PUBLIC PETITIONS COMMITTEE

Wednesday 31 May 2006

Session 2

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PUBLIC PETITIONS COMMITTEE
10th 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:

Chris Ballance (South of Scotland) (Green)
Wendy Brooks
Dave Clark (Princess Royal Trust for Carers)
Ruth Clark (Princess Royal Trust for Carers)
Kevin Lilburn (Fair Play Loch Lomond)
Lawrie Lilburn (Riparian Owners of Loch Lomond)
Christine MacVicar
Tricia Marwick (Mid Scotland and Fife) (SNP)
John McDonald (Scottish Society for Autism)
Johnny North
Shona Robison (Dundee East) (SNP)
Tom Wightman

CLERK TO THE COMMITTEE

Jim Johnston

ASSISTANT CLERK

Richard Hough

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Wednesday 31 May 2006

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

Item in Private

The Convener (Michael McMahon): Good morning everyone, and welcome to the 10th meeting in 2006 of the Public Petitions Committee.

Agenda item 1 is to ask the committee to agree to consider item 6, on expenses claims, in private. Our standard procedure is that we consider such claims in private, so are members agreed that we should consider item 6 in private?

Members *indicated agreement*.

New Petitions

European Charter of Rights for Persons with Autism (PE952)

10:01

The Convener: Agenda item 2 is new petitions, the first of which is petition PE952 by Christine MacVicar. The petition calls on the Scottish Parliament to urge the Scottish Executive to recognise and adopt the European Charter of Rights for Persons with Autism. Before being formally lodged, the petition was hosted on the e-petitions system, where it gathered 502 signatures.

Christine MacVicar is accompanied by Tom Wightman and John McDonald; they will make a brief statement in support of the petition. I welcome all three of them to the committee. They have a few minutes for their statement and we will then discuss the issue that has been brought before us.

John McDonald (Scottish Society for Autism): I will start by providing a brief overview to put what we are about to say in context. Briefly, we will explore why we need a charter for autism, as opposed to anything else, and what kind of outcomes we are looking for.

At the moment, Scotland has just under 50,000 people who live with autism. With most other issues in life that affect that number of people, we have a clear national direction to ensure that we address the issues that people live with. Scotland probably needs a clear statement of national intent that is focused specifically on autism to ensure that we support those who live with the condition. Such a statement would help to direct public spending effectively within a clear framework with specific targets. The history of spending on autism has often been about misdirected spending and inappropriate medical and service interventions. As a result, public money has been wasted. In our view, an effective commitment to long-term planning for people with autism would achieve much better and more effective public spending.

In the past few years, some positive work has been done around autism. We have had the programme for people with learning disabilities that was outlined in “The same as you?” We have also had the Public Health Institute of Scotland report on autistic needs. All of that work has built some foundation but it has been done without a clear national framework. One outcome of having such a framework is that we could work towards a foundation of a long-term plan for autism that builds on current initiatives.

I will stop there as I have given the context. Christine MacVicar and Tom Wightman will say a bit about the impact of autism.

Tom Wightman: As a parent, I will tell you how I see autistic people's rights being abused today in Scotland. It is all about funding, budgets and rationing.

Too many people with autism are held in mental institutions because psychiatrists lie about the propensity of autistic people to become psychotic. Of course, the problem becomes self-perpetuating because every wrong diagnosis conveniently adds to the figures. Psychiatrists appear to be unaware of the physical problems that make a large number of autistic people unable to metabolise the drugs that they give as medication. These very drugs are what make the person appear to be psychotic. In my experience, lack of funding forces medics to use this apparent lack of knowledge to make placements fail so that they no longer need to fund them and can therefore meet their budgetary targets.

Autistic people who have the misfortune to find themselves in the clutches of the psychiatrists have no protection. Psychiatrists need no clinical evidence for their diagnoses and are given free rein to do whatever they want. They can keep people sedated for years. It is the cheap option. These criminal acts appear to be committed routinely by the authorities to enforce rationing, but no one is prepared to look into them.

Because our son has been wrongly overmedicated for years, my wife and I have suffered a constant bereavement that has little prospect of ending. Could you live with that? They made him catatonic on several occasions, any of which could have cost him his life, yet we appear to have no recourse. Could you live with that?

The effects of such abuses of people's rights include family break-ups, loss of jobs and stress-invoked medical problems. To sum up, if the European Charter of Rights for Persons with Autism is not adopted by the Scottish Executive and given appropriate teeth, autistic people and their families will continue to be disadvantaged and physically abused and to have their human rights abused daily by the system. Can you live with that?

Thank you for listening.

Christine MacVicar: Good morning. Thank you for giving me the opportunity to speak today.

Let me remind the committee about the numbers: one child in 166 has autistic spectrum disorder; one child in 10 has a neurodevelopmental disorder; and diagnoses of autism have increased by more than 600 per cent in five years. No matter the reason for the increase, the figures are staggering.

