

# **PUBLIC PETITIONS COMMITTEE**

Wednesday 17 May 2006

Session 2

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## PUBLIC PETITIONS COMMITTEE

9<sup>th</sup> Meeting 2006, 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)

\*Mr Charlie Gordon (Glasgow Cathcart) (Lab)

\*Rosie Kane (Glasgow) (SSP)

\*Campbell Martin (West of Scotland) (Ind)

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

\*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:

Eddie Jackson (Borderline Theatre Company)

Claire McCready

Mandy Muir

Stewart Stevenson (Banff and Buchan) (SNP)

Ian Welsh (Borderline Theatre Company)

### CLERK TO THE COMMITTEE

Jim Johnston

### ASSISTANT CLERK

Richard Hough

### LOCATION

Committee Room 1



## Scottish Parliament

### Public Petitions Committee

*Wednesday 17 May 2006*

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

### New Petitions

#### Borderline Theatre Company (PE959)

**The Convener (Michael McMahon):** Good morning and welcome to the Public Petitions Committee's ninth meeting in 2006. I have not received any apologies.

The first new petition is PE959, by Eddie Jackson, on behalf of the Borderline Theatre Company. The petition calls on the Scottish Parliament to urge the Scottish Executive to act immediately to ensure the continuation of the Borderline Theatre Company's innovative touring and lifelong learning programmes. Eddie Jackson will make a brief statement to the committee in support of his petition. He is accompanied by Ian Welsh.

I welcome you both to the committee. You may introduce the petition and we will then discuss the issues that you have raised.

**Eddie Jackson (Borderline Theatre Company):** I thank you and your colleagues for your courtesy in hearing our petition today.

At a conference that I attended in February about encouraging audiences, Patricia Ferguson said:

"Our ambition, which I know that you do share, is to extend the benefits of culture, so that they can be experienced and enjoyed by as many as possible of our citizens ... Increasing audiences and participation in the arts is again one of the key priorities that the Scottish Arts Council has identified ... I also think there is a role for all the providers and for every branch of culture to help to broaden cultural access for Scotland's existing and potential audiences. I would encourage everyone to think about audiences when planning and delivering their future programmes".

When I heard those sentiments expressed, I never imagined that, one day, I would be sitting before a committee of the Scottish Parliament seeking its support to protect the Borderline Theatre Company, which is demonstrably devoted to inclusiveness in, and broadening access to, the arts. The organisation thinks about audiences when it plans and delivers its programmes, but it has been penalised for doing so.

For 32 years, Borderline has metaphorically kept its head down and concentrated on the work. It is dedicated to giving the disfranchised access to the arts and to developing audiences, not just for our productions, but for the whole art form. It works with those artists who share our vision of extending the joys and delights of theatre to as many people as possible. Since 1974, we have toured theatre all over Scotland—north, south, east and west.

We are here now because it seems that the Scottish Arts Council has decreed that there is no longer room in Scotland for touring companies with specific values. Borderline was told by an SAC officer that funding was being cut because the company is "viewed as audience focused". What exactly does that mean? What kind of deficiency can it be in a theatre company that it aims to entertain, instruct and stimulate people who come to see its shows? What do the standards of accessibility and inclusiveness mean if a company that attains inclusiveness by being audience focused is treated as Borderline has been treated—not to mention the 7:84 Theatre Company or Theatre Babel?

Ladies and gentlemen, we have been forced to come to you not out of simple self-preservation but because the Scottish Arts Council, in its recent funding decisions, is saying that its new artistic orthodoxy is the only one. It is saying, "Conform or be dispensed with." I cannot believe that that is supportable. The SAC's specific decision to cut those companies for whom a relationship with the audience is paramount is disturbing, not only for an inclusive vision of theatre in Scotland, but for the diversity of experience that an audience can and should have.

I close with a short e-mail that I received from Donald Smith, the director of the Scottish Storytelling Centre in Edinburgh. He wrote:

"I write in support of your excellent campaign to secure the future of Borderline Theatre Company. Ayrshire needs and deserves a centre of theatre production at all levels. The Scottish Arts Council's artistic choice risks a metropolitan bias favouring middle class audiences in the big cities, and the tastes of SAC appointed advisers. Let Borderline flourish for the future of Ayrshire and Scotland."

**The Convener:** I, too, am baffled by the statement that you are too audience focused. Other than playing to theatres with seats that face away from the stage, I do not know what else you can do if you are going to be successful. Is this about elitism? Is it about trying to put whatever public funding is available towards those forms of art that do not attract mass audiences?

**Eddie Jackson:** Sadly, in the case of the touring sector and the decisions that were made by the Scottish Arts Council, that is almost exactly the issue. We do not want to get into internecine

warfare among the arts, but I would mention that three of the companies whose funding the Arts Council is choosing to continue, the Stellar Quines Theatre Company, Suspect Culture and Mull Theatre, received an aggregate grant of £448,000 in 2004-05 and played to a total audience of 18,000. That year, we received a grant of £204,000 and played to an audience of 18,000. The SAC seems to be interested in keeping the minority pursuit of theatre going, rather than what I think should be a broader pursuit of theatre.

**John Scott (Ayr) (Con):** Could you place on the record how many people you supported last year and how many workshops you supported, if those figures are known to you?

**Eddie Jackson:** Last year, we delivered more than 1,000 workshops all over Scotland. When we tour with our productions, we have workshops accompanying them as part of the process of allowing people to engage more fully in the work that we are doing. We also do workshops in schools, with youth theatres, special needs groups and community groups. We played to something like 10,000 people last year with our touring productions.

**Ian Welsh (Borderline Theatre Company):** One issue is a lack of understanding of the interrelated nature of our touring work and our community and outreach work. That is crucial to sustainability. It also provides an excellent model for the sustainability of not-for-profit organisations generally. The notion that it is somehow possible to divorce touring work from outreach and community work seems perverse, given the current climate not only in our sector but in the not-for-profit sector generally, and given the emphasis on creating sustainable organisations. The Borderline Theatre Company has been sustainable for nearly 32 years. It has not only been effectively, but cost-efficiently run. It is important to put that on the record, too.

**John Scott:** My impression from the notes before us is that you have fallen between the various categories—that you are somewhere between foundation funding and flexible funding. Somehow, you do not quite seem to fit into one area—although we all agree that you do a worthwhile and valuable job. Have you appealed to the Scottish Arts Council about the fact that you have been told that your funding is coming to an end?

**Ian Welsh:** Yes, the appeal process is under way now. We will be lodging our appeal tomorrow on a series of grounds. We do not believe that we fall between two stools. We believe that we should be a flexibly funded organisation, that we should tour and that we should deliver inclusive community outreach drama work in tandem with that. That is what makes for sustainability in our

sector. Any other option under which we are left with project funding renders us unsustainable. Sure, we could apply for project funding, but the core staffing for the organisation would not then be there, and that would destabilise our inclusive community outreach and drama work. Among the range of grounds on which we will be appealing, the basic ground is that the proposal is wholly perverse.

We have a range of concerns about the funding process, not least because we submitted our application for funding, as we have done regularly and successfully over the years, on the basis of criteria that were changed during the process. That happened without consultation, and we were not given an opportunity to revise our application or to give a guarantee to SAC officers—the process is principally officer-led—that we would fit the new priorities. That was a problem not just for Borderline but for the other organisations in the Scottish touring infrastructure that have been affected by the decision.

We have taken wider legal advice and it is likely that we will seek a judicial review of the process in any event. It is important to say that that is not what we want; we want a solution—for us and other touring companies—that would allow us to continue to deliver the type of inclusive and accessible work and entertainment of substance to a large audience in Scotland. We want to do that in the context of the Executive's arts policy.

**Ms Sandra White (Glasgow) (SNP):** Good morning, gentlemen. I came across the same situation with 7:84. I echo the convener's sentiments, although perhaps artistic snobbery rather than elitism drives the funding changes in your area.

You said that your funding had been changed to flexible funding. Were the funding criteria changed when your application and others had already been submitted? The SAC says that

"flexible funding will help to achieve a dynamic in the sector".

I cannot for the life of me think how worrying about funding would help to create a dynamic sector, so I would appreciate your comments on that.

Do you agree that the SAC reports conflict on the subject of audience participation? One report says that you research your audiences and choose your scripts well and that you have exceeded your audience targets. Another report says that although your company is operationally effective, there is room for improvement and your main strength is in the wide audience that you reach. The company is said to be well-integrated in its core business. The SAC goes on to say that 59 per cent of your productions are poor, although

it says in brackets “competent to poor”. After that, SAC officer David Taylor’s

“report rates Borderline low overall. This is largely due to the majority artistic evaluations being competent or poor. The number of attendances is however, high and this level of attendance is not likely to be matched by other companies”

in the same field. In December 2005, David Taylor recommended foundation funding for Borderline. Why then do you think that two months later, he reported:

“Borderline would naturally fall into the category of Audience Focussed ... It is recommended that the company is designated Flexible Funding”?

**Eddie Jackson:** I will answer your last question first. The SAC changed the criteria for awarding funding after the applications were submitted. If I recall correctly, we were asked at the outset to submit our application under three main criteria. The SAC then went through a strategic review, during which it decided that the criteria would be to do with artistic development.

Our figures speak for themselves. The Arts Council assessment process has troubled us for several years. Our appeal to the Scottish Arts Council quotes chapter and verse on how the people who have made these assessments come from a certain strand of theatre-making and how the activities of a mainstream theatre that accesses an audience are quite foreign to them.

