposal would involve a one-stop ticket, which would give the ticket holder access to various places, including the Burns cottage, the Burns monument and possibly further afield, because it is not only in Ayrshire that the trail needs to be developed. We certainly welcome the proposal to have a heritage trail. We are not here just to save one part of the Burns experience; we want to improve the whole lot. It is a huge tourist attraction and it must bring a load of money into the country. We must do more with that.

**John Scott:** What should happen to the Tam O'Shanter Experience?

**Alan Paterson:** Initial comments suggested that people did not care too much about the Tam O'Shanter Experience, but they have subsequently come to realise that it is in some

ways a financial focal point, if not necessarily a Burns focal point. I hope that whoever ends up with it—we hope that it will be the National Trust and others—will use it as a visitor centre and that it will still be able to generate the cash that it appears to generate. It should not just be the visitor centre—it should become the focus for Burns. To be honest, the Tam O'Shanter Experience has possibly been running down and the problems have been known.

**John Scott:** Do you accept, however, that the concept of the visitor centre as a means of providing an income stream to support the existence of the Burns experience in Alloway was a visionary idea when it was first developed?

**Alan Paterson:** Yes, definitely—although it has perhaps not been utilised properly since then. That is my impression, although I cannot confirm that.

**Peter Watson:** The community council has met the chief executive and one of the top managers of the National Trust, and we are now getting more support. The National Trust envisages the local community being involved in running the heritage centre. At present, it is run by an archaic system of trustees and nobody knows who they are. The National Trust wants the local community to be involved, which is why the whole community supports the National Trust.

**John Scott:** Are you aware of any private sector interest in running the centre?

**Peter Watson:** There is talk of that.

**Alan Paterson:** There has been nothing official.

**Peter Watson:** We have got millionaires staying round about the centre.

**Alan Paterson:** Some of them are housebuilders, unfortunately.

**Ms Sandra White (Glasgow) (SNP):** I echo John Scott's sentiments. Burns is very important, not just to Scotland but throughout the world. You said that the fact that the Tam O'Shanter Experience is run by the local council has not been good for it or for the Burns experience as a whole. You then said that you would like local people to be involved. In answer to a parliamentary question, Frank McAveety, the then Minister for Tourism, Culture and Sport, talked about

"the Executive's commitment of £300,000 to the Scottish Arts Council over the last three years to develop a range of socially inclusive Burns projects."

Have you seen any evidence of that? It seems that nothing has come of that.

**Alan Paterson:** I can say something about the matter anecdotally. My wife is a school teacher, and I know that some stuff has been done through

the schools. Her school goes to the Burns cottage in January every year—I think that they take children in primaries 6 and 7—but I am not conscious that any huge sums of money have been used to focus such activity. The issue is about focus.

**Ms White:** Yes—one would think that the money would go into education through the local council's education budget. Mr McAveety went on to say that the Executive has allocated

"£100,000 for the second Burns and a' that Festival".—*[Official Report, Written Answers, 15 January 2004; S2W-4863.]*

Although Frank McAveety said that money was going into that, it does not seem to be filtering through.

**Peter Watson:** No—the money is not coming through. We cannot get tickets for the Burns and a' that! festival, although we stay in Alloway. That is all done through an Edinburgh-based company, and the local council has nothing at all to do with it. The money is going there; it is not being spent on the water that is running through the inside of the Burns cottage. It is not getting to the places where it is needed.

**Ms White:** Are you saying that you want the money from the Scottish Executive to be filtered down locally?

**Peter Watson:** We want it to come through the National Trust for Scotland.

**Alan Paterson:** Let me clarify the point about the community being involved. As I understand it, the National Trust for Scotland envisages someone from the community being on the board rather than—as the situation is now—there being a handful of people on the committee, or whatever. Such a person on the board would be able to give the man in the street's viewpoint on things. It is not about 20 people from Alloway and Doonfoot suddenly taking over and running the Tam O'Shanter Experience. The idea is to have a community representative on the board or committee.

10:15

**Ms White:** Sometimes local representatives are better than other people, so I have no problem with that idea. Basically, you are saying that you would like the National Trust for Scotland to take over and market the park, instead of that being done piecemeal through the local council.

**Peter Watson:** Yes. For the past four years, the community council has attempted to get in touch with the trustees and has offered to do anything to help them. We have written about seven letters, but we have received not one reply.

**Helen Eadie (Dunfermline East) (Lab):** There is a Burns national heritage park that draws together Burns assets in Alloway. Does it take in the cottage and museum?

**Peter Watson:** Yes. The park includes the Burns cottage, the Alloway kirk—which is also in a terrible state of disrepair—the Land o' Burns centre, the Burns monument garden and what we call the Brig o' Doon. They are all in the same area.

**Helen Eadie:** The heritage park has a joint management board, comprising the local authority, the Burns Monument Trust and the local enterprise company. How frequently does the board meet?

**Peter Watson:** We have no idea.

**Helen Eadie:** Have you had any meetings with representatives of the heritage park?

**Peter Watson:** We have met one of them, who came to our public meeting but could not tell us who the other trustees were.

**Helen Eadie:** Does the board have a development plan for the heritage park?

**Peter Watson:** The only development that we know about concerns the Land o' Burns centre. The centre was visited by more than 300,000 people and, according to its books, was making money that was supposed to be used to help to run the cottage. However, we have no idea what business plans exist. The trust has said that it will take a year to get a business plan sorted out.

**Helen Eadie:** Often petitioners have undertaken inquiries before they have come before the committee. Who has been involved in writing letters or taking part in meetings on your behalf?

**Alan Paterson:** As we have mentioned, the campaign started with a public meeting that we held in the village hall and it has grown from there. Adam Ingram was present at that meeting and has guided us along the way, as we said in our opening statement. Along that way, we have written letters to all the members of the joint board but have received no responses. We have invited South Ayrshire Council—

**Helen Eadie:** Has Adam Ingram written letters to the board on your behalf?

**Peter Watson:** No—our secretary has written the letters.

**Alan Paterson:** I may have misunderstood the question. Adam Ingram was the stimulus and gave us clues as to where we should direct correspondence.

**Helen Eadie:** I am trying to clarify to whom you have, or anyone writing on your behalf has,

written. Have any councillors or MSPs written letters and, if so, to whom? What replies have you received?

**Alan Paterson:** No councillors or MSPs have written letters on our behalf.

**Helen Eadie:** So no one has written any letters on your behalf to date.

**Alan Paterson:** No letters have been written by councillors or MSPs.

**Peter Watson:** We have written letters to and received replies from all the local MPs and MSPs. We have also written to South Ayrshire Council.

**Jack Miller:** However, we have received no replies from the council.

**Helen Eadie:** Have the MSPs or local councillors written any letters directly to the minister?

**Peter Watson:** No. The letters have been written by the community council.

**Mike Watson (Glasgow Cathcart) (Lab):** I have a couple of questions about the 2009 homecoming year. Who designated 2009 as such? Was that done officially by the Executive?

**Peter Watson:** As far as we know, Patricia Ferguson was in Australia last year publicising it.

**Mike Watson:** As we all know, 2009 is the 250<sup>th</sup> anniversary of Burns's birth. However, there was a lot more to Burns's life than Ayrshire. The responses to the e-petition reflect the fact that he also lived in Dumfries, where he died, and in Edinburgh, where he came to international prominence. For the Burns experience or Burns heritage trail to receive any funding from the Executive, it would surely need to include Edinburgh and Dumfries as well as Ayrshire. Do you agree?

**Peter Watson:** Yes, we agree totally.

**Mike Watson:** I am not talking just about events in 2009. I think that Burns is seriously underrepresented in other parts of the country. Edinburgh has only one statue of him.

**Peter Watson:** We agree totally with you.

**Alan Paterson:** If a series of stages of development is required, Alloway and Doonfoot community council would first want the Burns cottage to be sorted out and preserved. Things could grow from there. I understand that Burns is heralded in 38 different locations throughout Scotland. I suspect that the National Trust for Scotland or the Scottish Executive would have a hell of a job in trying to move in a short time from the present position of doing virtually nothing to a position of having all 38 sites under some umbrella.

**Mike Watson:** I accept that, but that brings me to my next question. Which of the 38 sites do you want the National Trust to take over? If the trust became involved, what do you envisage it would be responsible for?

**Peter Watson:** Are you asking what we envisage happening ideally?

**Mike Watson:** Both ideally and realistically.

**Peter Watson:** Realistically, we envisage that work could be done on the Ayrshire and Dumfries sites, which would become part of a west-coast trail. The Edinburgh and east-coast side would then need to be considered. Ideally, I would like the National Trust to take over the whole thing, but I am not sure that we will ever achieve that.

**Mike Watson:** In response to Sandra White's question, you said that you had written to the trustees but had not had a response. Did you mean the trustees of the National Trust for Scotland?

**Peter Watson:** No, I meant the trustees of Alloway cottage.

**Mike Watson:** Did the trustees not respond?

**Jack Miller:** No. They are a very mysterious group of people.

**Mike Watson:** I would have thought that the Burns cottage trustees would have been anxious to take any assistance that was available, especially from people in the locality.

**Peter Watson:** My words at the village hall meeting were that dealing with the trustees is like finding that your jumper has a wee loose thread—once you start pulling it, it just keeps coming until you finish up with no jumper. Our experience of the trustees has been that we could not find them.

**Mike Watson:** So you are saying that we need a policy to be, as it were, knitted together.

My final question looks forward in some respects. You mentioned that you have talked to the local council, but have you spoken to Ayrshire and Arran Tourist Board? As you may be aware, the tourist boards are about to change substantially.

You also mentioned the Burns an' a' that! festival. I remember that, when I was Minister for Tourism, Culture and Sport, we provided money for the development of that festival. I accept the point that you made about ticketing, but I am pleased that the festival seems to be developing into an international event. I am not sure why Lou Reed is to appear at this year's concert, but I like Lou Reed and Rabbie Burns, so that suits me.

However, the point that I want to make is that Ayrshire and Arran Tourist Board had difficulty in



providing funding. Will the new organisational structure for the tourist boards help or hinder you in the amount of assistance that you can receive directly from the tourist board?

**Peter Watson:** We cannot answer that because no one has taken the time to sit down and explain to us what is happening. We have had an Ayrshire and Arran Tourist Board but, suddenly, we will have no Ayrshire and Arran Tourist Board. The chief executive has now been appointed for the Ayrshire and Arran area but that person now works for VisitScotland. No one has ever taken the time to explain things to us, so we cannot answer your question.

**John Scott:** I want to pick up on a point that Mike Watson made. Do you agree that, during the first stages at any rate, any Burns heritage trail that is developed should be a south-west of Scotland trail rather than one that goes across Scotland?

**Peter Watson:** Yes.

**John Scott:** Secondly, can you remind me how much national lottery funding was made available for developing the Burns cottage? I have a feeling that the figure was about £5 million or £6 million.