I have a 43-year-old son who has a psychological diagnosis of severe Asperger's syndrome. He has a psychiatric diagnosis of schizoid-type and recurrent mental illness. My petition refers to my son's story, which is given on the website of the cross-party group on autistic spectrum disorder. I hope the committee has had a chance to read it.

I am the founder of Renfrewshire Autism and Asperger Group—RAAG—and a member of the cross-party group on ASD. I am also a member of various organisations whose aim is further research into and treatment of the condition. The European charter has been part of RAAG's literature since it was adopted 10 years ago. It epitomises all that we would wish for our children, whatever their age.

In the response to Alex Neil's parliamentary question S2W-24179, which members should have in front of them, the Deputy Minister for Health and Community Care, Lewis Macdonald, implied that he could not single out people with ASD from any other disability group. However, he has already done so: we believe that people with ASD are unique in being unable to access the law. Furthermore, in his opening speech at the Scottish Executive's conference on autism in Aviemore last October, he stated clearly that the Executive was not looking for the cause of autism. Autism must be the only health condition or disability for which there is no wish to find the cause or to prevent the dreadful damage. Our children are already singled out. I submit that we have a unique case.

The briefing notes give examples of where our children and adults are being failed. Each new piece of legislation, however well intentioned, has made matters worse. Without autism-specific standards and qualifications, there is a danger that the scant resources available will not be used optimally. There is an urgent need for such standards to be put in place in every situation in which a service is provided for those with ASD.

Support for adults with ASD is already putting severe financial strain on budgets, but we have a veritable tsunami of children yet to come. Unless something is done to ameliorate the situation, this country will face a crisis in care. I believe that it is already in such a crisis. As usual, the strain will fall on the parents who bear the physical, emotional and financial cost. As Tom Wightman said, it all comes down to finances and resources.

However, one thing that our children and adults need that costs nothing is respect. Respect, equality and freedom from discrimination are at the root of the European Charter of Rights for Persons with Autism. I hope that the committee will support my petition to have the charter adopted by the Scottish Executive.

The Convener: Thank you for bringing a very serious issue before us. Do members have any questions for the petitioners?

Rosie Kane (Glasgow) (SSP): Thank you very much for your petition and the supporting information. I have tried to read and understand all of it, but, as I am sure you will agree, it is—like autism itself—very complex.

I have a number of questions, but instead of just blurting them all out, I will ask them one at a time. What help does the European charter provide? Are the causes of autism being investigated elsewhere in the world, and is there any evidence that such a charter has assisted those investigations?

Christine MacVicar: Those are two different questions. Investigations are being carried out all over the world; indeed, a recently published book called "Autism, Brain and Environment", which was written in Edinburgh, claims that in 90 per cent of people with autism the limbic system has been damaged through environmental causes. The book does not simply concentrate on research on the behaviour of children and adults with autism; it ties together research that has been carried out on physical symptoms such as immune disregulation, gut pathology and endocrine problems, and concludes that the condition is treatable. Other countries are examining and trying to deal with the issue.

John McDonald: Research in various shapes and guises is being carried out from America to New Zealand. For example, the United States has given substantial research funding to the human genome project. That activity is providing much new information about some of the causes of autism—there might well be many—and the Cochrane Collaboration has brought it all together in the Cochrane Library.

Rosie Kane: Christine MacVicar mentioned damage to the limbic system and problems with the endocrine and immune systems, and the supporting information refers to other conditions. Am I right in saying that any separate health problems that people with autism have are not being diagnosed and treated properly?

Tom Wightman: That is correct. Although it has been shown that my son has a gut problem, our requests for a proper investigation have been refused.

Christine MacVicar: The problem is widespread. There is little chance that someone who has been diagnosed with autism will get any other health problem looked at. Indeed, a child died of brain cancer as a result of being diagnosed as autistic.

I cannot think of anything else that my son can be refused. Despite Professor Brostoff's recommendations, he has been refused an immunologist; he has also been refused a gastroenterologist and a toxicologist. We have been told that he needs to see those people, but no one will refer him. Although parents know that their kids have these problems—I certainly have plenty of evidence that my son does—they have to go to the private sector for treatment.

Rosie Kane: You have already talked about health care and investigations into the causes of autism. Is appropriate learning available to your children? How would the European charter help the overall situation?

Christine MacVicar: For a start, the charter refers to the right to have an "accurate clinical diagnosis", which, as I understand it, does not mean simply labelling a child autistic. Instead, it means providing an accurate investigative diagnosis of the condition.

The charter also covers a person's right to education that is appropriate to their needs. The spectrum of autistic disorder must be addressed by a spectrum of educational resources.

John McDonald: Because autism affects each individual differently, the population of people with autism is very diverse. In Scotland, social diversity has been addressed by developing differentiated approaches for people who, for example, speak Urdu, use wheelchairs or have a visual impairment. That is quite right and proper.