10:15

I am not a mathematician, but I was really bothered by the assessment that 59 per cent of our performances were competent or poor. I felt that that was wrong. We submitted the information to a professor of mathematics at Oxford, particularly because he was not part of the Scottish theatre scene and his view would at least be seen as objective. He concluded that the SAC’s weighting process was wrong and that, with more careful analysis, 55 per cent of our productions would have been evaluated as excellent or good. He also stated that “competent” should not be categorised alongside “poor” and that, in fact, fewer than 15 per cent of our productions were poor.

**Ian Welsh:** The professor of mathematics also said that the assessment revealed a huge and unjustified weighting given to the observed quality of performances. We have submitted his paper in our appeal to the SAC.

In an earlier life I was, for my sins, a teacher. When I marked, for example, standard or higher grade English papers, I knew that I would be subject to a process of moderation that would apply consistently to, for the sake of argument, 300 other English teachers. The SAC does not

have such a process for people who evaluate and assess these matters. That is an issue not just for Borderline; it goes much wider than that. An absolutely incorrect scale of evaluation has given a palpably false impression of the quality of our work.

We are also very perturbed by the SAC’s assessment that we have problems with quality. We regard ourselves as hugely professional and as driven by quality in our work with playwrights before scripts are submitted and while they are being developed; in our workshops with schoolchildren while we are in production; and in our post-production work. As a result, we feel that that assessment is a huge insult. As I have said, our work has been assessed incorrectly on the basis of a very limited number of evaluations—I think that only 16 were made—and a false impression of its quality has been given. Moreover, the weighting process has led to an assessment that we feel is false. The issue is certainly pertinent to us, and we are pretty sure that it must be pertinent to the other companies that are in the same situation.

The point about the SAC’s initial evaluations is absolutely right. We were recommended for funding on the basis of our application; however, the criteria changed and our opportunity disappeared. We are concerned that that raises huge problems of transparency.

About two weeks ago, in what it claimed to be the interests of transparency, the SAC tried to overcome this situation by posting about 1,600 documents on its website to assist us and other organisations with the appeals process. We are not the General Electric Company; we are simply a small organisation that is trying to produce stuff. There is not a snowball’s chance in hell of our finding a smoking gun in all those documents. The SAC calls that transparency but, as far as we are concerned, it is only transparent on the surface. That said, we think that we have discovered a couple of smoking guns, which we will highlight in our appeal.

As I said, we are mystified as to why, after two officers recommended us for funding approval, the criteria should change without our being told about it, we should not be allowed to resubmit our application and our funding—and the funding of other organisations—should be withdrawn. That is not right.

Sandra White talked about elitism, but in all fairness we do not think that the problem is elitism among members of the Scottish Arts Council, because the members were not able to influence decisions that were taken in what has so far been an officer-led process. The flaws in the process have been at officer level.

Even now, we would be quite happy to submit a new application that met the new criteria and guaranteed our funding. The issue is not just about preserving Borderline; it is about helping us to meet the Scottish Arts Council's criteria and the Scottish Executive's agenda, as we have done consistently during the past 30 years.

**Eddie Jackson:** Working with the Scottish Arts Council for more than 30 years has been like target shooting with a blindfold on. The council constantly moves the goal posts.

**Rosie Kane (Glasgow) (SSP):** Thank you for the information that you have provided, which dealt with many points that I was interested in hearing about. What would Scotland be like without Borderline? You are based in Ayrshire, but you cover the whole of Scotland. Will you say a wee bit about how far-reaching your work is?

**Eddie Jackson:** We tour all over Scotland, from Peebles and Dumfries in the south to Fortrose and Inverness in the north. We go to East and West Lothian, to Ayrshire and to Dundee—we travel all over the place. Because of the nature of our work, there is demand for us. In an independent survey of venues in Scotland, all the venues said that no other company delivers the sort of accessible work that we do, which attracts audiences and helps the venues to balance their books, because they get a yield from us that they do not get from the more laudable but less popular companies. Even venues such as the Dundee Rep theatre, which is very successful, said that it programmes us because we bring a different audience into the theatre. It is interesting that a Scottish Arts Council assessor who attended a performance of our production, "Dead Funny", at Dundee Rep theatre on a Friday night in front of an audience of 417 people, said that although she did not like the production, she supposed that it was good enough for the audience that attended.

**Ian Welsh:** That was an astonishing comment. When we put on a production at the Tron Theatre in Glasgow in front of a large audience who found the production worth while, someone who was connected to the theatre said of the audience, "Who are these people?"

We feel a bit tender about the situation, as you can imagine, but we want to emphasise the point that Rosie Kane made. We are a Scotland-wide touring company, even though we are based in Ayrshire—the company was born in north Ayrshire and moved to south Ayrshire and delivers throughout the area. John Scott knows the company, because we are based in his constituency.

I am an Ayrshire person and it would be folly not to point out that arts funding in my part of the world is lamentable. It is for the politicians to argue

about why per capita spend on arts in Ayrshire is less than it is in other parts of Scotland and we are not saying, "Just fund Borderline because Ayrshire's not getting a lot of money", but there is a subsidiary argument that it is ludicrous to withdraw Scottish Arts Council investment from an area that is already underresourced, especially when we are continuing to deliver, not just in Ayrshire but as part of the wider Scottish need. It is important to emphasise that part of the argument, too.

**Rosie Kane:** Eddie Jackson spoke about broadening access to the arts. You said that you develop audiences not just for your productions but for the whole art form and that you were not here for simple self-preservation. I have looked at what you do and the extent of your work and I now know where John Scott gets his drama in the chamber, so that was informative. What is your input into lifelong learning and what are the outcomes of that?

**Eddie Jackson:** We recognised a long time ago that it was not enough to present something on a stage and expect people to turn up. People cannot experience productions fully without some knowledge. Like the Jesuits, banks and building societies, we decided that we must reach people when they are young if we want to engage them in anything.

My life was transformed by access to the arts and I figured that if the arts could do a job of work on me, they could do a job of work on almost anyone. The arts came to me late, but I thought that if we reached the young, we would do a good job not only for individuals, but for society. We work in schools and with special needs groups. We run youth theatres, which are unfunded. We generate the resources for them from subscriptions and from running programmes for businesses on presentation skills. The Arts Council makes no contribution to Borderline's lifelong learning work, which is funded from contracts with North Ayrshire, South Ayrshire and East Ayrshire Councils. We also develop programmes with other councils.

When we produce a play, we run workshops in association with the play and the venues as part of the audience development process. Workshops allow the audience to understand how the play was developed and the process of play making. Many people say that the arts and theatre are not for them, but they are for everyone. There is nothing more exciting or engaging than sharing the experience in an auditorium with a load of folk who are enjoying themselves. We just want more folk to have that pleasure, which is why we do that work.

**Ian Welsh:** Organisations such as 7:84, Wildcat Stage Productions and Theatre About Glasgow



were with us in the vanguard of taking theatre into schools when drama teaching in schools was on the wane—it has been more on the wane over the years. We have been ahead of the Arts Council on that process for years. Over the years, I have attended annual meetings with Arts Council representatives. Probably only since Jack McConnell's St Andrew's day 2003 speech has the Arts Council become a bit more interested in inclusive work and in lifelong learning; it certainly was not interested in it before. When we debated with the Arts Council the interdependence of the touring side of the business with lifelong learning activity and work on drama with groups in schools, the Arts Council did not have the peripheral vision to see the connection between our work as a touring company and what we provided to the community.

I emphasise that we have been at the front end of such work for a long time. I am the first person in the world to say that if a project is dead, it should be buried. We cannot keep funding projects that are clinically dead, but *Borderline* is not dead. *Borderline* is and has been vital and has reinvented itself over the years. It continues to do innovative work. That is what puts us at the front of what Jack McConnell talked about three years ago and what makes the Arts Council's decision all the more perverse.

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):** Like you, convener, I struggle to comprehend the incomprehensible ways of the Scottish Arts Council. Mr Jackson referred to accessible productions in Dundee, Glasgow and elsewhere. Will you give us a wee bit more detail on those productions—especially those that drew the strange comments from the Arts Council's assessor?

10:30

**Eddie Jackson:** One of the productions was "Dead Funny", which was directed by Brian Pettifer. It won the Society of West End Theatre award for best new comedy a couple of years before we got the rights to it. We mounted it with a Scottish cast. Attendances averaged about 224 per performance—you have to remember the scale on which we are working. The audiences were clearly engaged with the production and enjoyed it—we got tremendous feedback from them. However, all four assessors said that it was either competent or poor.

Liz Lochhead came to us and said that she wanted to write a play for our audience. Over three years we worked to develop the script with different actors and directors and toured the production. It is interesting that the Scottish Arts Council could not penetrate the Liz Lochhead effect. It sent fewer assessors to assess the play,

which was assessed as good. We also did a remount of the great state-of-the-nation play, "Passing Places".

The work that we do is also about developing people. We had a young man working for us on designing sets for our youth and community theatres, to whom we gave the opportunity to design for the big stage. He got it wrong, but people have to have the right to fail. On the basis of that, the Arts Council marked the production as being not competent. Nevertheless, we got lots of letters from schools all over Scotland who had been to see "Passing Places" and who said that their kids had engaged with the play because of the production. Even some of the critics enjoyed it.

**Mr Gordon:** Ian Welsh has said that within the new evaluation criteria there is a distorted weighting and that there appears to be a huge element of subjectivity. Is that right?