**Peter Watson:** Our community council listened to a presentation from a chap, whose name I cannot remember, who was acting chief executive for the heritage trail. He showed us the architect's drawings for the project. I think that the figure was about £7 million.

**John Scott:** Have you any idea whether that money might still be available? Perhaps the minister could look into that.

**Peter Watson:** We have heard conflicting stories. First, it was said that the amount was too much and it was scaled down. Then we heard that it was not enough and the figure was put back up. It has been a bouncing ball.

**The Convener:** I give Adam Ingram the opportunity to make a few points and to ask some questions.

**Mr Adam Ingram (South of Scotland) (SNP):** Thanks very much, convener. I can answer quite a number of the questions that members have asked. Among other things, the purpose of the money that Frank McAveety provided was to put together a study of the national Burns collections that had been dispersed throughout the country and had never been audited, so no one knew what was in them. We now know what those collections comprise and where they are located. As someone said, I think that they are spread out among 38 sites throughout the country.

The National Trust for Scotland has proposed the establishment of a centre or hub at Alloway,

which would co-ordinate the national collections throughout the country. That would mean that it would be possible for an exhibition on one site to draw on collections that are held at other sites. It sounds crazy to say that that has never previously been achieved, but it is true. That suggestion is helpful, but we now need to take matters a stage further because, as the gentlemen from the community council said, there has been a massive sense of frustration in Ayrshire and in Scotland generally about the unrealised potential of the Burns heritage, from the point of view of both culture and tourism. That is why the Executive is focusing heavily on 2009 as the year of homecoming. I hope that everything can be put together by then so that we can promote our heritage properly and bring in tourism income.

The minister's intervention was welcome, because a few heads needed to be knocked together—most notably on the local council—but I still have concerns. We have a very narrow window of opportunity to get arrangements in place for 2009, so the next year will be crucial. The NTS has just been invited on to the joint board. Over the next 12 months, it will do two things. It will prepare a business plan for the heritage park that we hope will state what is required to take the park into the future in a self-sustaining way. In parallel with that, we need to gather funding for a capital project to rebuild the museum and bring the cottage up to scratch. The committee has heard from the community council about the appalling state that the museum is in. It is crucial that those two tasks be done this year.

The efforts of the NTS are heavily dependent on support from the Executive, which needs to provide future financial input for running the park and—perhaps more important—a big chunk of money to invest in the new museum project. We anticipate that an application will be made to the Heritage Lottery Fund but, as the committee knows, such applications require matched funds, so the Executive will have to come up with a fairly large chunk of money.

It is highly relevant to the petition that the Executive be asked about its plans and intentions with regard to the provision of support for the heritage park, especially in the coming year, which will be vital. That is how I would sum up the situation.

10:30

**The Convener:** Do members have recommendations on what we should do with the petition?

**John Scott:** Adam Ingram's suggestions are eminently sensible. Accordingly, I suggest that we seek the views of Patricia Ferguson, the Minister

for Tourism, Culture and Sport, and the views of the people involved with the heritage park. It would also be interesting to hear what plans VisitScotland has in relation to the year of homecoming. That would be welcome information that might demonstrate that plans are afoot.

**Ms White:** I agree with John Scott. It would also be good to write to the trustees to find out why no reply has been received to the seven letters that they have received. We should write to the local council as well, because it is also involved in the situation.

**The Convener:** I think that that is a reasonable suggestion.

**Mike Watson:** We should write to the National Trust for Scotland to ask what its view is of the suggestion that it take over at least some of the sites.

**The Convener:** Do members agree with those suggestions?

**Members** *indicated agreement.*

**The Convener:** When a petition comes from our e-petition website, we usually highlight that fact. I would like to say that PE824 attracted 1,810 signatures on the e-petition website. That is not the biggest response to an e-petition, but I think that the signatories set some kind of record in terms of their geographical spread. There are 260 from the United States of America, 144 from Canada and 142 from England. The list goes on all the way down to two from Belize, two from Brazil, and one each from Estonia, Japan, Lithuania and so on. The breadth of Burns's reputation is demonstrated in the range of signatories to the petition. The petitioners have tapped into something that Scotland has to become more aware of. Perhaps instead of concentrating on tartan and shortbread we should concentrate on tapping into people's knowledge of Burns. We will let the petitioners know what responses we get to the letters that we will write. I hope that the petition will make good progress.

### **NHS Services (Rural Areas) (PE826)**

**The Convener:** The next petition, PE826, is from Rennie Chalmers, on behalf of the Mid and Upper Nithsdale association of community councils. It calls on the Scottish Parliament to urge the Scottish Executive to ensure that national health service services in rural areas, such as Mid and Upper Nithsdale, are adequate, equitable and acceptable, as required by the National Health Service Reform (Scotland) Act 2004, especially in relation to out-of-hours services.

The 2004 act was passed by Parliament on 6 May 2004. The primary aim of the act is to reform the organisation and management of the NHS in

Scotland. Section 6 of the act gives ministers a clear power to intervene, with or without the co-operation of the NHS board. That may occur when a health service provider has been deemed by Scottish ministers to be failing to provide the service to an acceptable standard.

Members will recall considering a similar petition, PE814, at our meeting on 2 March. It was in the name of John MacPherson, on behalf of Killin community council, and called on the Scottish Parliament to consider and debate the implications for rural areas of the introduction of NHS 24 services, particularly in relation to ambulance cover and the timescales for getting medical assistance to patients in those areas. The committee agreed to write to the Scottish Executive, the Scottish Ambulance Service, NHS 24 and the Scotland Health Council.

One of the reasons why we are not taking oral evidence on PE826 is that it is similar to PE814. However, we are joined this morning by Alex Fergusson, who has an interest in the subject. We would be grateful to hear any additional information that he can bring to us.

**Alex Fergusson (Galloway and Upper Nithsdale) (Con):** I am grateful to you for the opportunity to do so. The petitioner is a constituent of mine—Mid Nithsdale is divided between my constituency and the constituency of Dumfries, but Upper Nithsdale is located entirely in my constituency. The concerns behind the petition fall into two strands: the first is to do with NHS 24 and the second is to do with the out-of-hours service developed by Dumfries and Galloway NHS Board. Across the whole health board region, we have gone from 12 doctors on call out of hours to five. They are no longer spaced equitably across the region; they are based in two primary care centres—one in Dumfries and one in Stranraer. Although both are in the south-west of Scotland, they are the best part of 75 miles apart.

I will speak briefly about those two strands. The concerns raised in the petition about the out-of-hours service are the natural concerns of most people who feel that they have been excluded from a process. In this instance, the people of Mid and Upper Nithsdale, speaking through the Mid and Upper Nithsdale association of community councils—or MUNACC—feel strongly that they were excluded from the consultative process. Although their concerns and fears were raised, the outcome suggests that absolutely no attention was paid to those fears. They feel that they have been excluded from the best level of out-of-hours care that is offered by the new model of service delivery—it boils down to the fairly obvious fact that the further away one is from a primary care centre, the more disadvantaged one will be. That is exacerbated by the fact that the region is now

served from only two centres that are 78 miles apart, rather than out-of-hours services being operated by a number of general practitioners spread across the region.

On NHS 24, I will give members a brief example of the experience of a constituent who recently contacted me. Her eight-year-old daughter had been quite ill on a Saturday evening and, like any mother of an eight-year-old child, she was extremely concerned. She phoned NHS 24 at about 9 o'clock at night and was told that a nurse would phone back shortly. By 10.30, she had heard nothing, so she phoned Dumfries and Galloway royal infirmary, which, although some 45 to 50 minutes away, is the nearest primary care centre. She was told that the staff there could do nothing unless the patient was referred by NHS 24. Eventually, in a state of some distress, her daughter fell asleep. The mother waited up and got a call from NHS 24 at 1.30 in the morning to say that a nurse would call back within the hour. As her daughter had gone to sleep, the mother told NHS 24 that she would leave it for the time being and the situation was dealt with in the morning. Although her daughter was not so ill that she could not fall asleep and get through the night, that young mother in a remote rural area was scared stiff by what was happening to her daughter. Effectively, she was at the mercy of an equally remote call centre that was understaffed on that Saturday night—as members now know, NHS 24 is understaffed and provides a pretty inadequate service at busy times. The result of all that is that a large section of the rural population, as epitomised by people in Mid and Upper Nithsdale, feel that they are not listened to and that they are disadvantaged and discriminated against when it comes to out-of-hours services.

I understand that similar petitions have been heard by the committee, but I hope that the committee will continue its consideration of the subject with PE826, if for no other reason than that such concerns, as demonstrated by the fact that the committee has heard similar petitions from other parts of the country, accurately reflect those that arise not only in the Dumfries and Galloway NHS Board area but, increasingly, across the whole of rural Scotland.

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** I am conscious that, as a substitute member of the committee, I have not been party to previous discussions, so I am sure that the convener will close me down if I go into terrain that members do not want to rehearse. However, I have a few questions for Alex Fergusson. In particular, I would like to ask about the new model of service delivery for out-of-hours cover that he described. To what extent has that model been driven by the changes made to the

general medical services and general practitioner contracts?

**Alex Fergusson:** Virtually 100 per cent.

**Susan Deacon:** So, with the move from 12 to five GPs, those five GPs are now contracting their services back to the NHS, whereas previously out-of-hours cover was a core part of all the GPs' work. Do you have any information about the cost of that service as currently provided? Has the health board made such information available in considering the new models of service delivery?

**Alex Fergusson:** During the consultative period that led up to the introduction of the new service, cost was often mentioned in negotiations with the health board and at public meetings across the whole region. We were constantly told—and I have no reason to disbelieve it—that cost did not enter into the issue. In other words, it was said that the delivery of the out-of-hours services would not be compromised because of costs. I have no actual figures to give you, but I know that at least five GPs—who are, effectively, out-of-hours specialists—had to be recruited to fill the gap, as local GPs have not volunteered their services in sufficient numbers to provide total cover. A number of specialist out-of-hours GPs therefore had to be recruited, obviously on top of the usual budget.

I accept the fact that, as envisaged by Dumfries and Galloway NHS Board, cost has not precluded the delivery of the services, but the real concern is about the inequitable distribution of services that was brought about by the provision of two primary care centres across a very large region. We can contrast that with the Borders region, which is of a similar size and has a similar rural population, but which has five primary care centres to cover its area. As I mentioned, we have just two, and they are pretty much to the west and the east of the Dumfries and Galloway region.

**Susan Deacon:** When did NHS 24 go live in your part of the country?

**Alex Fergusson:** Our area was one of the first in which it went live.

**Susan Deacon:** You have described the current problems and pressures on NHS 24, which—anecdotally, at least—chime with what is happening not just in other rural areas but in many other parts of Scotland. I would like specifically to know whether those problems have arisen since the GP out-of-hours cover changes have taken place or whether the problems predated those changes.