The charter sets out a right to "appropriate education". Some young people with autism are able to get by—and, indeed, do very well—in their local school with very little support. There are many such success stories in Scotland, but only because the support has been right.

Equally, some young people with autism seriously struggle in a mainstream school and find it virtually if not totally impossible to survive in any shape or form. Some people who come to us have been kept in minibuses for two years or in cupboards for 18 months because the school cannot cope, and some of their parents have kept them off school for two, three or four years because the schools cannot cope. That is not the schools' fault. In most cases, schools are working hard to get the job done properly, but the reality is that they are not geared up for people whose needs are so differentiated that they really need to be in a different place where a different approach is taken.

10:15

John Scott (Ayr) (Con): At the risk of going over some of the issues that Rosie Kane has raised, I want to tease out the issues a little further. Can you speculate as to why there has been a 600 per cent increase in diagnoses of autism? What does the research point towards?

Christine MacVicar: I again refer you to the book "Autism, Brain and Environment" and to "Evidence of Harm", which was published in the United States and which states categorically—the research continues to roll in—that the increase in the use of thymerasol in vaccines is directly linked to the problem. The amount of heavy metals that we are getting back out of our children is nothing like what was put in with the vaccines—they seem to have a propensity to sop up heavy metals. My son has high levels of lead, mercury, cadmium, antimony and silver. Another child in our group has high levels of tin. All those metals are very neurotoxic. It is an environmental problem, which affects everybody. It also seems to be an issue in Alzheimer's disease and perhaps schizophrenia—it is about the timing of the insult in the brain. If we were to direct some resources towards addressing the issue, we might solve a lot of problems. We must investigate the environment.

John McDonald: It is a complex question. The answers are also complex and in-depth analysis is required. The quick answer might be that there is a range of reasons for the worldwide increase—it is not peculiar to Scotland—in diagnoses of autism. It just so happens that a few weeks ago the Executive published some figures that drew the increase in the figures on autism in Scotland to our attention. That increase is partly, although not entirely, a result of improved radar systems. Schools now pick up people with autism because they have in place better radar systems. Having said that, in some parts of the country, people can wait three years for a diagnosis. There is probably a group of people who are not yet diagnosed and there are probably issues around women and young girls perhaps not being adequately represented in the figures.

In relation to the global position, lots of research has been done on the issues to which Christine MacVicar referred. That research points to factors that range from gut permeability and the individual's ability to process heavy metals, through to environmental toxins and phenylketonuria, which is a condition that women develop during pregnancy.

Christine MacVicar: The United States—in particular, California—has the best record on the matter. Since it removed thymerasol from vaccines, its autism rates are dropping.

John Scott: That is very helpful.

I can understand why you are concerned that the charter has not been adopted in this country. I presume that it is an international document. Has it been adopted elsewhere in the world? Can you give us examples of best practice?

John McDonald: It is a European charter, which was adopted by the European Parliament in 1996; it was first promoted in 1992. A range of countries in Europe have adopted it, really as part of the social charter.

In Belgium a range of good practice has been adopted. The country has been particularly forward thinking in its approach to managing behaviour and behaviour support—I am less sure about the medical approach in Belgium.

John Scott: Is there a lack of a clear definition of autism?

Christine MacVicar: Autism is not a single condition. That is the one point on which we agree with the Scottish intercollegiate guidelines network.

John McDonald: The term "autism" covers a range of conditions. People who have classic autism are completely disengaged from the world. They often have no speech, and you might see them rocking back and forwards, flapping their hands. Other people with autism function reasonably well and hold down jobs in the finance or engineering sectors but have no social context whatever, because they cannot process social relations.

John Scott: Is the fact that there are too many variations of the condition part of the problem?

John McDonald: I would not say so. Autism has a diverse effect on people's lives—that is the core of autism—and it is perfectly possible to develop differentiated responses to a range of impacts and individual needs.

Christine MacVicar: Autism is identified through a psychiatric diagnosis. There is a list of categories, and if three boxes out of 10 can be ticked, the person is diagnosed as having autism. Autism was distinguished from schizophrenia only in 1971.

John McDonald: I do not want to prolong the discussion, but there has been a process of learning about autism. The condition was identified only in 1943 and there is some way to go towards identifying the features that differentiate one end of the spectrum from the other.

In Nottingham, the local autism organisation is working on differentiating between autism and pathological demand avoidance syndrome, which at first sight looks like autism, but is entirely different. People with pathological demand avoidance syndrome can engage socially and manipulate social situations, whereas people with autism simply cannot do that. Fine work is going on in Nottingham to ensure that people are not misdiagnosed.

There is a clear definition of autism, which refers to the triad of impairments. Features include an inability to manage social communication and rigidly repetitive behaviour. I forget all the aspects, but in essence autism involves a failure to apply social meaning to given settings or to absorb social meaning. Autism is an entirely different culture.