**Ian Welsh:** Yes.

**Mr Gordon:** I seem to recall that in the long-running saga about reviewing how we disburse arts funding, many people in the artistic community have said that they must make the decisions and that it would be anathema for them were politicians to make judgments about disbursement of public arts funding. Ian Welsh has highlighted several examples of local authorities engaging with and tying into the work that your company and others are doing.

I have become less clear about the main purpose of your petition while you have been speaking. Are you trying to have your grant application re-evaluated? Do you want flexible funding, rather than flexible project funding? You are posing fundamental questions about whether, in the long-running process of changing how the Scottish Arts Council does things, the new set of processes is even weaker than the previous one was perceived to be.

**Eddie Jackson:** I am greatly troubled by the fact that something that is as important for a society and a nation as the arts is left to the decision-making powers of a very small number of people. We all know about the concept of the arms-length principle, but one of the reasons why we do our work is that we do not believe that there is a priesthood that has the only right of entry to the wonderful world of the arts. That world is beneficial to our society. It is conceivable that one of the reasons why the Arts Council will cease to exist is that it is not serving Scotland's needs and is not working for the best interests of Scotland.

**Campbell Martin (West of Scotland) (Ind):** The bottom line is that *Borderline*'s crime—if that is the right word—is that it is producing theatre that people want to see. If the Scottish Arts Council thinks that that is bad, it might be that the problem

lies there and not with Borderline. As Ian Welsh mentioned, I am from Ayrshire and am very well aware of the good work that Borderline has been doing throughout Scotland for many years from its Ayrshire base.

I should have submitted apologies earlier for my colleague, Adam Ingram MSP, who is a supporter of Borderline but who could not be here. He is also a member of the Education committee, which is meeting in another room as we speak, otherwise he would have been here.

As far as I am aware, Borderline has been the cornerstone of theatre in Ayrshire, so if Scottish Arts Council funding decisions were to result in Borderline going to the wall, what would be left of theatre production and development in Ayrshire? It seems as if the Scottish Arts Council is arguing that it will direct funding to fledgling theatre companies to allow them to grow. If there are other companies, how long would they take to become as good as Borderline? If they were to become as good, would they then be guilty of being successful by attracting audiences?

**Eddie Jackson:** Again, the independent research that we had done states clearly that there is no one else doing the sort of work that we do. As I said, we have just kept our heads down and done the work, so I have been astonished by the brand value that Borderline has and by the response of the venues in respect of the importance of what we do.

The Scottish Arts Council's decision is also not based on demographics; the majority of the population is more mature and interested in seeing mainstream theatre. The cutting edge holds no appeal for the mass audience, but the Scottish Arts Council is eliminating any organisation that appeals to the larger audience.

**Ian Welsh:** I want to take up a point that Charlie Gordon and Campbell Martin have made. We accept that we have a regional role, but it has been underemphasised by the Arts Council for our application while it has been overemphasised for other applications. We think that the process is unfair. We see ourselves as sitting within the Scottish firmament and the cultural policy that the country has adopted. In that context, I feel very strongly that although the Scottish Arts Council is metamorphosing into what I hope will be something better—Creative Scotland—in the embers of its existence, it is taking fundamental decisions about the nature of the landscape and how it will be in the next couple of years. That is wrong.

To go a wee bit further back, one of the other seismic changes that took place was the advent of the National Theatre of Scotland. I was a very strong proponent of a national theatre that would

be peripatetic and not building-based. There are national theatre productions happening in Ayr this week, and they are welcome. No one ever expected that the touring companies would be displaced as a result of the National Theatre of Scotland; rather, it was meant to give the theatre in Scotland some kind of emotional kernel. All the added value that would come from enriching cultural life in Scotland was about that emotional kernel.

We do not believe that anyone on the board or the executive of the National Theatre of Scotland understands and supports the SAC's decision. We have had public and private responses from people who have connections to the National Theatre of Scotland to say that they think that it is perverse and that it does not fit in with the overall strategy of building touring theatre in Scotland. I say that just by way of putting the situation into a policy context.

**John Farquhar Munro (Ross, Skye and Inverness West) (LD):** I understand that the Scottish Arts Council has changed the criteria for funding touring companies. What is the big difference between foundation funding and flexible funding, which is what is currently proposed?

**Eddie Jackson:** The Scottish Arts Council has not given any touring companies foundation funding. I have heard it said that being given foundation funding means that you are family and that nothing will ever happen to you. With flexible funding, you become more dispensable to the Arts Council. Furthermore, we are on flexible funding that is awarded on a project-by-project basis, which means that no money is given to us to sustain the core infrastructure of the company. It is impossible for us to use that funding.

**John Farquhar Munro:** When you propose to take a project on tour, you must then start soliciting funding from the various organisations, not least the Arts Council. However, you do not know whether you are going to get it, which means that you cannot be confident about your ability to produce the project.

**Ian Welsh:** Absolutely. The issue relates to the infrastructure of the company. If we are not confident that we can fund our core staff, we will not be able to develop good and innovative projects. Therefore, our service-level agreement to deliver 1,000 workshops in schools will fall as well. We do not believe that we are a house of cards, but the impact of the change in our funding would be felt as if we were. If our organisation is taken away, it will be wishful thinking to suppose that some seedling organisation will replace us. The issue is about sustainable funding for our organisation.

If members have any awareness of the arts community and you cast your eye over the signatories to our petition, you will see a history of glittering stars who have come through Borderline and gone on to Hollywood, such as Robbie Coltrane. Alan Cumming has not signed the petition, but he came through Borderline as well. There are other signatures of people who live and work in communities throughout Scotland and who were engaged in drama through our processes for youth, such as Borderline youth theatre.

The petition itself tells a story about vibrancy. I have been involved in the company for 22 years and have become quite emotional as I have begun to audit the story of Borderline through the names of the signatories to the petition. I also know that, if we have to put together another petition in five years, we will have the signatures of another generation of people who are interested in the arts and who work in the arts. This is what we do: we engage with the arts through audiences, workshops, young people's drama and by developing the industry, if I can call it that.

**John Farquhar Munro:** I do not question your commitment, which has been made obvious from your presentation this morning.

For 2006-07, I see that you have been given a grant under the flexible funding arrangement. How does that figure compare with the funding that you were given in the previous year?

**Eddie Jackson:** The grant that we are receiving in the current year is the final part of our funding agreement from two years ago. Currently, we are receiving £215,000. We got an inflationary increase from the previous year, in which we received something over £210,000. We do not currently expect to receive any funding from the Scottish Arts Council from March 2007 onwards.

**John Farquhar Munro:** Is there no guarantee that your funding will continue beyond 2007?

**Eddie Jackson:** No—although I have to create a model for what the options would be if that circumstance were to prevail. At a meeting with the Scottish Arts Council an officer said in reference to project funding, "Of course, it's competitive, but we would be interested in receiving an application from Borderline, because of its geographical spread, its audience size and its accessibility."

10:45

**Jackie Baillie (Dumbarton) (Lab):** I have no doubt about the quality or value of what Borderline does, having been to some of its performances. On that basis, I caution Mr Jackson not to be so quick to describe his audience as being middle-

aged—I do not think that many of us would like that label.

That said, I was pleased to hear Ian Welsh say that the issue is not actually about Borderline. The witnesses will be aware that the committee cannot interfere in individual funding decisions, but I am keen to pursue the matter of the assessment framework for funding. I was persuaded by your comment about the Scottish Arts Council's instituting fundamental changes to the landscape in advance of its potential demise, so I am interested to know what you think the problem is. Is it the process? Is it the criteria? Does the framework effectively exclude all touring companies or has Borderline been singled out in some way? How is the Scottish Arts Council actually funding access to the arts? Do you know of other companies that are receiving funds, appropriately or otherwise?

**Eddie Jackson:** The Scottish Arts Council has in this current cull—there will be more—absolutely eliminated the three companies that are engaged with audiences: 7:84 Theatre Company, Theatre Babel and Borderline. I should say that it did not cut Babel for reasons of quality, although it has used the beard of quality for us and for 7:84. It recognised the quality of Babel's work, but has stated that other companies can do what Babel does which, to be frank, is also unsupportable. Essentially, the SAC is involved in a Pol Pot-type year-zero process. It wants to set a new orthodoxy that will prevent Creative Scotland from succeeding; whatever briefing the Executive gives Creative Scotland, it will be hamstrung. I cannot believe that Jack McConnell's 2003 St Andrew's day speech bears any relation to the decisions that the Scottish Arts Council has just made, and I cannot believe that the briefing that Creative Scotland will get from the Executive bears any relation to what the Scottish Arts Council is currently doing.

As I said, it is important for Scotland and for society as a whole that access to the arts is high up the agenda and that it is not in the hands of a small number of people. The arm's-length principle might have worked effectively for a period, but it is time to re-examine it.

**Ian Welsh:** I am, in a sense, at a loss to respond to Jackie Baillie's point. Borderline and other companies that have developed long-term organisational knowledge are being asked, in effect, to fall on their swords. How does that benefit the fabric of Scottish theatre, or the theatre-going public? Not at all, in my view. There are organisations that pride themselves on medium-term and long-term planning. I do not know whether I ought to say this, but I shall say it anyway. We are working on a play by John Byrne, and it has taken years of working closely to bring

that creative input to the market. It was the same with plays by Liz Lochhead and it will be the same with Douglas Maxwell and other playwrights. Those long-term relationships are vital.