**Alex Fergusson:** To be frank, the problems with NHS 24 have changed. Dumfries and Galloway was one of the first rural areas to go online with NHS 24. In the early days, the problems were

down to lack of sufficiently detailed training about locations, where the nearest GP was available and similar issues. For example, people were referred to a medical centre 50 miles from where they lived, although there was one only 10 miles down the road.

As more and more health board areas came on stream with NHS 24, the problems changed. From the point of view of knowing about locations, aside from the odd hiccup, things have gone rather better. As we all know, and as the Executive has acknowledged to some degree, in that it is going to review the situation, the problems now are about undermanning at crucial times and the fact that people ring up at busy times. A constituent who lives close to where I live rang up during a busy period and got an answerphone message saying, "We're busy. Can you phone back?" I do not think that that is acceptable. It is certainly not acceptable for people who are in a remote rural location and who, for example, are scared stiff about the future of their eight-year-old daughter. The problems have changed as more and more areas have come on board.

**John Scott:** Do you agree that the crisis that NHS 24 is facing is a problem not only in rural Scotland but in urban Scotland, and that although the feeling of remoteness may be greater in rural areas, the problem is Scotland-wide?

**Alex Fergusson:** Living, eating and breathing, as I do, in the depths of the rural south-west of Scotland, I am not really qualified to say how NHS 24 has impacted on urban Scotland, but I do not see how it can be other than what you suggest. If a service is undermanned at crucial periods, that has as much impact on somebody who lives in the middle of Glasgow as it has on somebody who lives in the remotest parts of Dumfries and Galloway.

**John Scott:** What is your view on the welcome review that the First Minister recently announced? I think that it should consider the concept behind NHS 24 and the fact that it was apparently developed without consultation. Its creation was a political act, so it was in danger from the outset. Over Christmas, health professionals in Ayrshire warned me that it was in imminent danger of collapse. That is a concern for all my constituents and for everyone's constituents.

10:45

**Alex Fergusson:** The need to review NHS 24 so early in its history worries me. That leads one to think that it was not sufficiently thought through in the first place, particularly when all the health board areas came on stream and pressures were exerted. I am interested in what solution the review will throw up, because we cannot step back

to yesterday overnight. The increasing concerns from members of all parties and instances such as that which I have described—and worse—suggest that there is a long way to go before the service can deliver what was promised of it.

**Helen Eadie:** I noticed that you, David Mundell and representatives from the Mid and Upper Nithsdale association of community councils met the local health board. What did you discuss? What was the health board chief executive's response?

**Alex Fergusson:** I pay tribute to the chairman and the chief executive of Dumfries and Galloway NHS Board. Throughout the lead-up to the introduction of the new services—NHS 24 and, in particular, the out-of-hours service that has been delivered—their doors were always open to us and they have patiently received representations. They may not always have answered our queries as we would have liked, but I genuinely thank them for being as open and accessible as they could be. I am happy to put that on record.

MUNACC brought to us particular concerns from Mid and Upper Nithsdale. David Mundell and I sought a meeting with the chief executive and the chairman of the health board; I think that the information accompanying the petition says we had such a meeting. It is accurate to describe the meeting as pretty robust—to be frank, no punches were pulled. Certainly, some members of MUNACC did not pull their punches; they called it as they saw it. The response was that the officials would examine the concerns and come back to us.

Perhaps the petition would not have been lodged had the individuals involved felt that the response in any way heeded the concerns that were raised at that meeting. The response was that the board had considered what was said but was happy that what it was doing was sufficient. Rightly or wrongly—I will not judge—the feeling was that the board had gone through the motions of listening to people but that it had ignored them.

I could give several more examples from that part of the world that highlight the concerns and underline the fact that they are genuine. I am pleased only that I have nothing serious to report and that no deaths or exacerbations of injuries have resulted. However, one cannot help but feel—as do many of my constituents—that such a situation might be round the corner.

**Susan Deacon:** Is it appropriate to make an observation that flows from Alex Fergusson's comments, rather than to ask another question?

**The Convener:** I am more than happy for you to do that.

**Susan Deacon:** It is important to make a distinction on cause and effect. Alex Fergusson

has talked about the impact of NHS 24, but it is also important to note what he said about why the new model of service delivery was adopted in his area. His response to my first question was that the reason was 100 per cent down to the changes that were made to the GP contract and the option for GPs to opt out of out-of-hours cover. I was interested in what he said about specialist out-of-hours GPs being brought into his part of the country. I observe from that—and from reading the papers for this meeting—that the focus is on the difficulties that have arisen in NHS 24 without there being consideration of the changes to the GP contract, which is by far the biggest factor that impacts on out-of-hours cover in Scotland. I was surprised about the focus of the committee's questions and, indeed, the focus of some of the comments in this discussion. NHS 24 was designed and established before the changes to the GP contract were agreed. It was never intended to be a substitute for GP cover on the scale that seems to be taking place in some parts of the country.

Having made those observations, I suggest that, whatever action the committee decides to take on the petition, it is important to factor in the impact of the changes to the GP contract and the cost and consequences of the alternative models that have been put in place. It is every bit as important to consider that as it is to ask questions about the operation of NHS 24, which in many respects is just trying to pick up the pieces and address the gaps that have emerged because of other changes. I hope that that is a helpful comment.

**The Convener:** That is a sensible suggestion, given the information that Alex Fergusson has given us. I suggest that we should link PE826 and PE814, because the questions that were asked at our previous meeting on PE814 are just as relevant to PE826. I take on board the points that Susan Deacon made, and there is no harm in asking the questions that she raised.

**Helen Eadie:** I agree with Susan Deacon. I sat on the Health Committee when it scrutinised the new GP contract, and an issue that arose throughout the process was that the Scottish Parliament was being asked to go through the motions on what was a Westminster-led exercise. The biggest issue was consultation, which Alex Fergusson mentioned earlier. When there was a ballot of GPs on the new GP contract, it was only just accepted—I think that 56 per cent of GPs who responded supported it and that, if my memory serves me correctly, 65 to 70 per cent of GPs who were entitled to vote did so. It was always going to be a difficult area.

I think that Alex Fergusson said that the health board in his area has employed people in salaried posts. Does the health board intend to create

additional salaried posts to cover what is a big area? There is an issue throughout Scotland about the number of specialist salaried posts to cover the out-of-hours scheme. It would be helpful to get that information from the health board, and we should also take up the points that Susan Deacon rightly made.

**John Scott:** I have a question for Susan Deacon, given her experience as the former Minister for Health and Community Care. If there are deficiencies in the GP contract, how do you suggest that they should be addressed? We are talking about people's lives, and the new system is apparently inadequate. Do you have an off-the-shelf solution to the problem? I appreciate that that is unlikely, but I will give you the chance to offer one.

**Susan Deacon:** I do not think that anyone has an off-the-shelf solution to any of the big questions that face the health service. Anyone who pretends to have such a solution should be challenged accordingly. I do not think that we can do justice to the bigger question today, although I point out that the Audit Committee has been considering the costs and implications of the three major contractual changes in the health service, so more in-depth pieces of work on the matter are taking place in the Parliament.

The simple point that I make for the purposes of today's discussion is that the changes to the GP contract are perhaps the most significant facet of the terrain and they should be factored into any consideration of what is happening with out-of-hours services throughout the country. The GP contract should be considered, if for no other reason than to understand why certain changes have taken place, albeit that the major contractual changes are now a given and services therefore have to work within them. It is important to factor that into the public's and parliamentarians' understanding of what led to those shifts.

**John Scott:** Would it therefore be sensible for the on-going NHS 24 review to take into account the terms, conditions and effects of the GP contract? Are you saying that the two are inextricably linked?

**Susan Deacon:** I would guess that any review of any aspect of out-of-hours services will by necessity touch on all those different issues. I am simply factoring a point into the committee's lines of inquiry for the purposes of today's discussion.

**The Convener:** As I said, that is a valid area for us to investigate. We can link the two petitions, send PE826 to the Executive in addition to PE814 and ask questions on the additional points that Susan Deacon and Helen Eadie have raised. Are members happy with that proposal?

**Members indicated agreement.**

## Secondary Schools (Lockers) (PE825)

**The Convener:** The next petition is PE825, by Alana Watson on behalf of Rosshall Academy students council and higher modern studies section. The petition calls on the Scottish Parliament to urge the Scottish Executive to ensure that every Scottish secondary school provides lockers for pupils in order to prevent pupils having to carry heavy bags throughout the school day, which could potentially cause back problems.

In as much as the provision of lockers is a health and safety issue, responsibility lies with the education authority, with day-to-day management being the responsibility of head teachers. There may be an issue as to whether adequate storage provision was specified in the public-private partnership design.

The Workplace (Health, Safety and Welfare) Regulations 1992 (SI 1992/3004) apply to schools, and regulation 19 applies to pupils' belongings. In addition, the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (SI 1967/1199) apply to school pupils. A 2002 Scottish Executive review of research on school travel found that safe routes were the main requirements for encouraging walking and cycling to school, but that the provision of lockers can also have an impact.

Do members have any comments on the petition?

**Mike Watson:** It is good to see another example of school pupils using the petitions system, and of young people being conscious of what is happening in the Parliament and of their ability to access the Parliament.

The issue is interesting. In discussing the previous petition, Susan Deacon talked about cause and effect, which we must also consider with this petition. We cannot get away from the fact that it is those schools in Glasgow that have been rebuilt using the public-private partnership model that are an issue.

In the Parliament, there are lockers next to the education centre for the use of the many school pupils who come here. I cannot talk about the health aspects of the matter, but one does not need to be a doctor to know that it is better for young children not to carry heavy packs on their backs all day. Therefore, the issue is how a new school can be built without room being left for lockers for children's bags. That is astonishing. I accept that the cloakrooms of the old days may be gone, but that space and resources for lockers are not seen as necessary or affordable is a serious matter. I do not believe for one moment that Glasgow City Council is unique in that respect, as

a number of other local authorities have provided new or refurbished schools under the same model. However, we should write to Glasgow City Council to ask why it thinks that providing lockers in its schools is no longer necessary.

**Helen Eadie:** I concur with everything that Mike Watson said about young people being involved in parliamentary processes.

I suggest that we also write to the Minister for Education and Young People to ask why new schools are allowed to be built without lockers. Pupils in a secondary school in my local area—it is not new—have successfully campaigned for lockers. A school that has been there for 30-plus years now has lockers as a result of the school rector's hard work to secure funding. Those efforts were right and proper.

I hope that we support the petition. I agree with all the points that the petitioners have made and I agree with what Mike Watson has said. We should consider writing to some of the organisations that are mentioned in our papers. Those include the British Chiropractic Association, the National Back Pain Association, the Association of Directors of Education in Scotland, the Association of Head Teachers in Scotland, the Headteachers Association of Scotland and the Scottish Youth Parliament. It would be helpful to write to all those organisations to get their views on the matter.

11:00

**Ms White:** I think that we will find that under PPP or the private finance initiative, money-saving aspects of the contract prevented the building of areas for lockers. It is really important that kids have lockers. When you visit schools you see pupils carrying big, heavy bags. That has long-term effects in respect of backache and similar problems. We should write not only to Glasgow City Council but to the other organisations that Helen Eadie mentioned, including the Youth Parliament.