Ms Sandra White (Glasgow) (SNP): Thank you for giving us so much information. I also thank Christine MacVicar for coming to my constituency office a few weeks ago to give me more information. Aspects of autism are astounding. For example, I did not realise that autism was not distinguished from schizophrenia until 1971. Is the fact that autism is treated as a mental health issue part of the problem?

Christine MacVicar: If the conditions arise from the same source, as people suggest, what does it matter? If the condition can be cured by considering that source, the label is immaterial. We need to start considering treatment, which means that we must consider facts and research that produces results and statistics. Instead, there has been half a century of theorising and neglect of children. Some autistic children have gastric and immune-system problems and are in severe pain, but nothing is done because they are autistic.

Ms White: I asked the question because I was struck by Tom Wightman's submission, in which he described his son's horrifying experience when he was in hospital—

Tom Wightman: He is still there.

Ms White: I am trying to differentiate between schizophrenia and autism. According to your evidence, your son has no rights whatever because, although he has been diagnosed with autism, he is being treated under mental health legislation. We have received evidence that people with autism have no rights in relation to the courts and there is no advocacy service for them. If we adopted the European charter, would that give people in your son's position those rights?

Tom Wightman: Of course it would. At the moment, we cannot go anywhere for help. We know that abuse is being carried out by the medics, who are supposed to be providing a caring service to our son. The treatment is ratified by the hierarchy—even the chief executive—which rides roughshod over us. We have nowhere to go. We cannot even go to the Mental Welfare Commission for Scotland, the Scottish public services ombudsman or the procurator fiscal. My son is under a compulsory treatment order, and that is that.

Ms White: He is under a compulsory treatment order, but he has been diagnosed as autistic.

Tom Wightman: Yes, but he is being treated as a mental patient.

Ms White: That is the point that I was trying to get at.

John McDonald: The key differentiation is in the approach that is taken to dealing with people who medical practitioners, such as psychiatrists, see at their desks. What makes autism different is that it gets in the way of anything else that is happening. If the autism is not dealt with, medics and others—it is not peculiar to the medical profession—go past it to deal with what else they think is happening. If the autism was dealt with in the first place, whatever else was happening would be less of an issue.

I know of perfectly functional young men and women who are the subject of mental health interventions, but whose autism is not being dealt with. Their mental health is being addressed, but, if the autism was dealt with and the right supports and interventions were in place, they would probably not have the same, if any, mental health issues.

Christine MacVicar: Sandra White asked about the legal situation. As John McDonald said, a number of people with autism are fairly able, and my son is one of them. He gave us power of attorney because when he was hospitalised we were concerned about the drugs that he was being given, the lack of monitoring of them and his physical health. After that experience, we talked to him and he said that it would be a good idea for us to have power of attorney. We went to a family lawyer, who knows his situation.

A particular situation, the details of which are given on the website of the cross-party group on ASD, arose for us, which involved unethical behaviour by a psychiatrist. We did not want to pursue legal avenues but to talk to the health trust. It has refused to acknowledge our power of attorney without challenging it in court. We cannot get guardianship under the Adults with Incapacity (Scotland) Act 2000 because my son is not incapacitated enough. We are completely without access to help from the law.

Ms White: A deaf or blind person who was receiving treatment would have access to legal avenues. If the charter was adopted, people with autism would also have access to legal avenues and advocacy.

Autism has a number of symptoms. You mentioned heavy metals and the environment. Do you think that if children were tested every few years, we might be able to find out what causes autism?

10:30

Christine MacVicar: The way that things are going just now, it is almost inevitable that if someone is diagnosed with autism, the first thing to happen is that tests will be done to look for what is causing the damage. When the Health Committee discussed petitions on 26 April last year, I sat there with some results on my knee about five members of our group—adults and children. I tried to get called to tell the committee that there is a link between autism and heavy metals, but I could not give evidence.

One wee boy was given the treatment that the Americans are using; he has now started to receive treatment here. He was written off as being severely retarded, but now he is shocking everyone. He is actually starting to ask questions, he is talking and he has been potty trained. He is now 11. We do not give up on those kids, and we do not give up on the adults. There is something out there that can be done, and we need to do it. We cannot afford the financial strain of supporting all these people as disabled people. If there is something out there that can help, humanity says that we have to do it.

Jackie Baillie (Dumbarton) (Lab): First, I apologise to the petitioners for not hearing their opening statement. I was spending a frustrating 10 minutes waiting for the train to pull in to Waverley station. I have, of course, followed the subsequent discussion.

It is important to clarify a few things. First, adopting the charter would not in itself give anyone a set of legally enforceable rights. An element of confusion might be creeping in, so it is worth clarifying that.