Borderline has been asked to roll over and die, but the committee will appreciate that we have not done that. We have unashamedly launched a campaign to expose what is happening. We have done that in the context of there being no strategy for touring theatre that we can find in the SAC's work in the past nine or 10 months. We think that there is an obligation to make that clear. We do not wish to upset the firmament in any way, but we do not think that the next two and a half to three years, as Creative Scotland beds in for what we hope will be a brave new dawn for Scottish arts policy, should be informed by the last days of the raj.

**The Convener:** We need to draw the discussion to a conclusion. We have given the petition a good airing, but before we close, I will make a couple of observations. We have to focus on the generality; as Jackie Baillie said, we cannot focus on the specific case of Borderline. An issue was brought to me recently by someone who had been working in the arts sector in England. Ian Welsh commented that drama is starting to develop and grow in our schools and colleges in Scotland; the person who came to see me is aware of that. He wants to come back to Scotland and to get involved in nurturing the talent that is coming through our colleges. He has designed a project that would showcase the talent that is coming from drama courses in colleges in my area, but his request for funding was rejected by the Scottish Arts Council because his project was geared towards commercial success. We have heard that the funding criteria are undermining the existing theatre companies, but they might also be preventing new projects from being developed.

I am concerned about the criteria for assessment. How will we develop new talent if we do not support the people who want to work with that new talent? Unless the new talent comes out ready to do Shakespeare, Chekhov and Kafka, it will not receive funding. We need to focus on what SAC funding appears to be aimed at. I am concerned about the general thrust of where it is going.

I ask members of the committee to suggest ways forward that might address the general point.

**Rosie Kane:** I am concerned about the precarious nature and the ever-moving goalposts of funding, and about the uncertainty and the potential loss of jobs and of services. This is a cultural issue and an education issue—in fact, it is a mass of issues. My first instinct is to seek the views of Equity, the Scottish Trades Union Congress and the Broadcasting, Entertainment,

Cinematograph and Theatre Union. I leave it to other members to suggest other directions.

**Jackie Baillie:** This is not about Shakespeare, Chekhov and Kafka versus John Byrne and Liz Lochhead.

**Mr Gordon:** But it is Kafkaesque.

**Jackie Baillie:** Thank you for that.

I would put all those writers together. I am conscious that we cannot interfere in individual decisions and I do not want us to write to 100 people. I suggest that we refer the petition to the Enterprise and Culture Committee on the basis both of the convener's comments and of what we have heard today. I am worried that the fundamental changes will alter the landscape before Creative Scotland properly comes into being. It is appropriate for the Enterprise and Culture Committee to consider that as a matter of urgency.

**Ms White:** I was also going to suggest that we refer the petition to the Enterprise and Culture Committee. It is not only Borderline that is affected. As we know, there are concerns about 7:84, and funding for every touring theatre company has been cut. I suggest that we write to the Scottish Arts Council and ask why it decided on its approach, and for its comments on the petition and the comments that were made today. Ian Welsh was spot on when he referred to "the last days of the raj". The SAC is winding up and Creative Scotland will want to make its mark, but in the process the SAC will destroy some of the fantastic theatre companies that we have in Scotland and some of the cultural identity of Scotland.

**John Scott:** I agree with Sandra White. The reality is that if Borderline did not exist, the Scottish Executive and the Scottish Parliament would be trying to invent a similar company to deliver everything that it delivers. I congratulate the company on what it has done in the past and look forward to what we hope it will do in the future.

Before we send the petition to the Enterprise and Culture Committee, we should do some investigative work, as Sandra White suggested. We should write to the Scottish Arts Council to ask it to justify the criteria that it has apparently set and to ask about consistency, transparency and how objective its evaluations have been. It has been alleged that the SAC does not appear to have been objective, and, indeed, that its subjective approach has not even been very good.

We should also write to the minister to find out whether she is content with the current situation. The issue does not affect only Ayrshire—it relates to the arts throughout Scotland. Other theatre

companies have been mentioned. There is every reason and justification for this approach and—depending on the responses that we receive—we could thereafter refer the petition to the Enterprise and Culture Committee.

**Jackie Baillie:** We would delay the process by writing to the people who have been mentioned. The time that it sometimes takes for us to deal with petitions again should be considered. There is an issue to do with appeals and I have no doubt that the Scottish Arts Council will study the publicity that the petition generates. However, we are talking about a wider strategic issue rather than only about Borderline. Therefore, I am keen for the Enterprise and Culture Committee to consider the petition. Members may want to write to the minister and to the Scottish Arts Council to ask for their views; that is fair enough, but doing so will waste time.

**The Convener:** We have been faced with similar issues before. We need urgently to get Parliament to consider the general issue. In the past, we have sent petitions to committees and have also written to ministers; in this case, we could also write to the Scottish Arts Council. Once we receive responses from the minister and the Scottish Arts Council, we could send them to the Enterprise and Culture Committee. That would give that committee the chance to pick up the ball and run with it. I recommend that approach.

**Jackie Baillie:** That would be excellent.

**The Convener:** We will pass the petition to the Enterprise and Culture Committee and ask the Minister for Tourism, Culture and Sport and the Scottish Arts Council for their views, which we will pass on to that committee. That committee could then speak to whomever it wanted in order to get a perspective on the matter. We would not tell it what to do with the petition.

**Rosie Kane:** Does that approach exclude what I suggested?

**The Convener:** We will write to the Enterprise and Culture Committee to tell it what was suggested. It will be up to the committee to contact the trade unions.

I thank our witnesses for discussing the petition. What was said was interesting.

### **Cranial Abnormalities in Babies (PE960)**

**The Convener:** Our next petition is PE960, by Claire McCready, which calls on the Scottish Parliament to urge the Scottish Executive to ensure that cranial abnormalities of babies are properly recognised and treated by evaluating babies at birth and at six weeks; that appropriate advice, including repositioning advice, is available to parents; and that cranial remoulding therapy is

available free of charge from the national health service.

Before being lodged formally, the petition was hosted on the e-petition system where, between 17 March and 28 April, it gathered 1,525 signatures. More than 14,000 signatures were also collected in the normal manner, meaning that the petition received the support of more than 15,000 people.

Claire McCready will make a brief statement to the committee in support of her petition. She is accompanied by Mandy Muir.

Welcome to the committee. You have a few minutes in which to address the committee, after which we will discuss the subject.

11:00

**Claire McCready:** Plagiocephaly is a condition that can affect up to 50 per cent of babies under the age of one to some extent. Plagiocephaly causes a baby's head to grow in an abnormal shape, and the number of cases has grown dramatically since we were advised to place our babies on their back to sleep, which has reduced the number of cot deaths. A small percentage of babies suffering from plagiocephaly are born with it. A baby can be born with plagiocephaly because of a lack of amniotic fluid in the womb; a difficult birth; a prolonged time spent in the birth canal; or the application of external force to the baby's head—for example, in the use of forceps.

However, most babies who suffer plagiocephaly are not born with the condition and those who develop it do so at around four to eight weeks of age. That is due to a number of factors. They may suffer from torticollis, a condition that tightens the neck muscles. Babies who suffer from torticollis find it almost impossible to move their heads in both directions, so they will always lie facing the same way. Plagiocephaly can also be caused by prolonged pressure on the head from hard surfaces, through sitting in car seats or lying on the floor or on cot mattresses. There are also at-risk groups of babies. Plagiocephaly is three times as common in boys as in girls, and premature babies are prone to the condition because their bones are a lot softer. Additionally, it is more common among babies with low birth weight and those from multiple births.

We are asking that babies be checked at birth and at six weeks for signs of plagiocephaly and torticollis. If torticollis is identified, the baby should be treated urgently by a physiotherapist to improve their movement. If signs of plagiocephaly are present, the parents should be given advice on repositioning. Simple repositioning advice can prevent the condition from occurring in the first place. Babies should always be placed to sleep on

their back, but parents should ensure that the baby's head is not always resting in the same position. A baby should be placed to sleep with their head facing to the right one night, to the left the next night, and to the centre on the night thereafter. That avoids prolonged pressure on one part of the head. Babies should always have supervised tummy time when they are awake, to avoid any pressure being placed on their heads.

We ask that babies with torticollis and plagiocephaly be monitored by health professionals until the matter has been resolved. If the plagiocephaly cannot be relieved by repositioning alone, treatment helmets should be made available free of charge by the national health service. At present, the NHS in Scotland refuses to treat babies with plagiocephaly, although two hospitals in England provide treatment—one in Leeds and one in Bristol. There have also been three cases in Scotland in which private helmet treatment has been refunded.

All the paperwork that I have from the Scottish Executive states that the general advice that is given to concerned parents is that they should reposition their baby. That is simply not true. I am in touch with about 50 families throughout Scotland, and not one of them was advised to reposition their baby when they first questioned their wonky head. The majority of parents who question their baby's head shape are told that the hair will grow in and cover the deformity or that it will correct itself in time. Most parents are not even told that the condition has a name. Such lack of advice is unacceptable. There are many children in Scotland over the age of five who are living with misshapen heads, proving that the head shape does not always fix itself.

Plagiocephaly is mostly a cosmetic issue. The condition can cause ears to be out of alignment by an inch or more, the forehead to be more prominent and the face to be asymmetrical. If the child needs glasses in later life, it can be almost impossible to get them, as standard glasses will not fit. Parents will also find it almost impossible to find their child a bicycle helmet due to their abnormal head shape. Although there is no medical evidence of plagiocephaly causing any specific side effects in later life, the specialist Dr Blecher has observed that severe cases can affect the alignment of the jaw and teeth. It also goes without saying that uncorrected plagiocephaly can open children up to bullying and teasing, which can, in turn, affect their self-esteem. Not enough studies on plagiocephaly have been carried out in the United Kingdom to rule out any side effects.