**John Scott:** I support the petition. The more I read it the more I found myself agreeing with it. I have carried bags about forever and a day. I did not realise that curvature of the spine had a name: scoliosis. This is a worthwhile petition, to which I give my full support.

**Susan Deacon:** A wry smile came to my face when I read the petition. This morning I had a heated exchange with my seven-year-old daughter—as we always have in the mornings—about what on earth was in the ginormous bag that was on her back. Upon investigation, I found an accumulation of books and shoes—and other things that are probably best left unmentioned that were rotting at the bottom of it. All those items were getting carted around.

There are often style and fashion issues. At primary school gates you see little kids with bags that are about twice as big as they are. There is a real issue.

I will add a couple of comments from a slightly different angle from those made by colleagues. The impact that the provision of lockers has on encouraging walking has been understated. We have talked about back problems. It is important to encourage walking. We should think back to our own practical experiences; I thought back to my student days. Some bits of the university had locker provision and others did not. When there was locker provision, I was more likely to leave books and so on overnight and I was therefore more likely to walk than if I had to cart them back and forth all the time. There is a practical issue about how someone exercises judgment about their travel options if they are carrying bags. That is understated.

The only other point, although as a visiting member to the committee I will not push it if other members are happy, is that I am not sure that it is necessary to write to all the different back organisations. I am prepared to accept that there is an issue there in addition to the other points.

A practical thing would be to see whether, as a matter of good practice—I am not sure that anyone is arguing that we should legislate for it—the issue could be built into the guidance that the Executive and others produce on school design. Considerable work has been done on that, including some good practice guidance on PPP contracts.

**The Convener:** The committee now does an awful lot of primary research so that, if we have to refer a matter on to other committees, we have already done much of the work. Hence the suggestion that we contact as many organisations as we can, so that once they have replied we have as full a picture as possible before sending the petition on to another committee to address.

I recognise the points that Susan Deacon makes. This is the type of practical issue that we can address, especially now that so much money is going into school-building programmes.

I attended a brand new school in my secondary years. We were encouraged to buy a school bag that had the school logo on it, but we discovered that the bag had not been designed to fit the pigeonholes that had been provided for students. People should be aware of such practical issues in respect of provision within new-build schools.

The petitioner, the student council at Rosshall Academy has certainly raised an issue that we want to take further and get as much information on as possible so that we can find a way to address some of the practical as well as the health

implications. Are members happy that we take the petition forward in that way?

*Members indicated agreement.*

### **Hotels (Flame-retardant Curtains) (PE823)**

**The Convener:** The next petition is PE823, by George McAulay, on behalf of the UK Men's Movement, calling for the Scottish Parliament to urge the Scottish Executive to introduce legislation that requires all hotels in Scotland to fit flame-retardant curtains. The Fire (Scotland) Bill, which was passed by the Parliament on 23 February 2005, makes provisions relating to the fire safety duties of employers and in relation to premises.

Section 50 of the bill provides that in cases where a person has control of premises, including hotels, they must carry out a risk assessment to identify safety risks. Following the risk assessment, they are obliged to take reasonable fire safety measures. The clerk has advised that the issue of flame-retardant curtains did not arise at any time during the passage of the Fire (Scotland) Bill.

I think that the matter has been dealt with and I suggest that we close the petition.

*Members indicated agreement.*

### **“The same as you? A review of services for people with learning disabilities” (Implementation) (PE822)**

**The Convener:** The next petition is PE822 on the implementation of “The same as you? A review of services for people with learning disabilities”. The petition calls for the Scottish Parliament to urge the Scottish Executive to ensure that sufficient funding is made available to allow the implementation of “The same as you? A review of services for people with learning disabilities”, so that all people who have a learning disability can choose to live at home in the same way as anyone else, with the support that they need to live independently and have control over their own lives. Unfortunately, the principal petitioner, Beatrice Gallie, is unwell and therefore unable to be with us today. Jenny Fullarton will speak in support of the petition, accompanied by Kenneth MacLennan. Welcome to the committee. You have a few minutes to raise some points with us and we will then discuss the issue.

**Jenny Fullarton:** Kenneth MacLennan will go first.

**Kenneth MacLennan:** Beatrice and I went to a meeting last year. We thought that we had all the money for getting people out of New Craigs hospital, but when we finished the meeting, we found out that we did not have enough money. We

only got three people out and quite a few more were left in.

**Jenny Fullarton:** Highland Council, together with NHS Highland submitted a pipeline bid for supporting people money. They were told that it was reasonable to expect that that bid would be met. However, the supporting people money has been cut and all pipeline bids have been ended; they are not going to be supported.

So the people who were just coming out of hospital are now stuck there. Care home provision is being considered for them, which will not really change their lives very much if it happens. Talks are going on at the moment between NHS Highland and Highland Council to see if there are other ways and whether other money might be available for this. However, 38 people are in the hospital and of those, 33 are long-stay residents. They were expecting to come out to houses and single or shared tenancies, but now they are looking at what is called a core and cluster approach. That means that the people will not be dispersed throughout the community; their houses will be close together so that the care package is cheaper because all the care workers will be near at hand and not dispersed throughout the Highlands.

Six people were just about ready to come out of hospital but because of the on-going cuts in the supporting people grant, they are also possibly facing not getting their houses. Some of those people have visited their houses and are happy with them.

The review—"The same as you?"—was born through people with learning disabilities working with the Scottish Executive, which supported them to realise their dream of having the same kind of life as anyone else. That is what Beatrice would say if she were here today. She wants people throughout Scotland, especially people who are in long-stay hospitals, to have the life that they choose in a tenancy, with the support that they need in the community. Money must be available for that. It seems a shame that, because of the lack of a few pounds, people will not be treated the same and given the same choices as you and I have. Choices should be available to people who have learning disabilities and who, through no fault of their own, have been in a long-stay hospital for a long part of their lives.

**Kenneth MacLennan:** I would like people with learning disabilities to have a good life, not in a hospital, but out in the community, just like the rest of us have every day.

**The Convener:** We have never before had the benefit of considering a petition the morning after a television documentary on the subject.

**Kenneth MacLennan:** I knew you would mention that. That is why you were all so quiet.

**The Convener:** The programme was informative. It was disturbing to see the impact that funding shortages have on individuals who could live independently if they received the support that they require. The documentary made it clear that the local authority had a big decision to make about whether to provide the £2 million to fund the proposals in the "The same as you?" report. As other local authorities must do, the authority had to decide between funding one service and another. If you received the money, which service would not?

**Jenny Fullarton:** There was a pipeline bid to the supporting people fund for £1.6 million and £400,000 was to be found from other budgets. Because that money will not come, the money that the services receive will be spread more widely. People who already live in the community face cuts in their supporting people budget, which is for service providers in the community. Highland Council and other local authorities face that problem. The extra money was needed to achieve the model of single and shared tenancies, but because the money has not been forthcoming, that will not happen now. I am not sure whether that answers your question.

**The Convener:** That is helpful. There was no other programme in particular that needed the money. The decision was about overall spending, based on the fact that the Scottish Executive had cut a fund.

**Jenny Fullarton:** Yes. The supporting people funding cuts will have a huge impact on people with learning disabilities who live in communities in Scotland. Service providers are considering the support that they provide. They have to be accountable for the money that they receive, which is good and which should happen, but that may mean that people who receive fewer services cannot speak up and say, "Hang on a minute—I need that service." The possible cuts in services as a result of the cuts in the supporting people fund may mean that people cannot live in the community in a tenancy as they have done in previous years.

**John Scott:** I congratulate the witnesses on getting here from Inverness this morning to tell us about their problems.

**Kenneth MacLennan:** The traffic was going one way and we were going the other. There were lots of traffic jams

**John Scott:** I have great sympathy with your points. You accurately summarised and illustrated the fears that I have expressed publicly about the strategy for two years. To put it brutally, the question is what we will do when the funding runs



out. For example, I have an institution called Arrol Park in my constituency. The Government has said that the NHS and the local authority will adequately fund relocations of people into the community. However, it said the same about free personal care for the elderly. At the moment, funding in South Ayrshire is not adequate to meet such free personal care, even though people have been accepted as eligible by the local authority. Do you agree that it is likely that there will be waiting lists for funding to become available to deliver on the review?

11:15

**Jenny Fullarton:** Yes. Although the long-stay hospitals are supposed to close by the end of 2005, this situation means that that will not happen. At the moment, there are no beds for the people in Highland who really need them or who might need some extra support. Although local authorities are trying desperately to support these people in the community, it is becoming more and more difficult to do so. The frightening thing is that, when they have to go to hospital, people who have non-mental health related learning disabilities are being cared for as if they were being treated for mental health issues.

**John Scott:** In the desire to fulfil the terms of "The same as you?" people will be taken out of institutions that are certainly much better than they historically were. Is there a danger that they will end up in institutions that are worse, because those better institutions will have been closed down and sold off and funding for "The same as you?" will have dried up? We are looking at a nightmare scenario; after all, funding already appears to be running out. Has this pipeline funding dried up only in Highland, or is the situation the same throughout Scotland?

**Jenny Fullarton:** All pipeline bids in Scotland, not just in Highland, were cancelled when supporting people funding was reviewed. Anyone who submitted such a bid was told that they would no longer receive that money. Not only that, but there has been a swathe of cuts to existing supporting people budgets. If we include inflation, Highland's budget for existing services over the three-year term will be cut by 25 per cent, but these people will still not have been moved from hospitals into the community.

**Kenneth MacLennan:** Like I said, out of sight, out of mind.

**John Scott:** Even if funding becomes available, are there enough carers to look after the people in your area?

**Jenny Fullarton:** That problem exists throughout Scotland. However, finding the right support provider helps matters. For example, I run

the advocacy project for people with learning disabilities at New Craigs hospital, which gives people a voice in the resettlement process. Beatrice Gallie and Kenny MacLennan helped us and the people who lived in the hospital and were able to choose a service provider from a list. They helped with the interview process by raising many questions that they felt people with learning disabilities wanted to have answered.

**Kenneth MacLennan:** If I remember correctly, we found that every time we had a meeting, the questions changed.

**Jenny Fullarton:** People went through several months of hard work to ensure that Kenny MacLennan, Beatrice Gallie and the other two people from the hospital who helped understood what they were doing. As Kenny has pointed out, every time we reached a certain place, the questions changed. That said, Kenny and Beatrice played an active part in the whole process and we chose a service provider that allowed six people to move out into the community. There is no doubt that care packages that allow people who have profound disabilities to move out into the community are expensive, but these people deserve them and have a right to them. Their human rights must be acknowledged and they need to be supported to live like anyone else in the community, no matter whether it costs a lot of money. They have had their lives taken away from them. They have had to stay in hospital for many years; now they deserve to come out, take their place in society and not be excluded as they have been.