Secondly, I am curious about why you feel that a separate strategy is needed. I am not unmindful of the fact that it would bring a focus to the situation, but I am conscious that we have “The same as you?”, which is a seminal piece of work in policy terms. There are issues around its implementation, but it covers a lot of the areas that the petitioners have raised, such as housing, health care, access to justice and access to employment. I am therefore interested in why you think we need a separate strategy to deal with autism.

Christine MacVicar: As I am the petitioner, perhaps I should answer that. We have many laws and, in some cases, they have made life more difficult for us, for example the Adults with Incapacity (Scotland) Act 2000. More and more parents are being forced into the legal arena and are having to take legal action and to remortgage their house to get money for legal fees. The Scottish Legal Aid Board is now telling parents that the fee that it gets for an initial consultation is not enough for it to cover the complexity of autism cases—they are not like cases involving punch-ups.

You tell us that there are laws, but we cannot access them. Parliament needs to recognise our rights and we need something to which we can refer without being pushed into a totally stressful legal situation. We live with autism every day and we do not need that. Each European country was expected to legislate to support the charter, not to make things more difficult. If we had the charter, it would be a step in the right direction.

John McDonald: Jackie Baillie is right; the SAY programme is a seminal piece of work. It is outstanding and its impact is tremendous. However, the introduction of elements of ASD into the SAY programme is relatively recent. It was missed out of the original process and it has crept on to the agenda—rightly and properly—during the past three or four years. That is fine; it is very positive. The SAY programme provides a platform from which to move on, but it does not differentiate enough for people with autism because of the range and diversity of the condition. I tried to suggest earlier that the way to deal with diversity is to take differentiated approaches—to pick up on the diversity and to recognise what needs to be done in relation to it. “The same as you?” does not go far enough with that. As part of their planning, local authorities are required to produce a statement relating to ASD and to have a lead officer who is responsible for it. That is great, but it does not differentiate enough to address the issues that have been raised today. It is not fine enough. The charter is more a statement of intent than anything else. If we are to address diversity and build equality of opportunity in Scotland, we need that fineness of differentiation around autism.

Jackie Baillie: I was driving at the fact that simply adopting the charter would not deliver the kind of step change that Christine MacVicar and Tom Wightman want, therefore I must ask a question that this committee has asked before: is it the policy framework that is wrong or is it the implementation and the sensitivity on the ground? There are differences in how local authorities deal with ASD. Two quite different solutions would deliver the outcome that you are looking for.

Christine MacVicar: Europe had all of the legislation and all of the recognition but it still thought it necessary to adopt the charter. It recognised that the people whom we are talking about are a unique set of people whose legal rights were not being addressed by the existing legislation. That is why the specific piece of work was done. The charter seems to be the only one that has been adopted by the European Parliament.

John McDonald: To answer Ms Baillie's question, both the policy framework and the practice are wrong. That is not to criticise what has been done. I emphasise that a lot of positive work is going on within the policy and practice frameworks. However, at the moment, the policies take us only to the starting point. In many places, the policy framework and the practice arrangements are fairly blunt instruments. I do not want to rely on anecdotal evidence, but I know that there are situations across the country in which the fine detail of the needs of a person who is living with autism are not being addressed either by the policy framework or the practical framework. Neither differentiates finely enough. It is like asking a joiner to come and do your plumbing—that is the kind of dissonance that exists around policy and practice in relation to autism. Having said that, there are places around Scotland that are doing a good job. Maybe we should be learning from them and rolling out their practice.

Campbell Martin (West of Scotland) (Ind): You said that some well-intentioned legislation had ended up making things worse. What legislation is that?

We accept that the Minister for Health and Community Care wants to do the best for people in Scotland, although we acknowledge that he might not always get it right. Given that, why would the Health Department resist the adoption of the charter?

Christine MacVicar: The Education (Additional Support for Learning) (Scotland) Act 2004 is an example of the legislation that we had in mind. Accessing the higher level of support depends on getting input from more than one agency. We had a meeting in Renfrewshire with our education authority and it agreed that that was a matter of concern. The situation is that children in our area—I am sure that it is the same elsewhere—can wait 18 months to get an assessment of needs. That does not guarantee that services will be delivered—the criteria in the 2004 act mean that it is unlikely that people will be able to access the higher level of support, because other resources are not available. For example, people cannot get a speech and language therapist because they are so thin on the ground, and they cannot get social work input because the social work department does not have the diversity of services that they need. In our case, the waiting list for the children with disabilities team was actually closed because they had too many children to deal with. That is really what happens.

The situation under the Education (Additional Support for Learning) Scotland Act 2004 is different from the situation under the record of needs. If a parent had a confrontation with their education authority, they used to be able to bring legal representation to meetings, but they are no longer allowed to do that. The council and all their people can be ranged along one side of the table and poor old lonely you are sitting at the other. That is not fair.