Private helmet treatment costs around £2,000, and the majority of families who go ahead with the treatment have to fundraise or take out a loan to raise the money. That can be extremely difficult—

in some cases, impossible—for families who live in rural areas and families on low incomes with little or no support from extended family or friends. The poor babies then go without the treatment that they desperately need.

Cranial remoulding treatment works by the baby wearing a specially designed helmet for 23 hours a day. The helmet holds in place the prominent parts of the skull, channelling the natural growth in the head's circumference into the flat areas, which need to round out. That makes the baby's head more rounded and symmetrical, and it can improve facial symmetry and the alignment of the ears. The length of time for which the helmet must be worn depends on the baby's age and the severity of the deformity. The best age at which to start the treatment is around six months, as babies' growth rate reduces dramatically after their first birthday and treatment can take a lot longer. In the first year of life, a baby's head grows about 12.5cm in circumference. That drops to 2.5cm in year 2 and 1.5cm in year 3. Given the fact that the helmet works by channelling natural head growth, it is clear that the most effective time for treatment is up to one year of age. Some babies have been treated successfully at around 18 months, but the treatment takes a lot longer at that age.

We feel that it is unfair that people can have cosmetic surgery on the NHS to pin their ears back, to remove tattoos and to have tummy tucks, breast enlargements or breast reductions while our babies are denied the treatment that they desperately need to give them the best start in life.

**The Convener:** Thank you for that detailed introduction. Members will be grateful to know a lot more about the subject than they did before.

**Mr Gordon:** Potentially, I could have experience of the issue as, after an interval of 25 years, I have an infant at home. The issue was drawn to our attention by health service staff, and it is something that we have looked out for. According to the briefing that the committee has been given—and specifically according to the recent parliamentary answer from the Deputy Minister for Health and Community Care, Lewis Macdonald—if the condition worsens or shows no sign of improvement, a referral to a neurosurgeon is the norm. You appear to be saying that that is not the case in your health board area, and you say that you have received evidence of that from other parts of the country. In my experience, the issue is brought to parents' attention. What evidence is there that cases are not being referred to neurosurgeons when the condition worsens or shows no sign of improvement?

**Claire McCready:** If the condition gets worse, a major operation will be required later in life to correct the deformity, whereas helmet treatment does not involve an operation. There is no pain

involved and no recovery; it is something to which the child adapts instantly.

My son was referred to a neurologist because I requested that. He got a hospital appointment only because I really pushed my doctor for one. We first noticed Robbie's wonky head when he was nine weeks old and we were in St John's hospital for another matter. We queried it with the paediatric doctor at the time, but no mention was made of any condition or the need for repositioning. All that I was told was, "Don't worry about it. It'll fix itself." It was only when we read a newspaper article when Robbie was about five or six months old that we realised that he had plagiocephaly. I went back to my doctor with the name of the condition, and he had never heard of it. Our health visitor knew nothing about it either.

We then had to go back to the doctor on two occasions to ask for a referral to the Royal hospital for sick children. When we went to the hospital, the doctor there asked me whether I had any idea what the condition was and I told him. He was aware of the condition, but when we asked about helmet treatment we were given the same advice—that the problem would fix itself. All along the line, the condition was getting worse, but we were never told about repositioning techniques, which is what can prevent the condition from happening in the first place.

Mandy Muir is a mum, too, and can tell you her story.

**Mr Gordon:** How old was your son when he was finally referred to a neurosurgeon?

**Claire McCready:** At my own request, Robbie was seen by a neurologist a month ago, when he was 11 months old.

**John Scott:** I am very concerned that this condition is growing as a result of the back to sleep campaign, which has been successful in eliminating cot deaths. Have you carried out any research into or do you have any strong views on the value or otherwise of repositioning? Are you bringing this petition, which I very much welcome, to the Parliament because you seek certain solutions and outcomes? For example, do you think that guidance on repositioning should be issued or that treatment that is not currently available on the NHS should be made available? Finally, is treatment that is not available here available on the NHS in England and Wales?

**Claire McCready:** With regard to plagiocephaly and brachycephaly, the most valuable thing for parents is advice on repositioning. Because of difficult births through lack of amniotic fluid and so on, some babies can be born with those conditions and repositioning might or might not fix things. However, advice on repositioning should help parents to avoid the positional plagiocephaly that

occurs after babies are born, because it will mean that they are not lying on their back with their head in the same position. We suspect that Robbie suffered from undiagnosed torticollis, because when he was on his tummy he would always face to the left. We would try to get his attention and make him turn the other way, but he would always turn back to the left. Because another child of mine was a toddler when Robbie was born, I could not keep Robbie on my lap all the time or keep his head off hard surfaces. In any case, I was unaware of the damage that could be caused.

New-born babies spend the majority of their time sleeping, but when I look at Robbie's baby pictures, I see that he lay on the left side all the time. As a result, the left side of the back of his head has gone flat, which in turn has pushed out the left side of his face. Parents need advice to ensure that their babies do not lie in the same position all the time. For example, if the window in a baby's bedroom is on the right, it will be naturally drawn to the light. In that case, the cot could be moved or parents could ensure that the baby sleeps at different ends of the cot on alternate nights. Special pillows and mattresses can also help. I cannot state enough the fact that getting vital advice on repositioning out to parents will dramatically reduce the number of babies who suffer from plagiocephaly.

Repositioning will not work if a baby has torticollis, because it will be physically unable to look in both directions. Because most babies who develop torticollis do so in the first six weeks, when their bones are very soft, they need to be checked at birth and at six weeks to ensure that they do not have the condition. If they are found to have it, they must be referred urgently to a physiotherapist to have the problem fixed as quickly as possible to avoid plagiocephaly.

On your third question, Leeds general infirmary and the children's hospital in Bristol provide helmet treatment on the NHS. However, on three occasions in Scotland, families have sought private treatment and received the funding back from their local NHS boards. It is a bit of a postcode lottery.

**John Scott:** Which NHS boards in Scotland have funded the treatment?

**Claire McCready:** The health board in South Lanarkshire, which covers East Kilbride and Motherwell, funded the treatment twice, and I am 90 per cent sure that the health board in Dumfries and Galloway recently funded the treatment.

11:15

**Rosie Kane:** That was really interesting. I had never heard about this problem, yet what you are saying seems to be common sense. You spoke

about early intervention possibly ruling out the need for more invasive surgery, treatment and so on. You mentioned getting a check done early on, during the normal process of baby checking, vaccines and so on. How would that work? How would it pan out for the health care worker and the family?

**Claire McCready:** As you know, all babies have mandatory checks performed on them when they are born and again at six weeks of age. Recently, eight-month check-ups have been done away with, so those two checks are the only mandatory checks that babies now receive.

When babies are born, and when they are six weeks old, they do not do much of their own movement, so repositioning is hugely important. Around the age of four to six months, babies start to roll over and to decide what way they want to lie, and repositioning will no longer work at that age. By that point, the bones are starting to get harder. They are not as soft as they are when babies are first born or very young. It would be useful to get the information out at the time of the checks that are made when the baby is born, and also by distributing mandatory leaflets.

I know that the cot death leaflet is now being updated to cover supervised tummy time. However, that alone will not prevent the problems from happening. New-born and young babies will sleep for three quarters of the time, so tummy time alone will not stop the problem, although it helps other parts of the baby's body and is fantastic to do. As I pointed out, parents with older children cannot sit with a new-born baby on their lap, lying on its tummy, all day—it is impossible. We need the checks done, and we need the vital advice to be given out to avoid the condition happening, rather than dealing with it once it has developed.

**Rosie Kane:** Given that, as you said, the moulding process happens very early, from birth or even before birth, do you envisage educating women during pregnancy? As I said, I had never heard of these abnormalities. I think that you said that some health care workers are unaware of them, too. That would account for the lack of knowledge that has been mentioned. I am aware that concerns about this other condition might prevent people from sticking to the advice of the back to sleep campaign and could lead to them taking chances that they might not want to take. Should the checks that you are calling for be part of the whole antenatal process at hospital?

**Claire McCready:** Totally—100 per cent. We need to work alongside the Scottish Cot Death Trust—sometimes known as SIDS—on the problem. I spoke on the phone to some members of the trust at Yorkhill last week, and they are behind us 100 per cent.

As you might know, we got some bad publicity more recently, as the Scottish Cot Death Trust has been saying that some people will now not put their babies to sleep on their back, because they are scared about them developing plagiocephaly. People should always put their baby to sleep on their back. Cot death is a very serious thing; these abnormalities are mostly cosmetic, although having a deformed head can scar a person for the rest of their life.

We are not asking parents not to place their babies on their back; we are asking parents to ensure that the head is not resting in the same position all the time. Parents can still put a baby on its back, but they should ensure that the head is being moved from side to side every night; they can have supervised tummy time; or they can take care with the baby's position in the car seat. It is about getting parents and pregnant women educated.

The health visitor will come out to visit the expectant mother two weeks before the baby is due. They have a checklist of things that they must give to new parents and pregnant women, and the advice that we have been discussing could be included at that stage. Then, advice is given by the midwife, so everything is checked off before the woman and baby leave hospital. The advice on avoiding plagiocephaly could be included at that stage, and again at the six-week check.