If care homes are the route that is gone down, that will be purely a matter of money. I know that Highland Council and NHS Highland are totally committed to the model of single assured tenancies if they can find the money for it, but that may come at the expense of other budgets and other people will complain. It is sad that we are in this situation. It took two years and more for the answer on supporting people funding to come back: these people have been waiting for two years. The matter went to the Executive, then to the Treasury, then back to the Executive and the answer was no. It seems unfair that money that we hoped to have in Scotland is stopped because of a Westminster decision that we cannot have the money because we have had too much. It is individuals who are affected.

**John Scott:** It is cruel to raise people's expectations only to dash them.

**Jenny Fullarton:** It is.

**Kenneth MacLennan:** It is a cruel world.

**Ms White:** The supporting people fund has been mentioned in numerous debates. I mentioned it to Malcolm Chisholm, who said that he would look

into the matter. Perhaps we could write to him to find out what is happening with it. Applications to the fund have been successful in Glasgow—for example, for funding for Lennox Castle hospital.

In May 2000 the Scottish Executive made it policy that nobody would be staying in long-term hospitals by 2005. Do you think that, because the Scottish Executive started the ball rolling with that pledge, it should keep that pledge? A review that was held also said that, by 2005, no one would be staying in long-term hospitals. What are your comments on that? I know what my comments are. The Executive started this in 2000 with the policy that none of these hospitals would be open by 2005.

**Jenny Fullarton:** What would you say to that, Kenneth?

**Kenneth MacLennan:** If the Executive made a pledge, it should keep it.

**Ms White:** That says it in a nutshell. Thank you. That is probably what I would answer as well. That is the point that I am trying to make.

**Kenneth MacLennan:** If I make a pledge to do whatever I decide to do, I really do it. I do not stop until I do it.

**Susan Deacon:** I thank you both for joining us today to discuss the issue. It is important—as in many policy areas, but in this one more than most—that we get to hear about the human consequences of policies and the effects of their not being implemented. For the avoidance of doubt, can you confirm that the issue is about ensuring that the existing policy is implemented effectively? You do not have a dispute with the policy itself.

**Jenny Fullarton:** Absolutely not. People with learning disabilities were instrumental in the policy and helped to draw up the guidelines for it. It is what they want, it is what they need and it is what they deserve.

**Susan Deacon:** Thank you for that answer, which I find greatly reassuring. I was the Minister for Health and Community Care when the policy was launched, so we have a shared desire to see it through to its implementation. Your unequivocal response is important. In this instance, there are good reasons for getting rid of the old bricks and mortar. That is always a contentious issue in the health service, but people are agreed that we do not want these buildings any more because there are other, better ways for people to live. The challenge for us all lies in making the transition.

You have spoken a lot about the supporting people fund. I have a considerable interest in that, as the Edinburgh and Lothians area—as well as other parts of the country—has been affected by it. One of the biggest issues is the changes that have

taken place in distribution formula, and I am very much aware of the human consequences of some of the changes to the funding—do not doubt that for a second. The minister has made some changes to the implementation in response to pressure; issues remain, but things have been done.

Important though the issue of the supporting people fund is, I will leave it to one side for the moment. I want to ask you about other aspects of how the pace of change is accelerating in this area. How effective have the council and health board services in your area been at looking at the need to ensure that money is transferred into community provision, for example? I am thinking of the money that was locked up in the old institutional arrangements. Is that happening and, if so, are you confident about what is happening?

I have a second area of questioning. In health and social care, perhaps more than in most other areas, almost everybody who is looking for resources has a legitimate claim in their own right, so the issue of dealing with competing claims is always present. It is clear that you have been very effective in your part of the country in raising the concerns and issues of people with learning disabilities and redressing the balance of need. Groups of people whose voices would not have been heard previously, and who would therefore have lost out in the allocation of resources, have had their voices heard.

From your experience, how can the voice of people with learning disabilities be heard more effectively at the local level in what could be called the bidding war for resources? How can community provision in general get greater recognition? We are always having debates about bricks and mortar and about hospitals, but community facilities are not often the subject of debate. Any insights and experiences that you can share on that front would be very valuable. I apologise for asking such a long-winded set of questions; I should have broken it up into a series of separate questions.

**Jenny Fullarton:** Did you watch the television programme last night?

**Susan Deacon:** No. I am sorry, I did not see it.

**Jenny Fullarton:** The programme showed Kenneth MacLennan involved in his dream of health and happiness. It was Kenneth who got together with a number of other people with learning disabilities to talk about what was happening in Highland. He felt that services were not good and that they were not being delivered in the way that people with learning disabilities wanted services to be delivered. The concept of health and happiness was born and the project has been very successful. The project got

£800,000 from the lottery fund, which was matched with other moneys from the health board and the council; a total of £1 million was raised at the time.

In Highland, remote and rural communities are included in the health and happiness project; the concept for the project was that it would be rolled out across the region. I think that eight areas are involved.

**Kenneth MacLennan:** Yes; eight areas in the Highlands.

**Jenny Fullarton:** People with learning disabilities are taking a full part in deciding what they want the money in their area to be spent on. Decisions are not being driven by people in the Highland capital of Inverness saying, "We want this and that and you will have it too." People with learning disabilities in those eight areas in the Highlands have been given a voice and are being supported to make their own decisions about what they want to see in their communities. They may decide on drama workshops or advocacy, which is one of the main provisions that people with learning disabilities require. Advocacy was heavily endorsed in "The same as you?", yet there is not enough of it; people need to have a voice.

My project in Inverness is purely for hospital resettlement. Although there is another project, there is not enough advocacy of the type that people want and need. Advocacy Highland is very good, but its services are crisis and issue based. All the advocacy organisations in the Highlands are working together to further develop advocacy services in the area, because Advocacy Highland cannot deliver the long-term advocacy that people with learning disabilities need. They do not just need to have issues dealt with, but for people to get to know them as a person. They need continuing support in their lives, especially when their elderly relatives are no longer here.

Services are not robust, yet that is what they need to be—more money needs to be put into community infrastructure. I am thinking of speech and language therapy for adults, for example, of which there is not enough. There is also not enough occupational therapy. Psychology is fundamental for people who have problems, as it helps to maintain them in the community, yet there is not enough of it. The waiting time for psychology services in Highland is about a year. That is not good, especially when a person has behavioural problems and needs psychology input, so that people can work together to sort things out in the community and prevent an emergency admission to a psychiatric ward, which would not be a good environment for the person.

Everything is changing in the community. We are moving from using day centres to much more

person-centred planning, which is the way forward. People gain much more from a personal approach to supporting them in the community to do what they want to do. That approach happens a lot in the Highlands and some support providers are very good at integrating people and encouraging them to be socially included.

The distribution formula, which was touched on, could have devastating consequences in the Highlands, which raises the question why the Executive recommended the formula. People who need services could feel that they are pushing and pulling against other people, who they think are given more money unfairly. People have to fight for the money that they think they deserve, because there is a formula. Money should go where it is needed; there should not be a prescriptive formula for its distribution.

11:30

**Kenneth MacLennan:** Also, the people in the health and happiness programme do not like being called "people with learning disabilities". They are called "important people" now.

**Jenny Fullarton:** They are called "experts".

**Kenneth MacLennan:** Experts or important people.

**John Scott:** We have talked about funding and everyone's desire for the approach to work. What is the cost range of the care packages that are required for experts? I have heard figures being bandied about, but I would be interested in hearing your figures on the cost of delivering such packages.

**Jenny Fullarton:** The costs for people who are moving out of hospital and who have profound disabilities are very high. They need 24-hour care, seven days per week, so the cost for some people is more than £100,000 per year. However, people have a right to such care. They were locked away in institutions for years and years. That was not their fault; they are human beings just like the rest of us and they should be encouraged to live their lives in the community, out of the institutions. The cost of care is huge. However, in the future, as people have new experiences and develop their potential, the care costs might be reduced.

**The Convener:** How much per head would it have cost to keep someone in the kind of institution in which Kenneth MacLennan and Beatrice Gallie used to live? How much money has been saved by closing down such institutions?

**Jenny Fullarton:** That is an interesting question, to which I do not know the answer. Questions have been asked, but I do not think that the answer has been forthcoming. As far as I know, no real figure has been put on it.

**The Convener:** Fergus Ewing has joined the meeting in support of the petition and I invite him to comment.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** I congratulate Jenny Fullarton on how she has presented the petition, which I am here to support. I also congratulate Kenny MacLennan on his comments—

**Kenneth MacLennan:** It is Kenneth MacLennan.

**Fergus Ewing:** His points are short, sharp and to the point. Perhaps he is after my job.

**Kenneth MacLennan:** No. I would not have your job for all the money in the world.

You have to spend lots of money to get people out of hospital, but you should consider all the money that you spent to keep them in hospital.

**Fergus Ewing:** I want to make a few brief points in support of the petition. During the recent recess, I met some parents of those whom one might describe as the forgotten important people who have been languishing in New Craigs hospital for many years. A point that has perhaps not yet been mentioned is that some of those parents were not confident that the policy that we all support, for the reasons that Susan Deacon mentioned—just like anyone else, the important people in question are entitled to be treated as individuals and should be able to live in the community rather than languish in an institution—would work and some persuasion was necessary. In some cases, the parents needed to be persuaded over a long period that, as well as being desirable in principle, the policy was practical and workable. Of course we do not need to spell out what the parents' long-term concerns are. Now that the policy has run out of funding, the hopes that had been raised have been dashed. As Jenny Fullarton mentioned, the hospital in Inverness was supposed to have been closed around about now. It cannot and will not close as long as it is required, but we would do well to remember the fact that expectations have been dashed.

My second point is that the care costs are variable, in that they are entirely dependent on the nature of the care that is provided. The care might be one on one, in which case it will involve one carer working round the clock, or it might involve some other arrangement, such as a core and cluster arrangement. Each person is entitled to be treated as an individual. What is right for one person may be completely inappropriate for someone else.

I am no expert in the area, but it is my understanding that social work training in the provision of 24-hour care is no longer provided. I may be wrong—if I am, perhaps Jenny Fullarton

can pick me up—but I am told that that is because there are specific problems associated with the provision by a carer or a social worker of 24-hour care to one person, such as isolation, boredom and the difficulty of sustaining such care over weeks, months and years. The problems are fairly obvious when one thinks about them.

I know that many people find desirable the core and cluster arrangement, which operates along the lines of a sheltered housing scheme, with someone exercising the role and functions of a warden. Many of the people at the hospital are friends who have built up longstanding relationships and are happy with each other. That takes a long time and I know that many of the parents would like the friends to move to one specific small housing scheme in which they can maintain their friendships. The needs of some of the people concerned are extremely complex, as they have multiple problems. It takes a long time for such people to build up confidence in anyone. I know that Jenny Fullarton, Diana Wortham and many others who are involved are anxious to try to preserve those close relationships and the warmth, health and happiness that they bring, if that is possible.