As I said, the Adults with Incapacity (Scotland) Act 2000 has created a situation whereby we cannot get access to law. A similar situation arises with people who apply for guardianship, such as Tom Wightman. Competent parents find that their application is blocked by the very people whom they want to complain about. The social work department and the national health service say that they do not want those parents to get guardianship—they do not want them to get it because they are going to complain. People are locked into a cycle and can get nowhere. I know of several situations similar to Tom's.

John McDonald: The question was about resistance. I suspect that ministers and civil servants are looking for tools to help them to do the job. In my experience, most of them want to do a good job. The evidence on the current push on autism is that people are working quite hard, albeit they are struggling up a hill without enough resources to get over it.

The charter would provide a platform or a starting point for a statement of intent for the nation about how autism should be addressed. Such a statement would strengthen ministers' hands, because they would have a commitment from the nation saying, "This is how we address autism." It would be a powerful statement of intent and, together with work already done, it would give civil servants some foundation on which to build. The approach would be as much about making a statement of intent about how we address diversity in Scotland, focused on autism, as it would be about addressing any resistance to dealing with autism.

Christine MacVicar: There is huge reluctance to consider the whole question of our children being given a vaccine containing neurotoxic substances, even after it was recommended in 1999 that those substances be removed. It took until 2003 for them to be removed.

There is institutional neglect of people with autism, and the Executive does not want to go there. It cannot afford to, because it would open a can of worms. We are only asking for access to what every other citizen in Scotland gets. If children in wheelchairs had been treated the way they have treated our children, there would have been an uproar.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): Mr McDonald, you may be aware that the Adult Support and Protection (Scotland) Bill was recently introduced into the Scottish Parliament. As it goes through the parliamentary process, will there be an opportunity to incorporate the charter?

10:45

John McDonald: The short answer is yes. I have lost track of that bill's progress, but the charter could be tied in with it. However, the charter has a broader focus than just adults, so even if that were done, there would still need to be some sort of link back to children.

Even with treatment, intervention and all the other things that we want to use to support people, autism stays with them for their whole life. We need something that relates to whole-lifetime planning. Policy development is currently fragmented, and there is no real sense of whole-lifetime policy development. The charter would set out a policy context for whole-lifetime planning for people with autism, and it could be used as a model for other people. The Adult Support and Protection (Scotland) Bill might be a useful vehicle to move the agenda forward and to develop some sort of national planning to direct public funding appropriately to the right kinds of target at the right time.

Helen Eadie (Dunfermline East) (Lab): You mentioned best practice in other parts of Scotland. Could you give us some examples?

John McDonald: I shall rack my brain. It has just been whispered in my ear that we should not simply blow our own trumpet, so I will not do that. I will take some examples from both children's and adults' services. There are schools in Glasgow with well-developed teaching and learning resources to support those young people who can get by at their local schools. The city council is doing some fantastic work, which it is seeking to extend to support families and to reinforce teaching and learning at school through home-school links. The council is working with us to achieve that. I will blow our trumpet now: we are supporting the council to do that, and it is working really well. Those who are involved are part of a national network of teachers who are developing their intervention skills and knowledge around autism. There is some equally good practice at a school in Perth, which is developing research on how visual processing affects people with autism.

There are also some examples of good practice in adult services. I am trying to think of one quickly.

Tom Wightman: There is one that my wife and I went to see at Kilbirnie in Ayrshire. The attitude of the staff there is impressive. They want to work with the full range of autism, from the people who bang their heads to those with Asperger's syndrome who are fairly clever but who need a couple of people to work with them to keep them occupied with a diversity of things so that they do not stagnate or cause trouble. They do all that without using medication. The people with autism have their own living area and they have a community. It is a wonderful environment for them, because they are supported and they can live their lives.

My son is scared of the other inmates at the mental institution where he is. People cannot live for six years in an environment like that. The situation shows no respect for him. It is an abuse of his human rights. If the petition were adopted, and if a framework were provided outlining how we deal with autistic people, we would know exactly what new legislation to put in place and what support and housing to provide. It would all be there.

John McDonald: I cannot resist this—I am really sorry, but I do have to blow my own trumpet. We have opened a centre in Alloa—New Struan school—which was designed taking into account the experiences of parents and individual citizens who have lived with autism and of people who have worked with people with autism for the past 40 years. We have learned that the environment can have a positive impact on how people with autism live their daily lives. The environment can be constructed, lighted, coloured, shaped and used in particular ways so that, rather than being medicated and locked away, people with autism can take back control of their lives. Some of Scotland's most challenging children—to use a euphemism that other people use—are within that resource and, so far, most of them have done very well. They decide their curriculum and their programme for the week and they make choices about what to do in their local community. They travel to us from different parts of Scotland and they build their own sense of inclusion in a locality in Alloa, because the environment is properly designed to support them, the interventions are properly thought through on an individual, differentiated basis, and the staff are wholly committed to getting things right.

Helen Eadie: I have not visited that centre, but I think there is a similar one in Cowdenbeath.