Therefore, the answer is yes, 100 per cent: the evaluations that we are calling for should be mandatory during the run-up to the birth, upon leaving the hospital and at six weeks. If the baby is checked throughout, that should avoid the majority of cases arising.

**Rosie Kane:** I want to ask about the treatment with the helmet that you have described. For how long is it required, and at what point? Is it specially moulded for the child?

**Claire McCready:** Yes. Each helmet is made specially. Every child has a different shape of head. No two babies will have the same shape of head, whether or not they have plagiocephaly. There are three different ways of making the helmets. My supplier uses casting. Alternatively, a scanning machine can be used.

**Mandy Muir:** We travelled down to Leeds for a scan for Annabel, who is 11 months old.

**Claire McCready:** Thirdly, there is a moulding process. I do not have experience of it, but that is used by another supplier down in London.

The supplier I use treats babies only until they are about 11 months old, because when babies are more than a year old their head growth rate drops dramatically. The supplier that Mandy Muir



used treats babies up to 18 months old, which still gets results, although it takes a lot longer.

The ideal age to start a baby on the treatment is around six or seven months. It is possible to start later, but starting early gets much quicker and better results. Babies wear the helmets for 23 hours a day and the duration of treatment depends on the baby's age and the severity of the deformity. The older the baby and the more severe the deformity, the longer the treatment will take; the younger the baby and the less severe the deformity, the less time it takes. Treatment can take two months for some babies and eight months for others.

**Mandy Muir:** Annabel's helmet was fitted when she was eight months old, so she is classed as an older baby. At the start of the treatment her head was 15mm misaligned. She has been wearing the helmet for about 12 weeks and her head is now 10mm misaligned. That might sound like facts and figures, but we can see that her head looks much better, which is really encouraging.

**Claire McCready:** Robbie was an older child, too. He was more than nine months old when his helmet was fitted. His head was 15mm misaligned, which meant that one side of his face was 15mm more prominent than the other—members of the committee can imagine one ear being shunted forward. After wearing his helmet for six weeks, the misalignment had been reduced by more than half, to 7mm. We return to London on Monday, by which time Robbie will have been wearing his helmet for 15 weeks, to find out how much longer he must carry on wearing it.

**Ms White:** The costs seem to be high, especially if you have to travel to London. I have a constituency case in which the person paid £1,850 for a helmet as well as having to travel for treatment.

When the condition is not caused by a lack of amniotic fluid, would it be preventable if the Scottish Cot Death Trust provided a more up-to-date information pack and gave it to everyone who attended antenatal or postnatal clinics?

**Claire McCready:** Yes. Obviously, checks must also be carried out, because parents might read the information but not adhere to the guidance. The Scottish Cot Death Trust could update its leaflets and mention plagiocephaly. More important, there should be a leaflet just on plagiocephaly, which would give people advice about repositioning and a full understanding of what causes the condition and how it can be prevented. Health visitors, general practitioners and paediatricians should be trained up on the condition, because they need to know what to tell parents.

**Ms White:** I wrote to Lewis Macdonald about the matter. Five children have been fitted with helmets at Yorkhill hospital. NHS Lanarkshire paid for treatment for two children, but the other three were paid for privately.

Apart from having to deal with the distress to the baby and their own distress, did you have to pay for travel and the treatment out of your own pocket?

**Mandy Muir:** Yes. I had to fundraise for the treatment. Annabel was diagnosed with plagiocephaly when she was about five months old and it took us three months to raise the £1,850 and the travel costs from Dundee to Leeds. By that time, she was about eight months old and her head was as wide as it was long. When she was diagnosed, the GP told us that the problem would correct itself, but the condition worsened and her head became completely deformed.

**Claire McCready:** We had to fundraise, too. Because Robbie was older we booked the treatment and went down to London—we knew we would have to find the money later. Thankfully I am from a small village. The help that I received locally was truly amazing. When people found out that a baby needed help, they came banging on my door to help.

I run an online support group for Scottish families. Some people can afford the treatment, but the majority of people have to fundraise to raise the money to go south of the border for the treatment.

**Ms White:** You are saying that if proper antenatal advice and checks were given, you would not have had to go through the distress that you have gone through and paid the costs that you have had to pay.

**Claire McCready:** I would not have had to go through the majority of it. It cannot be avoided if babies are born with it, and repositioning might not fix that. For other babies, preventing it from happening in the first place is the best way to go and repositioning should do that.

**Mandy Muir:** The condition was antenatal with my daughter Annabel. She was a breech baby and faced my spine, so her head was stuck under my ribs and it was a bit flat when she was born. We questioned it but were told that it would correct itself, but here we are, having faced all the stress and cost of all that travelling with a baby.

**Ms White:** If you have other children, they will also have been involved.

**Campbell Martin:** What the petitioners have suggested seems perfectly sensible, but they have also suggested that the medical profession is reluctant to accept that this is a problem that needs to be addressed. This might be an unfair

question, but do you have any idea why that might be?

**Claire McCready:** The only thing that I can think of is that health professionals are a bit worried that if they start telling people about plagiocephaly, people will not put their babies to sleep on their back. We must still get the message across that babies have to go to sleep on their back, but their head must be rotated and not left in the same position all the time, and their cot should be moved to change the direction of the light.

Young and first-time mums, in particular, will read leaflets and take it all as gospel. They will listen to the health visitors and the GPs and go with what they say. Sending out the leaflets and training health visitors, midwives and GPs fully would help those mothers and their babies so much.

**Mandy Muir:** All it would take would be for one health professional to stand up and say that the condition is a problem and something needs to be done.

**Claire McCready:** Health professionals might be changing. Just yesterday, I was on the phone to the orthotist at Yorkhill. He is the gentleman who is responsible for the pilot scheme, although it should not really be called that because it is not a proper medical trial; the orthotist is conducting it, not the doctors. However, a neurologist from Southern general hospital and a maxillofacial surgeon have proposed to carry out a proper medical trial with helmets. Doctors are now starting to understand that the helmets work.

**Helen Eadie (Dunfermline East) (Lab):** I had never heard of the condition either and I am taking what you are saying really seriously. The information in our briefing shows that the incidence of the condition has been rising all the time since 1995, although there seems to be a scarcity of comprehensive central data. Have you been in touch with the UK cot death organisations?

**Claire McCready:** Last Thursday I was on the phone to the director of the Scottish Cot Death Trust at Yorkhill in Glasgow. She is very sympathetic and understands what we are trying to get across. However, the trust has its side to worry about as well.

This is happening because babies are on their back a lot of the time. I cannot stress enough the point that we must put our babies to sleep on their back, but this is about the way that their head lies. We would love to work alongside SIDS, which I believe is updating its leaflet to include a small paragraph on plagiocephaly. It will be called "Back to Sleep, Tummy Time to Play". However, as I said earlier, tummy time alone will not fix the problem, because babies aged up to 10 weeks will

spend the majority of their time sleeping. A baby cannot have tummy time when it is sleeping.

We have to get both messages across, about repositioning and about tummy time, so that the repositioning advice works.

**Mandy Muir:** Treatment is effective only up until 24 months of age, which is when a baby's skull binds.

**Claire McCready:** Although growth slows down dramatically after a year.

**Helen Eadie:** Has there been much publicity in women's magazines or mother-and-baby magazines?

11:30

**Claire McCready:** There is an article in this week's *Chat* magazine about a mum from down south. We have had lots of publicity in the media. There is a reason why we seek publicity. In a survey that I did online, I found that the majority of parents found out about plagiocephaly through the internet or through newspapers and magazines. The NHS is not giving out the advice, so the more we shout about this, the more publicity we will get and the more parents will say, "That's what my baby's got." That is how I found out about it—through a newspaper article. If I had not read that article, I would have gone on believing that Robbie's head would fix itself, even though it was getting worse. I knew in my heart—with a mother's instinct—that something was not right, but you believe what you are told by doctors and health visitors.

**Mandy Muir:** When I was out and about getting signatures in Dundee, the number of mothers who came over to me, concerned about their baby's head shape, was overwhelming. They did not know that the condition had a name or that there was a treatment.

**Helen Eadie:** Will you give us a brief résumé of the discussion about the condition with your consultants in England?

**Claire McCready:** The consultants in England? Sorry, I do not understand.

**Helen Eadie:** You talked about meeting the medical profession in England. I cannot remember which of you, but one of you said that you had been down to England for treatment.

**Claire McCready:** Both of us attend down south. I attend a clinic in London. I got into contact with it through Headstart4Babies, for which I am a trustee. Headstart4Babies is the only charity in the United Kingdom that offers support and advice to parents affected by plagiocephaly. We were treated by a Dr Blecher, who comes over from Germany once a fortnight to treat babies. Dr

Blecher is a craniosurgeon and an orthotist. He has dealt with plagiocephaly in Germany for more than 12 years. Plagiocephaly is treated in Germany, North America, western parts of Europe, Australia and New Zealand. Other countries have gone with helmet treatment, know that it works and use it as a mainstream treatment.

I took Robbie to Dr Blecher. First, babies are checked for craniosyntosis, which can look similar to plagiocephaly but is when the bones fuse too early. Craniosyntosis cannot be treated by helmets. It has to be operated on because it restricts brain growth and is very serious. Your baby should always be checked out by a doctor to ensure that it does not have craniosyntosis. I have been trying to get hold of studies, but Dr Blecher is so busy that he is a nightmare to get hold of. I am back in London on Monday and I will speak to him to ask him for reports to back up what I am saying. As I say, he is a professional doctor, who has dealt with plagiocephaly for more than 12 years.