I presume that the committee will consider what to do about the petition. Anyone who does not acknowledge that funding is finite does everyone else a disservice. It is manifest that there must have been a serious miscalculation of the policy's cost. That needs to be investigated, not so that blame can be apportioned, but so that we can find out what went wrong. It has been put to me that the care costs might have been calculated on the basis of the care that has been provided—which we welcome—to those who have managed to lead a normal life in the community. As we have learned today and as we saw on television yesterday evening, those with more complex needs have not had that benefit. Round-the-clock, one-to-one care is far more expensive.

That is the theory. I do not know whether it is true, but it is important that the Parliament finds out whether there was a miscalculation and, if so, how it came about. That would allow us to find a way of implementing a policy that I am sure we all support.

**The Convener:** Do members have suggestions on how we should deal with the petition?

**Ms White:** Something has been niggling away at me. Perhaps I picked it up wrong, but I think Jenny Fullarton said that Westminster says that enough money has been given and no more can be given. Will she clarify that point? Is it lottery money?

**Jenny Fullarton:** No, it is supporting people funding. The Treasury said that it would not give

any more money and that the funding had to be reviewed in Scotland. It said that it could not give any more funding to support the pipeline bids.

**Ms White:** I have asked that question of Malcolm Chisholm, but you have given the definitive answer.

**Jenny Fullarton:** I want to comment on what Fergus Ewing said about friendships. Yes, there are friendships, but there are also people in the hospital who have a voice and who have chosen not to live with anyone whom they currently live with. There are people whose health, well-being and happiness are affected adversely by the people whom they live with. That must not happen in the future. They must come out of hospital to a place that they can call home.

Our preference is for secure tenancies, because care homes close. They are closing for the elderly and "The same as you?" looks into care home provision with a view to reducing such provision and possibly moving towards care in the community. If people come out of hospital and are grouped together as they are at the moment, albeit in a different setting, they may have to go through the pain of a further move when provision is reviewed. It is important for those people that we get things right at the outset.

We are talking about a private finance initiative, so no capital will come out that can then be put back in to help people. That is one of the biggest problems. Craig Phadraig was closed and there was a private finance initiative for New Craigs hospital, which had 40 beds for people with learning disabilities—people who had not, at that time, been chosen to move out to the community.

These people are individuals. Some have chosen not to live with anyone else, and those choices should be acknowledged and acted on. Others want to stay with people, and that choice should be acknowledged as well.

Others have profound disabilities and do not have a voice. I, and the people I work with in the advocacy project, give them a voice. They need to be healthy and happy and not to have to live with anyone who makes them unhappy.

**John Scott:** You talked about the Treasury. Is there an equivalent to the policy in "The same as you?" in England and Wales?

**Jenny Fullarton:** I am sorry, but I do not know.

**John Scott:** Does Susan Deacon know? Were you the minister at the time?

**Susan Deacon:** There are similar, or equivalent, policies.

I want to say something that has been burning in my head. It is important that we do not oversimplify. We are not talking about three sheets

of policy. As the petitioners will be well aware, we are talking about a wide-ranging and complex policy that covers not only changes to service, but changes to culture and practice over a long time.

The short answer to John Scott's question is yes, there are equivalent policies. However, we have to have a sense of what we are talking about.

**John Scott:** I have a huge sense of what we are talking about. Arrol Park in my constituency is much loved by those who are in it, or who have been in it. Those people are now being dispersed in the community, sometimes against their better judgment. It is a huge and complex question.

**Helen Eadie:** We have all listened with interest to your petition, and we support it. Susan Deacon was the Minister for Health and Community Care at the time of the policy and she made especially helpful comments. I agree with her that the policy is right. We are all concerned that any policy should be adequately funded. For that reason, I suggest that we link this petition with PE743 and that we invite the Scottish Executive to comment on the issues that the petitioners have raised in PE822.

We all want to be reassured about this issue, on behalf of the petitioners and our constituents. I have worked on the implementation of the policies in "The same as you?" in my locality and would like to be reassured that there will be appropriate funding to support the policy, which is laudable.

**Ms White:** I am not sure that we should link this petition with the other one. PE822 is quite specific.

11:45

**The Convener:** The case that we are talking about might differ from the other case in terms of the funding package. However, PE743 was also about the implementation and support of the policies in "The same as you?"; the petitions are, therefore, extremely similar.

**Ms White:** I will not force the issue to a vote; I simply wanted to raise my concerns. PE822 is specific to a certain hospital.

**The Convener:** We always consider the general issues that a petition relates to.

**Ms White:** I know, but I just wanted to point out that fact.

We should write to the Minister for Communities, Malcolm Chisholm, to ask about the moneys that are available and the supporting people fund. We should also ask him about the implementation of the policies in "The same as you?", which was published in 2000. The policies were supposed to be implemented by 2005. I would also like to ask the health board how much money it is costing to

keep the hospital open and how much might be saved by closing it and housing people in the community.

**The Convener:** I see no harm in asking those questions.

**John Scott:** I was devastated to hear that the pipeline funding requests had been denied and I would like to know what the fall-back position is. Will there be an inadequacy of funding hereinafter? Everybody needs to know that, particularly those who are directly concerned.

**Susan Deacon:** I am totally supportive of the aspirations of the petitioners, but the question is what we as parliamentarians can do to pursue this issue for people in all parts of the country. I did not mention this earlier but, in a former life, I visited the facilities that we have been discussing. That gave me a localised picture of the issues that we have been talking about.

My suggestions chime with what Sandra White said. There are two key, strategic areas to be pursued. One relates to the impact of the changes to the supporting people funding and the other relates to the implementation of the policies in "The same as you?". I caution against delving into individual questions about specific service changes in certain areas. There is a risk that such questions can be oversimplified. Those areas are big and complex and I do not think that it is the job of the Parliament to question local providers about them.

However, it is our job to ask the strategic questions. In that regard, I raise my perennial concern about the way in which we operate. Paragraph 4 of the committee's background note says that an implementation group for "The same as you?" was set up in June 2001; a passage from that group's report, which was published nearly three years later, is quoted. As far as I can see, the implementation group's report reiterates what was in the original policy. We—both Government and the Parliament—have a propensity for looping back and reaching the same conclusions without getting to the heart of the issues in a way that ensures that we move on and make things happen. The questions that it has been suggested we ask are valid, but we should ask those questions from that strategic, broad-brush point of view.

**Ms White:** I accept what Susan Deacon says about the need to take a strategic approach. In that regard, could we ask the minister to come to the next meeting of the committee? That would enable us to ask him questions about his policies.

**The Convener:** We would have to wait to see what the Executive's response is. In linking the petition to a previous one, we are asking the Executive for a response to all the issues that

have been raised. As has been our practice in the past, if we think that more questions need to be asked or that more evidence needs to be taken once we have seen the response, we can do that. However, at the moment, we are conducting an initial investigation of the circumstances and asking the Executive to respond to the discussion that we have had this morning. It is a bit premature to start talking about inviting the minister to the committee.

Are members happy to take forward the petition in the way that we have discussed?

**Members indicated agreement.**

**The Convener:** Mr McLennan, having watched the documentary last night, I understand that you are personally responsible for raising about £1 million towards the provision of support services in your area. There are a lot of people who are involved in fundraising in Scotland who would like to be the same as you in that regard.

**Kenneth MacLennan:** All they have to do is get off their backsides.

**The Convener:** I suspend the meeting for a couple of minutes to allow for a comfort break.

11:50

*Meeting suspended.*

11:57

*On resuming—*

**The Convener:** I reconvene the meeting.

**Mike Watson:** I thought it appropriate to wait until the end of agenda item 1 to make this point. We do not have points of order in committees, but if we did, the point that I am about to make would be a point of order. Two issues concern me in relation to the petitions that we have dealt with today. First, in relation to PE824, John Scott read out what was clearly a prepared statement of more than a page before asking a question of the witnesses. I know that John Scott has a constituency interest in Robert Burns, but in our role as committee members we are not here to raise or promote constituency interests, and that was, to some extent, an abuse of the committee.

My second concern relates to PE826. The convener said at the start that the petitioner had not been invited to give evidence and take questions because we had dealt with the issue at our previous meeting. However, Alex Fergusson came along and made a long statement, then took questions. It is not the committee's role to allow individual MSPs to come along and be questioned. If such MSPs wanted to make statements or even to question witnesses, that would be fair enough.

However, I was concerned about the exchange between John Scott and Alex Fergusson that seemed to have been rehearsed. There is a danger that the committee could be sidetracked from its non-biased questioning of witnesses if we do not deal with matters right down the middle. Committee members should ask the questions and we should not ask questions of other members who have asked to come before the committee.

**The Convener:** I take on board your points. I try constantly to keep under review how the committee's business is conducted. We have tried to alter some of the methodology by which we consider petitions. We are trying to refine our remit—we have submitted papers to the Procedures Committee in that regard—and I try to keep on top of all that. It is in the nature of this committee, which is unique, that people will raise local issues through the committee and support petitions.

You have made a couple of pertinent points and we will try to address the situation over time. In previous years, a culture developed of people seeing the committee as a means of advancing campaigns and making local issues more pertinent to the Scottish Parliament's work. It will take a long time to address that, but I take on board Mike Watson's points, which are relevant. I will bear them in mind.

**John Scott:** What Mike Watson says is fair comment. He is right to say that I read a prepared statement: I hold my hand up to that. However, I reassure the committee that Alex Fergusson and I did not orchestrate an exchange.

**Mike Watson:** I will accept that.

**John Scott:** You are entitled to make your comments, although I might not agree with them.

**The Convener:** I will keep the matter under review and I thank Mike Watson for raising it.

## Current Petitions

### Police Assaults (PE482)

12:00

**The Convener:** The first current petition is PE482, by Douglas Keil, which calls on the Scottish Parliament to take the necessary steps to make it compulsory for assailants and others who have exposed or potentially exposed a police officer to a risk of infection to submit to a blood test or tests that will be made available to the police officer should he so wish, and to amend the Data Protection Act 1998 to allow the results of those tests to be retained on the police national computer.

The Minister for Justice's response says:

"we will ... be publishing our response to this petition, in the form of a consultation document entitled *Blood testing following criminal incidents where there is a risk of infection: Proposals for legislation* ... we intend to bring forward legislation within the forthcoming Police Bill."

That appears to be a bit of a success for the petition. I know that the petitioners see it in that light. We can mark it down as a success for the committee and close the petition. We look forward to seeing the legislation.

### Scottish Transport Group Pension Funds (PE500)

**The Convener:** PE500 is by Alex Anderson on behalf of the Scottish Bus Group Pensioners Action Committee and calls on the Scottish Parliament to urge the Scottish Executive to increase at the earliest possible date the amount that is on offer to former members of the Scottish Transport Group pension funds.

At its meeting on 15 September 2004, the committee agreed to keep the petition open and to ask the Executive to keep it informed of developments on the final payments to pension fund members. The Executive has sent a further response that says:

"Further payments totalling £3.8 million were paid to former beneficiaries of the schemes on 17 December 2004."