John McDonald: There is. It is also one of ours.

Christine MacVicar: The place in Kilbirnie has a boy who has had to travel from Orkney to get what he needs. What does such splitting up of families do to them? Resources are needed throughout the country.

The Convener: I think that all members have had an opportunity to ask questions. A lot of information has been gathered.

We will now consider the recommendations that have been made. I do not see any purpose in writing to the Executive, because we already know its position, which the petitioners are not happy with. How should we progress the matter? We must think about how to get the Parliament to consider all the information that has been given.

Helen Eadie: John McDonald said that he did not know what stage the Health Committee is at in considering the Adult Support and Protection (Scotland) Bill. Its consideration of that bill is in its early stages, so evidence could be submitted to it. The *Official Report* of this morning's discussion could be submitted as part of the evidence, if the committee agrees to do so. I recommend that we send the *Official Report* to the Health Committee, given that stage 1 of the bill is about to start.

Rosie Kane: A couple of people have come to my surgery in the past to discuss autism, and have raised housing-related and education-related matters. Thanks to Google, I found people who have done a lot of work on the charter. I suggest that we seek the views of Professor Malcolm Hooper of the University of Sunderland and Pat Matthews, who is the chair of Autism Europe.

The Convener: If we write to those people, their responses will have to come back to us, which might delay things.

Helen Eadie: Time is important.

The Convener: We should consider the time involved if we want to refer the petition to the Health Committee.

Helen Eadie: The key point is that the Health Committee should have all the evidence. If it receives a submission, the person who submits it will have a good chance of being selected when the committee chooses witnesses to give evidence, especially if they ask to be called.

The Convener: We could recommend to the Health Committee that it contacts the people whom Rosie Kane mentioned. It would then be for that committee to get information from Professor Malcolm Hooper and Autism Europe. We could send the petition directly to that committee with our recommendation.

Christine MacVicar: May I suggest that Dr Lorene Amet, who runs the autism treatment clinic in Edinburgh, be contacted?

The Convener: We will mention her to the Health Committee, too. I hope that it will follow that advice.

John McDonald: Rita Jordan, who is one of the world's foremost academics on autism, is just retiring from the University of Birmingham. I think that she would be interested in making comments.

The Convener: We will add her name to the list. I hope that the Health Committee will seek the information that it requires to consider the issue in the context of the Adult Support and Protection (Scotland) Bill, which it will assess.

Do members agree to what has been proposed?

Members *indicated agreement*.

The Convener: I thank the witnesses for coming to the meeting to discuss the petition.

Christine MacVicar: I was told that I could leave some evidence. Is there anywhere that it can be listed?

The Convener: You can leave it with the clerks.

Speed Restrictions on Inland Water (PE964)

The Convener: Our next new petition is PE964, by Kevin Lilburn on behalf of Fair Play Loch Lomond, which calls on the Scottish Parliament to urge the Scottish Executive to review the operation of speed restrictions on inland water in Scotland. Kevin Lilburn will make a brief statement to the committee in support of his petition. He is accompanied by Lawrie Lilburn and Johnny North.

Kevin Lilburn (Fair Play Loch Lomond): Thank you for that introduction. My colleagues and I are humbled to share this meeting with the petitioners who went before us. Ultimately, we are talking about recreation, but I am sure that everybody here would acknowledge that the previous petitioners face some fundamental difficulties. We wish them luck in overcoming those difficulties, whatever the result of their petition.

I will introduce my colleagues. We were advised not to do that but, in this case, it is relevant to do so to establish their expertise and credibility. On my left is Johnny North, who markets water sports products and has first-hand knowledge of market conditions in Scotland and the lake district. Furthermore, his family have been tenants on one of the Loch Lomond islands for more than 50 years.

On my right is my father, Lawrie Lilburn, who has lived on the shores of the loch for 35 years. He has served as chair of the Buchanan community council, technical adviser on the Loch Lomond regional park byelaw advisory group, observer on the national park steering committee and secretary of the Riparian Owners of Loch Lomond; he is also a representative on the east Loch Lomond visitor management group.

In addition to having started the petition, I am chairman of Fair Play Loch Lomond, which was set up to respond to the initial byelaw amendment proposals made by the Loch Lomond and the Trossachs National Park Authority, which were published last summer. Prior to that, I was an officer in the Royal Navy for 12 years. I now pilot police and air ambulance helicopters, both of which frequently operate over the majority of Scotland's waterways.

Between us, we have in excess of a century of experience of recreational activity and residence around Loch Lomond, so we feel well qualified to address most of the issues that might arise.

As most of you are probably aware, following a lengthy and arguably flawed process, the Deputy Minister for Environment and Rural Development, Rhona Brankin, is currently evaluating the Loch Lomond and the Trossachs National Park Authority's final proposals for amending existing byelaws on Loch Lomond before deciding which of them, if any, will be adopted and come into force. Although those proposals have been considerably amended from their initial scope, it remains our contention that they are excessive, unnecessary and ill conceived.