**Mandy Muir:** The operation involves smashing the infant's skull open and resetting it.

**Claire McCready:** I know—it is a horrible thought.

**The Convener:** We have exhausted all the questions. How do members think we should take the petition forward?

**Helen Eadie:** The petition is immensely interesting. It would be helpful if we could write to Plagio UK, which is an independent support group; Headstart4Babies; NHS Quality Improvement Scotland; the Scottish Cot Death Trust; the British Association of Paediatric Surgeons, and the Minister for Health and Community Care. If we could get feedback from all of them, it would inform us better on the issue.

**Rosie Kane:** Given what we have heard, I suggest that we should write to the Community Practitioners and Health Visitors Association and the Royal College of Midwives.

**The Convener:** I think that the Royal College of Paediatrics and Child Health might incorporate other sectors, but I am certainly happy to ask for the views of the Royal College of Midwives.

**Rosie Kane:** We should ask for the views of the Royal College of Midwives in particular and of the Community Practitioners and Health Visitors Association.

**The Convener:** We will write to those organisations. Do members have other suggestions?

Once we receive the responses, we will make the petitioner aware of them and ask for her comments on the responses before we consider the petition again. I thank Claire McCready and

Mandy Muir for their informative and helpful presentation, which was our final oral evidence session this morning.

### Common-good Land (PE961)

**The Convener:** Petition PE961, from Sally Richardson, calls on the Scottish Parliament to urge the Scottish Executive to introduce legislation to provide greater protection and increased powers for local communities in respect of the ownership and use of common-good land. The petitioner considers that existing legislation does not ensure the sustainable management of public assets and common-good land. She is concerned that public assets are being sold off to private interests without any public notification or any opportunity for local communities to object or to propose alternative uses.

Before being formally lodged, the petition was hosted on the e-petitions system where, from 31 March to 5 May, it gathered 251 signatures.

When we considered a couple of previous petitions on common-good land, we referred them to the Local Government and Transport Committee. I suggest that we add petition PE961 to those petitions.

**Campbell Martin:** As with the previous petitions on the same subject, I am happy to send the petition to the Local Government and Transport Committee, as that is the relevant committee.

However, as I suggested last time, we should ask for a definitive statement from the Scottish Executive on what constitutes common-good land. Many of the problems that individual MSPs and this committee deal with derive from the fact that many—perhaps most—local authorities have never made a proper record of common-good land but have disposed of such land or used it in some other way without involving local people. People have had no say in the matter other than through their local councillors, but the councillors have often agreed to things that were opposed by the general public. As far as I am aware, there is no definitive statement on what constitutes common-good land. If we had such a statement, many of these problems would not arise.

**The Convener:** That is not an unreasonable request. We can write to the minister for that definition, which we can then pass on to the Local Government and Transport Committee. When that committee considers the petition, it should have that definition in front of it.

**Rosie Kane:** I know what the petition is about; I know Sally Richardson and I know that she lives in the Canongate. We should bear it in mind that the Parliament lives in this neighbourhood. We are part of a community that, in my opinion, is now

under attack. Perhaps the Scottish Parliament could become a member of the local community council. George Reid could turn up regularly at community council meetings so that we became involved in the whole thing. It concerns me that the petition refers to an issue that is on our doorstep. Sally Richardson found out about what is happening to common-good land when she tried to do something to save some very special buildings in a very special community. I just want to put that on record.

I also reiterate Campbell Martin's point that we need to ask what the definition is of common-good land. We need to try to assist this community with the broader argument, because here we go again with a lack of consultation, developers having the run of everything and the local community being left feeling excluded from the decision-making process. That concerns me greatly. It is our hood as well. We work here.

**The Convener:** I am sure that the local MSP knows and is very much engaged with the community council in this area, but if Rosie Kane has spare time on her hands and wants to attend meetings of the community council, I am sure that she may do so.

**Rosie Kane:** Perhaps if the convener nominates me, I can report back regularly.

**The Convener:** Do members agree that we ask for the information that Campbell Martin requested and that we pass that information and the petition to the Local Government and Transport Committee?

*Members indicated agreement.*

### **Planning etc (Scotland) Bill (PE962)**

**The Convener:** Petition PE962, from Julie Logan, calls on the Scottish Parliament to urge the Scottish Executive to ensure that the Planning etc (Scotland) Bill, which is currently being considered by the Parliament, provides greater protection for listed buildings and conservation areas and greater community involvement, including consideration of alternative community proposals, in the decision-making process.

The petitioner considers that the system of protection of and consultation on listed buildings needs to be more robust, as the current system allows local authorities and developers to exclude the public from the decision-making process. She argues that proposed developments such as Mountgrange's Caltongate development demonstrate that there is a need for tighter control over local authorities' handling of developments that affect listed buildings and conservation areas. Members may wish to note that the Planning etc (Scotland) Bill deals only indirectly with

procedures for the designation and management of listed buildings and conservation areas.

Before it was lodged, the petition was hosted on the e-petition system from 3 April to 5 May, where it attracted 210 signatures. Do members have any suggestions on how we should deal with the petition?

**Ms White:** I think that we all have concerns about the historic buildings that have been lost to Scotland. I am particularly concerned about Glasgow, where many buildings have been lost. Often, we did not know anything until it happened.

I suggest that we seek Historic Scotland's views on the petition. It plays a huge role in the matter, but we never seem to hear much from it. I would also like to hear from the Convention of Scottish Local Authorities and perhaps from Planning Aid for Scotland, because it gets involved in communities. We should also seek the views of the Institute of Historic Building Conservation and, as a last resort, the Scottish Executive.

**The Convener:** Are members happy to do that?

*Members indicated agreement.*

### **Glasgow Airport Rail Link (PE963)**

**The Convener:** Our final new petition this morning is PE963, from William Forbes, which calls on the Scottish Parliament to consider alternatives to Strathclyde Partnership for Transport's proposal for a Glasgow airport rail link in order to obtain a suitable comparison of matters of cost, design, contribution to the local economy, environmental impact, congestion relief and social inclusion of the local areas that will be affected.

The petitioner agrees that a Glasgow airport link is needed, but he argues that SPT's proposal should be challenged by comparing it to his own proposal. The petitioner considers that, with better planning and stronger management, a cheaper solution could be devised that would also alleviate traffic congestion and give something back to local communities.

Before it was lodged, the petition was hosted on the e-petitions system from 4 April to 8 May, where it attracted 115 signatures. Members have copies of the full e-petition briefing.

**Jackie Baillie:** As someone who had the dubious pleasure, along with my colleague Helen Eadie, of sitting on a private bill committee that dealt with quite a lengthy private bill, I point out that petitions cannot be considered by private bill committees. I understand that the formal objection period closed in April. I hope that Mr Forbes lodged an objection. I can assure him—and, indeed, anybody else—that all objections are given full and lengthy scrutiny and that alternative

alignments are considered. On that basis, I suggest that we close the petition. We cannot do anything with it.

**The Convener:** Do members agree?

**Members** *indicated agreement.*

## Current Petitions

### Criminal Memoirs (Publication for Profit) (PE504)

11:43

**The Convener:** Item 2 is current petitions. The first current petition is PE504, which calls on the Scottish Parliament to take the necessary steps to prevent convicted murderers or members of their families from profiting from their crimes by selling accounts of their crimes for publication. At its meeting on 18 January 2006, the committee considered a further response from the Home Office and agreed to seek the views of the Minister for Justice on that response. A response has been received from the minister and circulated to members.

**Jackie Baillie:** The response is more helpful than the ones that we received previously, in that it says that a consultation paper will be published during 2006. Previously, we did not have a date. That moves the matter forward. We should agree to keep the petition open and we should be advised of the progress of the consultation and the input that the Scottish Executive makes to it.

**The Convener:** We will also make sure that the petitioner gets the information that we received. Is that agreed?

**Members** *indicated agreement.*

### Packaging (PE905)

**The Convener:** The next current petition is PE905, by Ellie MacDonald and Faith Waddell, on behalf of Trinity primary school. The petition calls on the Scottish Parliament to consider and debate the use of excessive packaging in supermarkets with a view to encouraging the use of recycled alternatives. At its meeting on 21 December 2005, the committee agreed to write to the Scottish Retail Consortium, the Scottish Environment Protection Agency and the Scottish Executive. The responses from SEPA and the Scottish Executive have been circulated to members and the response from the Scottish Retail Consortium was made available to members this morning.

I had a quick read of the SRC's response before the meeting and I was pleased with the conclusion. The SRC has been in direct contact with the pupils at Trinity primary school and has agreed to arrange a visit to a member supermarket on 30 May. The visit will allow the children in primary 7 to experience at first hand the way in which the retailer works.

When the petition came to the committee, the petitioners made one of the most effective

presentations that we have heard; we should congratulate the school on the petition's success. The children have joined us again this morning and are sitting in the public gallery. I would be interested to hear their views on all the responses from SEPA and the other organisations. I suggest that we write to the school and ask the pupils to give us their views and to tell us about their visit to the supermarket. That would be most useful.

I heard on the radio this morning that some of the major supermarkets are going to use biodegradable materials in their packaging, and I would be interested in the pupils' views on that as well. We will write to the school to ask the pupils how successful they think their petition has been so far.