We are joined by Dennis Canavan, who has taken an interest in the petition throughout.

**Dennis Canavan (Falkirk West) (Ind):** The Executive's letter says that nearly all the £126 million that was allocated for ex gratia payments has been paid. After existing late claims have been dealt with, £235,000 will be left from the sum that was set aside for late claims. If no further late claims are made, that sum should of course be paid to those who submitted valid claims. If there

are just over 12,000 claimants, that would work out at an average of less than £20 per claimant, which is a relatively small sum.

The bigger outstanding issues are the responsibility of the United Kingdom Treasury, rather than the Scottish Executive. The convener might recall that the committee received in July last year a letter from Ruth Kelly in her capacity as Financial Secretary to the Treasury. That letter referred to a meeting that she had had with George Foulkes, who at the time was the Minister of State at the Scotland Office, with Transport and General Workers Union officials and with a delegation of MSPs—that is a misprint in the letter. The reference should be to MPs, because no MSPs attended the meeting; I certainly was not invited and I know of no other MSPs who were invited. I do not know the details of the outcome of that meeting, but George Foulkes, in his wisdom, should perhaps have submitted an appeal to challenge the integrity of the Treasury's decision. He would have been on safer ground with that than he has been with subsequent decisions that he has challenged.

Ruth Kelly talks absolute nonsense when she claims that Scottish Transport Group pensioners have had parity of treatment with National Bus Company pensioners south of the border. The truth is that the National Bus Company pensioners got about 60 per cent of their gross surplus and paid no income tax, whereas the Scottish Transport Group pensioners are getting only about 47 per cent of their gross surplus and many are having income tax deducted. The STG pensioners are not getting even half the loaf. Additionally, corporation tax was previously deducted at 35 per cent and the UK Treasury also pocketed another £50 million from the surplus. Therefore, the responses from the UK Treasury and the Inland Revenue have been very unsatisfactory. Of course, the UK Treasury and the Inland Revenue are responsible to the Westminster Parliament rather than the Scottish Parliament, so the question arises: where do we go from here?

If the committee had the power to summon Ruth Kelly before it to answer detailed questions on the position of the UK Treasury and the Inland Revenue, I would propose that it did that. Unfortunately, the committee does not have that power, and I do not think that we are making any meaningful progress by continuing the correspondence. We are just getting negative, stone-wall answers. If the committee feels that it has gone as far as it can go, I respectfully suggest that the convener should write to Mr Anderson, who started the petition, expressing regret that the replies from the UK Treasury and the Inland Revenue have been so unsatisfactory and explaining that the UK Treasury and the Inland Revenue are responsible to the Westminster

Parliament rather than the Scottish Parliament. The convener might also suggest that the pensioners consider pursuing the income tax matter by taking several test cases through the Inland Revenue appeals procedure.

**The Convener:** Thanks very much for those suggestions, Dennis. Do members have any comments to make in response to what Dennis Canavan has said or on the correspondence that we have received?

**Ms White:** I congratulate the committee on the action that has been taken. I was not on the committee when Dennis Canavan brought the matter to the Parliament. The committee has pursued the issue as far as it can and has got some good, positive results. Even if we close the petition, we should keep an eye on what happens to the moneys and we should follow Dennis's suggestion of sending Mr Anderson a letter to explain the situation and to encourage him to take up the income tax issue with the Treasury. It is ridiculous that people here are having to pay income tax of 40 per cent and are getting less than anyone else just because it was a Scottish company.

**The Convener:** There seems to be a consensus of opinion on that. Are members agreed that we should close the petition but keep an eye on the situation? The matter will not close itself, but we cannot take the petition any further. I will write to Mr Anderson in those terms.

**Members indicated agreement.**

**Dennis Canavan:** I place on record my thanks to the committee and its predecessor committee for their tenacity in pursuing the matter. That has led to substantial amounts being paid out to the pensioners, with average ex gratia payments of more than £10,000. As I said, I still think that the pensioners are entitled to more; however, given the fact that the Government and the Scottish Executive originally proposed to give them nothing at all, significant progress has been made. I am sure that the pensioners are grateful to the committee for its endeavours.

**The Convener:** Thanks very much, Dennis. Your tenacity has kept the petition alive, and many of the questions that we asked came about because you were not prepared just to accept the responses that you received from Westminster. You are to be congratulated on the support that you have given to the Scottish Transport Group pensioners. The members of the local group that I have been dealing with are very appreciative. They had a meeting with you recently to see whether there was scope to take the issue further. I know that many people are grateful for the effort that you have put in on their behalf.

**Dennis Canavan:** Thank you, convener.



**Helen Eadie:** I have been a member of the committee since it started and can say that Dennis Canavan has worked tenaciously on the issue. What the convener said is absolutely right and I endorse his comment that Dennis, too, must be congratulated.

### **Scottish Airports (Access to Public Roads) (PE528)**

**The Convener:** PE528 calls on the Scottish Parliament to conduct an inquiry into the consequences for transport infrastructure in Scotland of competition in on-site and off-site car parking at Scottish airports, and to amend legislation as it considers appropriate.

At its meeting on 7 January 2004, the committee agreed to request an update from the Scottish Executive on the Executive's consideration of the byelaws in relation to the Airports Act 1986 and to request further information from BAA plc, the British airports authority. Members have the response from BAA, but the committee has received no substantive response from the Executive, despite the fact that the clerks have sent a number of reminders.

**Mike Watson:** Before we deal with the substantive issue, we must have an answer from the Minister for Transport. I repeat what I have said in the past: rather than write again to the Executive, the convener should request a meeting with the minister. We cannot allow the committee to be treated in such a way. Some 14 months have passed since we wrote to the Executive and we have received three holding replies. No reason has been given for why we have been sent only holding replies. The convener should seek a meeting with Nicol Stephen, first, to ask why such a long time has passed without our receiving a proper answer and, secondly, to get the answer from the minister in person.

**The Convener:** I am more than happy to request such a meeting. I assure members that when I know that letters from ministers are outstanding, I take any opportunity that I can to remind them that we are waiting for their reply. Often, ministers come to me first to let me know that they are still looking into the issue. However, when we have received responses from other organisations and are prevented from considering a petition further only by the absence of a proper response from the minister, I am happy to formalise our approach and to ask the minister to set aside time to meet me to discuss the matter.

**Helen Eadie:** We should put it more strongly than that. We took the same approach with Peter Peacock, who came to a meeting of the committee. We should ask Nicol Stephen to come before the committee to answer our questions in

person. We should send the Executive a strong, clear message that it is not right for any committee of the Parliament to be treated with disrespect and given no answers, as has happened in this instance.

**John Scott:** I agree. I received an e-mail from John McGlynn, of Glasgow Airport Parking Association Ltd. Did other members receive that e-mail?

**Members:** Yes.

**John Scott:** I was expecting the minister to respond to our correspondence and, in so doing, to address the apparent divergence of views about whether the issue has been resolved. BAA says that the issue has been resolved, but GAPA says that it has not been. The minister is best placed to address the matter by carrying out research into the problem, which he should do as a matter of urgency.

**The Convener:** Either I approach the minister and ask him to speed up his response, or we cut to the chase and invite the minister to attend a meeting at which we will put questions directly to him. If he will not respond in writing, we can take the bull by the horns and ask him to the meeting. Are members satisfied that that is the appropriate way forward?

**Members indicated agreement.**

### **Institutional Child Abuse (PE535)**

**The Convener:** PE535, which was lodged by Chris Daly, calls on the Scottish Parliament to urge the Scottish Executive to order an inquiry into past institutional child abuse, in particular in relation to children who were in the care of the state under the supervision of religious orders, to make unreserved apology for said state bodies and to urge the religious orders to apologise unconditionally.

At its meeting on 22 December, the committee agreed to write again to the Catholic Church to seek clarification of the nature of the apology that was made in December 2001 and to ascertain whether the Catholic Church is minded to allow access to the files that it holds on victims. In its response, the Catholic Church said:

"the Cardinal's apology of December 2001 was an unreserved apology which was clearly and distinctively directed towards all victims of institutional child abuse."

In relation to access to files, the Church says:

"Religious orders are autonomous orders within the Church and they are independent in the areas of administration, legal, financial and fiscal, the Bishop's Conference therefore does not maintain the records pertinent to your enquiry."

Do members have suggestions about how we should deal with the matter? It might be

appropriate to ask the petitioner to comment on the response to find out whether it satisfies the request for an apology. We must take it as read that, within the church structures, religious orders are autonomous bodies and so the Bishops' Conference of Scotland is not responsible for handing over the information that is requested. However, the inquiry that was set up will approach the orders for the information. We could ask the Scottish information commissioner about whether he can access it.

12:15

**Mike Watson:** Mr Daly is, I think, a member of the In Care Abused Support/In Care Abuse Survivors group—INCAS—from which we have received a response to the Catholic Parliamentary Office's letter of 21 February. I do not disagree that we should ask Mr Daly for his comments, but it would be surprising if he said anything different from what INCAS has already said.

**The Convener:** That might be the case. We have always had an issue—it is not a difficulty—with the fact that Mr Daly is a petitioner in his own right. Although he is involved with INCAS and will probably take a similar view to it, we cannot assume that his view will be the same. He did not submit the petition on behalf of INCAS—it was his petition—so we must get back to him.

**Mike Watson:** I accept that.

**The Convener:** He might well agree with INCAS about the response, but that is a matter for him to advise us on. Do members agree that we should write to Chris Daly to ask for his views and to the information commissioner to ask for an update?

*Members indicated agreement.*

### **Sustainable Development (Communities) (PE741)**

**The Convener:** Our next petition is PE741, which calls on the Parliament to initiate an inquiry into the impact of Scottish Executive and Scottish Enterprise development targets and incentives on balanced and sustainable development at community level.

At its meeting on 23 June 2004, the committee agreed to seek the views of the Minister for Enterprise and Lifelong Learning, the Minister for Communities, the Govan Initiative and Scottish Enterprise Glasgow. The responses have been circulated to members, along with submissions from the petitioners and three Glasgow City Council councillors.

**Ms White:** It is difficult to read between the lines of information about a body such as the Govan Initiative, which has relations with Scottish Enterprise, among other agencies. I have been

pretty critical of some social inclusion partnership projects and I have looked at the report that the petitioners provided, but I have also spoken to people who are involved in the SIP in Govan and to other people and I believe that it would not be right to examine the Govan Initiative directly. The issue is not just about the Govan Initiative; it is much bigger than that. We cannot go much further with the petition.

**The Convener:** Those are valid points and members seem to be happy with the responses. Do members agree that we should close the petition?

*Members indicated agreement.*

### **Sewage Sludge (PE749)**

**The Convener:** PE749 calls on the Scottish Parliament to seek a moratorium on the spreading of sewage sludge, pending a full inquiry into the safety of the practice by a parliamentary committee. Depending on the outcome of the inquiry, the petition also calls on the Parliament as a minimum to initiate legislation at the earliest opportunity to discontinue the current exemptions for spreading sewage sludge and to ensure that it is subject to planning control, including a public local inquiry.