11:45

**Helen Eadie:** I should declare an interest before saying this, but the Co-operative has been using biodegradable carrier bags for many years.

**The Convener:** It will be interesting to hear the pupils' views. We will also pass on—again—Charlie Gordon's thanks for the chocolate he got that morning.

Are members happy that we write to the school?

**Members** *indicated agreement.*

### **Gaelic Language Teachers (PE857)**

**The Convener:** Our next petition is PE857 by Mrs C A Jackson, on behalf of Bowmore primary school, which calls on the Scottish Parliament to urge the Scottish Executive to take urgent action to ensure adequate provision of Gaelic language teachers.

At its meeting on 7 December 2005, the committee considered responses from the Scottish Executive and the national group of parents of children in Gaelic-medium education. We agreed to seek the petitioner's views on those responses. We also agreed to seek the views of Argyll and Bute Council. Responses have now been received. Do members have any suggestions?

**Helen Eadie:** Shall we seek the views of the petitioner on the response from Argyll and Bute Council?

**The Convener:** Are members happy to do that?

**Members** *indicated agreement.*

**John Farquhar Munro:** There seems to be a problem all over the country; it is not particular to Bowmore. I have been in contact with people at the school and we should ask them what they think of the responses that we have received.

**Mr Gordon:** John Farquhar Munro is right to emphasise the fact that there is a problem in

different parts of the country. The city of Glasgow could, in some respects, claim to be the capital of Gaeldom. Glasgow City Council is committed to the development of a Gaelic-medium secondary school to serve the entire greater Glasgow area, but it will take some time to get that project up and running. One of the major challenges will be the future supply of teachers to teach, in the medium of Gaelic, a range of subjects so as to provide a full secondary school curriculum.

**The Convener:** We will write to the school and ask for its views.

### **Maternity Services (Rural Areas) (PE898)**

**The Convener:** The next petition is PE898 by Mrs Lynne Simpson, which calls on the Scottish Parliament to urge the Scottish Executive to review the provision of maternity services in rural communities to ensure the quality of services and to ensure that access is retained locally.

At its meeting on 7 December 2005, the committee agreed to seek the views of Grampian NHS Board, the Scottish Executive and the Royal College of Midwives. Responses have been received and circulated.

Stewart Stevenson has an interest in the petition. Do you have a comment to make before we consider the petition?

**Stewart Stevenson (Banff and Buchan) (SNP):** I was particularly struck by the response from the minister. He said:

"Midwife-led units are likely to be particularly important in rural areas where alternatives to consultant-led care will be desirable".

I note that the RCM said:

"The provision of low intervention midwife led care has become a cornerstone of maternity services in Scotland today".

I have a slight concern with the response from NHS Grampian and the way in which it describes the participation of the citizens panel. It says that the citizens panel is made up of 1,200-plus Aberdeenshire residents, which is of course correct. However, I understand that NHS Grampian used a process under which it brought a number of panels into a meeting; it consulted them in that way. I understand that the number involved was 38, of whom only 13 came from my constituency. Again, of those 13, I believe that only two were under the age of 35.

In addition, NHS Grampian appears to have dropped its previous adherence to an association between low throughput maternity-led units and enhanced risk. I contrast what it says with a document that I have received from NHS Highland. I apologise for the fact that committee members do not have a copy before them, but I

received it only yesterday. In the document, NHS Highland praises its achievement in the Broadford unit on the Isle of Skye where it has managed to raise the number of deliveries from a total of eight in 2003 to 24 in 2005; that is less than half the throughput of the unit that is under threat in the north-east of Scotland. NHS Highland is delighted with and supportive of the unit and convinced that the model is entirely safe. I will, of course, pass the document to the committee for members' perusal. I hope that the committee can find a way forward for PE898.

**The Convener:** Thank you. Our normal procedure is to write to the petitioner at this point to seek their views on the responses. Obviously, your comments will be added to those considerations. When we have received the petitioner's views, we will consider the petition again. Are members agreed that we will take that course of action?

**Members indicated agreement.**

### **Victim Notification Scheme (PE899)**

**The Convener:** The next petition is PE899 by Hazel Reid, which calls on the Scottish Parliament to urge the Scottish Executive to review the operation of the victim notification scheme to ensure that the victims of serious violent and sexual crimes are given the right to receive information about the release from prison of an offender who has committed a crime against them, regardless of the length of sentence that was imposed.

At its meeting on 7 December 2005, the committee agreed to seek the views of the Association of Chief Police Officers in Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Prison Service, the Parole Board for Scotland, Safeguarding Communities-Reducing Offending and the Scottish Executive. Those responses have been received. Are members happy with the content of the responses?

**Helen Eadie:** I was particularly taken by this point in the ACPOS response:

"The decision to limit the service to those cases where the offender is sentenced to four or more years in custody seems arbitrary".

We should reflect further on what ACPOS says. If it is telling us that the system is not working in the best possible way, we need to think through how to impress that view on others and whether more can be done in that regard.

ACPOS goes on to say that, particularly in the case of domestic abuse,

"It is acknowledged that there must be some form of qualifying criteria however a more holistic evaluation of individual cases may be more appropriate."

ACPOS makes a serious point. I suggest that we hold on to what it says for a moment.

I will listen to what other members say on the subject. The Executive has an on-going review of the victim notification scheme, so colleagues may share the view that we need not take any further action on PE899 other than to pass the responses to the petitioner and the VNS implementation group. I am not entirely happy that it is appropriate to close the petition, but we could do so having told the implementation group that we were particularly taken with the point that ACPOS made.

**Jackie Baillie:** I suggest that we write to the petitioner so that she is aware of the responses, some of which are very positive. I agree that we should write to the implementation group. We have a habit of keeping petitions open until the deed is done. My preference is to keep PE899 live, as a backstop position that will encourage the Executive—although, in this case, it needs no encouragement—to address the issue by 2007.

**The Convener:** Are members happy that we keep open PE899 and that we make people aware of the points that Helen Eadie and Jackie Baillie have raised?

**Members indicated agreement.**

### **Wind Farm Developments (Property Values) (PE816)**

**The Convener:** Our next petition is PE816 by Mrs Judith Hodgson, which calls on the Scottish Parliament to consider and debate the issue of financial compensation for individuals whose property values and businesses are affected by the construction of a wind farm development.

At its meeting on 21 December 2005, the committee considered responses from the Scottish Executive, the Department for Trade and Industry and Views of Scotland and agreed to seek the views of the petitioner on the responses. Members have received a copy of the petitioner's response. Does any member have a view on what we should do? Are members happy that we close PE816?

**John Farquhar Munro:** I think so.

**The Convener:** Yes, I do not think that we will get any further.

**John Farquhar Munro:** What has happened in that locality has been quite legal, and I think that people should be left to sort it out for themselves.

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

**Members indicated agreement.**

### Housing Stock Transfer (PE829)

**The Convener:** The next petition is PE829, by Mrs Anne Ayres, on behalf of Carntyne Winget residents association, which calls on the Scottish Parliament to consider and debate the impact of housing stock transfer on Scottish communities.

At its meeting on 21 December 2005, the committee considered responses from Communities Scotland, Glasgow Housing Association, Keystone Tenant Managed Homes and the Property Managers Association Scotland, and agreed to seek the petitioners' comments on those responses. Their comments have been received and circulated.

**Ms White:** It is obvious that the petitioners are disappointed with the responses that they have received, and there is still no movement. I know that the petitioners are present today, and I met people from the area at the weekend regarding the petition. They are still unhappy that no pilot scheme has gone ahead, but I have just received information that the British Research Establishment is looking into matters to do with the type of house in question. There has been no report back on that—I have certainly not received a report—so I ask the committee to keep the petition live until the British Research Establishment report has been published, because it might throw further light on why nothing has been done to the houses after 18 months or two years. I crave the committee's indulgence in keeping the petition live and increasing the pressure in order to achieve a satisfactory outcome.

**The Convener:** If there is further information that might give us a broader view of the circumstances, I see no reason why we could not keep the petition open and await that information, if you can assure us that you know where it is coming from.

**Ms White:** I believe that Glasgow City Council and the GHA have written to the British Research Establishment asking it to conduct a survey, which has not yet appeared.

**Jackie Baillie:** We should write back to the GHA, given that it was quick to refute the impression that was given at the previous meeting on 27 April. If it wants to give us an update, I am sure that we would want to avail ourselves of that opportunity.

**The Convener:** We shall wait for that information and then write back to the GHA.

### Drinking Water (Chloramine Treatment) (PE842)

**The Convener:** Our final petition this morning is PE842, from Mrs F C Bowman, which calls on the

Scottish Parliament to urge the Scottish Executive to review the use of chloramines disinfectant in the treatment of drinking water.

At its meeting on 18 January 2006, the committee considered responses from Scottish Water, the Scottish Executive, the drinking water quality regulator for Scotland, Friends of the Earth Scotland, SEPA and the Scottish Centre for Infection and Environmental Health, and agreed to write again to the Scottish Executive and to invite the views of the petitioner on the responses received. Responses from the Deputy Minister for Environment and Rural Development and from the petitioner have been received. Do members have views on what we should do now, or is everyone happy to close the petition?

**John Scott:** Given the responses and the fact that the situation has been reviewed in a de facto way by virtue of all those organisations having responded to us, I think that we have probably completed what was asked of us.

**The Convener:** Are members happy to close the petition?

**Members indicated agreement.**

**The Convener:** I thank everyone for attending.

*Meeting closed at 11:58.*



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