At its meeting on 10 November 2004, the committee agreed to write again to the Scottish Environment Protection Agency, the petitioners, Sanquhar and district community council and David Mundell MSP to invite their comments on the responses from the Minister for Environment and Rural Development, Scottish Water and SEPA. The committee has also received a response from Envar. The responses have been circulated to members.

**Mike Watson:** SEPA's response states that it is Scottish Water's responsibility to provide evidence that will reassure the public and SEPA that its activities are not harmful. However, there is no evidence that Scottish Water has done that—I am sure that SEPA would have told us if it had had such an assurance. We should ask Scottish Water to do that.

I also want to mention the issue that was raised in the late submission that we received from an organisation called Envar of which I was not aware before I read its submission. Envar seems to draw a distinction between treated and partially treated sewage sludge. In the response that we received, Ross Finnie, the Minister for Environment and Rural Development, said:

“almost half of Scotland's sludge is co-incinerated ... Most of Scotland's remaining sewage sludge is recycled”.

Can we ask the minister to clarify whether he is talking about all sludge or just treated or partially

treated sludge? It might be a fine point, but Envar seems to be saying that there are different types of sludge, yet the Executive seems not to differentiate between the two.

**John Scott:** I am not sure when we received Ross Finnie's response. Committee members might or might not be aware that the practice of burning sewage sludge in pelletised form has been stopped. Previously, Scottish Water and Scottish Power had an arrangement under which pellets were being burnt at a power station. A very real issue is involved if we cannot burn treated sewage sludge, put it in landfill or spread it on agricultural land. The Environment and Rural Development Committee needs to examine the issue. At the same time, I pose the question of how we are to dispose of the material.

Although I would not dream of trying to tell a committee how to do its work, as part of its investigation, the Environment and Rural Development Committee should take on board David Mundell's comment that SEPA is not taking a proactive enough role in the matter. The issue that David Mundell raised is also worthy of investigation.

**The Convener:** David Mundell has sent his apologies; he had hoped to be at the committee this morning, but he cannot make it. Unfortunately, that means that we cannot question him directly on the point. Do we ask the Environment and Rural Development Committee to consider the information that we have at the moment, or do we wait for a response to Mike Watson's questions before sending the information on to the Environment and Rural Development Committee? I leave that question hanging.

**Helen Eadie:** We should get answers to the questions that Mike Watson has posed. I read the e-mail from Envar last night, which seems to suggest that the process that is going on in Newcastleton is not safe. As for any other health and safety issue, one would want an immediate prohibition of the practice, pending further investigations. The right environmental people should become involved so that a prohibition notice can be served on the developer, pending the outcome of any discussions.

I agree that we should seek a response. If we have the powers to do so, we should ask SEPA to stop the process until we have the information that we seek. My reading of the Envar e-mail tells me that something irregular is happening at Newcastleton. It should not be happening and we should move to try to stop it.

**Susan Deacon:** Colleagues on the Public Petitions Committee will be aware of my unhealthy preoccupation over the years with matters relating to sewage. There is a link between the area in

which I have a particular interest, which is the processing of sewage at waste water treatment plants and related odour problems, and the subject of PE749.

I note that in his response the minister made reference to legislative change. I am not sure whether the reference is to the late inclusions that we managed to make to the Water Services etc (Scotland) Bill that were linked to odour control. I know that odour is only one aspect of the petition, but it is an important aspect nonetheless. I am instinctively sympathetic to much of what underpins the petition, which is the need for the issue to be taken more seriously. I am instinctively unsympathetic to calls for moratoriums, but that is another matter.

The Environment and Rural Development Committee is well placed to say what is the current state of play on the panoply of sewage processing issues and to consider the associated problems. That ties in with what I have said before about the fact that we seem to keep revisiting the same questions but not moving on.

I remember that the Environment and Rural Development Committee has considered the matter, as I am sure the Public Petitions Committee has. In the first session, the Transport and the Environment Committee produced a very good report on the issue and the Executive has done work subsequently. The question to which I would like to know the answer is whether that has made a difference, so that the matter is moving forward, or whether everybody just keeps exchanging letters and thoughts on the issue and not doing anything to address the concerns of the petitioners.

That is a long-winded way of saying that the work that has taken place does not preclude our getting answers to the questions that Mike Watson has raised. I am attracted to the idea of the Environment and Rural Development Committee considering the matter, because of its accumulated expertise and insights.

**Mike Watson:** I agree that the Environment and Rural Development Committee should certainly consider the matter.

I add, by way of clarification, that I said in my initial comments that it was the Envar submission that raised the different types of sewage: in fact, I have now noticed that it was Mrs Diana Johnson who did so in her e-mail to the committee. I think that she is from the Blairingone community group. For the record, that is where the point was made, although the issues that relate to it remain the same.

**John Scott:** I was interested to hear Susan Deacon's comments. There is a huge issue that needs to be investigated again. We need solutions

and I do not know that we are getting them. We perhaps also need to examine whether SEPA is playing a sufficiently proactive role. Solutions could perhaps be found with better guidance from SEPA. SEPA's role in all of this is that it is currently preventing solutions from being found to the problem. I refer specifically to the burning of pellets as fuel under an agreement negotiated between Scottish Water and Scottish Power. That is a huge problem for Scottish Water. Jon Hargreaves, the chief executive of Scottish Water, has raised the specific issue with me. He is wringing his hands as to how to address it. It was SEPA that brought the action.

**Helen Eadie:** The key point that Diana Johnson makes in her e-mail—she is right to highlight it—is that when the Public Petitions Committee conducted a major inquiry, it took that role on board. We heard evidence from SEPA and various witnesses.

The point that Diana Johnson makes about partially treated sewage and Dr Curnow's recommendation should now be urgently addressed. She states:

"Dr Curnow's recommendation is well supported by 16 Professors of Public Health and Soil Science from the National Academy of Science in America".

She goes on to state that a report concluded that spreading sewage to land was based on "outdated science".

It would be right for the Environment and Rural Development Committee to take the matter on board. It would also be helpful, for our own purposes, if we could get the information that Mike Watson has called for in the meantime.

**The Convener:** I was going to suggest that we do that. If we get the petition into the system with the Environment and Rural Development Committee, we can pass on the recommendation that it should take on board the specific points that Mike Watson has raised. If we send the questions to the specific bodies, we will be able to send on the responses to the Environment and Rural Development Committee when they come back, but consideration of the petition will be in that committee's system. Is that agreed?

*Members indicated agreement.*

## **Green-belt Land (Legal Protection) (PE712)**

### **Green-belt Sites (Scottish Executive Policy) (PE724)**

**The Convener:** The next two petitions are PE712 and PE724. PE712 calls on the Scottish Parliament to urge the Scottish Executive to ensure that green-belt land is given the appropriate legal protection. PE724 calls on the

Parliament to urge the Executive to review its policy on green-belt sites.

At its meeting on 23 February, the committee agreed to write to the Minister for Environment and Rural Development to express its concern at the lack of response. The committee subsequently received a response from the Executive on 4 March, which has been circulated. The Executive states:

"A review of green belt policy has recently been carried out for the Executive by Heriot-Watt University/Andrew Robinson Associates ... Following on from the research, the Executive has now begun the process of preparing a new Scottish Planning Policy (SPP) on green belts ... A draft SPP is due to be published for public consultation in spring 2005, in advance of a possible Planning Bill."

Do members have views on the matter?

**Helen Eadie:** The petitioners could be invited to respond to the Executive's public consultation and the petition could be closed.

**The Convener:** It looks as though there is potential for legislation to be produced, so the petitioners will have the chance to participate in that process. Are members happy that we do what Helen Eadie suggests?

*Members indicated agreement.*

## **Sir William Wallace (PE781)**

12:30

**The Convener:** Our last current petition is PE781, calling on the Scottish Parliament to commemorate the 700<sup>th</sup> anniversary of Sir William Wallace's death on 23 August 2005; to mark the day as an annual event in the Scottish calendar thereafter; to acknowledge on the public record that William Wallace was not guilty of the charge of treason; and to make representations to the UK Parliament for a declaration of his innocence and that he be exonerated of that charge.

At its meeting of 10 November 2004, the committee agreed to seek the comments of the Minister for Tourism, Culture and Sport. The committee also agreed to seek a legal perspective from the Crown Office and an academic perspective from Professor Cowan of the department of history at the University of Glasgow, as well as to write to the clan Wallace. The responses that have been received have been circulated to the committee. Do members have any views on the petition?

**John Scott:** I welcome the planned celebrations for the 700<sup>th</sup> anniversary of William Wallace's death. However, we should note that the Crown Office's response is that it does not have the jurisdiction to deal with the matter. It makes sense to suggest that the petitioners pursue the matter

with Scottish MPs, inviting them to bring it up at Westminster if they feel that that is appropriate. It is outwith the gift of Scotland to pursue the matter any further.

**Ms White:** The Crown Office has done its best, and I also thank the clan Wallace for writing to the committee. We have discussed the petition and have done all that we can, although I would have liked an immediate apology. I support John Scott's suggestion that the petitioners be encouraged to write to all the Scottish MPs, asking that William Wallace gets an apology because he did not commit treason. I also invite everybody to join in the celebrations and to take part in the walk from Lanark or Stirling down to Westminster. I am going down there on 23 August to commemorate William Wallace's death, and others should feel free to do so.

**The Convener:** Are members agreed that we should follow John Scott's suggestion and close the petition?

**Members indicated agreement.**

## Proposed Petition

12:32

**The Convener:** The final item is a proposed petition that calls on the Scottish Parliament to consider and debate the implications for the renewable energy industry of a new Scottish invention that is known as GENTEC venturi. The petitioner also requests that the Scottish Parliament consider the cost implications of purchasing desalinated water from that invention's by-product. The petition appears to seek to promote a specific product, instead of asking the Parliament to take a view on a matter of wide public interest or concern. In that respect, the petition is probably inadmissible. Do members agree?

**John Scott:** Reluctantly, I agree. These people have outlined a fascinating concept, but I do not think that the petition is admissible. Nonetheless, I wish them well.

**The Convener:** Are members happy that we close discussion of the petition?

**Members indicated agreement.**

**Helen Eadie:** We are looking at you quizzically, convener, because we are wondering what happened to PE807, on supermarkets.

**The Convener:** Have I lost a page or did I turn over two pages of my briefing at once? I think that I have lost a page. Can we defer discussion of the petition until next week? I do not think that it is urgent. I do not seem to have the petition among my briefings this morning. I do not know whether the briefing is not ready. Are members happy for us to put the petition on the agenda for our next meeting and to deal with it then?

**Members indicated agreement.**

**John Scott:** We will have a clerks' inquiry.

*Meeting closed at 12:34.*



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