Even if Loch Lomond is not within a committee member's constituency, the matter may well affect their constituents for two obvious reasons, as well as many others that might not be quite so apparent. First, regular visitors to the loch come from all over Scotland—and, indeed, the world—and might not take kindly to their recreation opportunities being further restricted.

11:00

Secondly, the byelaw proposals arose in part out of widely voiced concerns that visitors effectively barred from Lake Windermere and other lakes in the lake district would overrun Loch Lomond and destroy its fundamental character. In fact, such fears have not been realised, but if we adopt the proposals for Loch Lomond, we run the risk of causing the same sort of problem as happened in the lake district, by displacing existing activity from a large waterway that can easily accommodate it to smaller, unregulated and wholly unsuitable lochs.

In the time remaining, I cannot begin to cover every argument against adopting the current proposals, so I will confine myself to a few major items in the hope that that will stimulate discussion. Our goal today is to convince the committee that the existing byelaws, properly enforced, are wholly adequate for the time being and that they should be reviewed in three years' time. We would also, obviously, like to convince the committee to lobby the Deputy Minister for Environment and Rural Development to pay close attention to our petition, to Fair Play Loch Lomond's submission to the consultation and to the *Official Report* of the committee's discussion of our petition.

By definition, the review process to which I referred ought to have commenced with an in-depth review of the scope, relevance and effectiveness of existing byelaws. However, any attempt to do that was at best cursory, and no specific weaknesses, deficiencies or logically evolved solutions were ever identified. Most important, the national park authority has openly admitted in writing and in verbal communication that until 2006—that is, this year—the byelaws have not been actively enforced since coming into operation, and that a policy of education has been preferred. Consequently, there is no conceivable way that any meaningful assessment of the byelaws' effectiveness could have been made. We contend that no additional restrictions should be considered or introduced until the existing ones have been properly enforced and assessed over a period of years.

The initial consultation document also asked whether additional speed zoning should be introduced on Loch Lomond. Only 12 per cent of respondents said yes, but the national park authority went on to publish a proposal to double the area of the speed-restricted zones, which we feel implies an underlying agenda and which totally disregards its own consultation.

Throughout the consultation process the authority has been repeatedly asked by various groups, notably sportscotland, the Riparian Owners of Loch Lomond and Fair Play Loch Lomond, to present objective, evidence-based justification for its proposals, but it has so far manifestly failed to do so. There has been no clear statement as to what specific problems exist, why the existing byelaws are inadequate to address the problems and how the proposed revisions will address them.

With regard to the possible economic impact of the proposals, the initial economic impact statement predicted that 230 full-time equivalent jobs would be lost and that £10 million would be lost to the local economy. While we accept that those figures would be revised downwards in light of the recent amendments, we firmly believe that the likely economic impact remains at a wholly unacceptable level, especially in light of the Windermere situation. This assertion is supported by the fact that one of our members reports that his turnover for 2005 was 33 per cent below that of 2004; he attributes that entirely to the byelaw review proposals.

In short, we firmly believe that the national park authority's proposals are in direct contravention of the fourth aim of the national park, which is to promote sustainable economic and social development in the area's communities. Conversely, there is no evidence to suggest that the other three aims of the national park would be adversely impacted by the adequate enforcement of the existing byelaws.

The park authority also asserts that the proposals will help to alleviate alleged conflict between user groups. We obviously acknowledge that certain groups are dissatisfied with the current situation and even with the proposed extent of the recent amendments, arguing that motorised activity should be even further restricted. However, motorised activities do not prevent other activities from taking place on the loch, or restrict those that do. Conversely, even the existing byelaws have driven certain legitimate and long-standing recreational activities off Loch Lomond altogether and severely restricted the areas of shallow, sheltered water that are available for other sports. Adoption of the current proposals will further penalise recreational communities that have already made significant sacrifices to appease anglers and those seeking a quieter shore environment, while getting nothing in return.

We also draw attention to the fact that there are 22 lochs within the national park boundary and that Loch Lomond is one of only two on which motorised activity currently takes place. There are therefore a significant number of alternative venues for those seeking absolute peace and quiet. Conversely, there is only one alternative for motorised activity participants and, being much smaller, it would quickly become congested if activities were displaced to it.

We also contend that the park authorities and other groups have made a number of inaccurate assertions throughout the review process. For example, it was stated that Loch Lomond is intensively used and suffering from congestion. The fact is that boat numbers have fallen. In 1999, there were almost 1,300 boats on the loch, but by the time of the most recent official count in 2004, the figure was relatively static at around 400. That represents a drop of 66 per cent. I have submitted some pictures that were taken in the middle of a summer's day last August. You will see that the loch appears to be pretty quiet—in fact, it is almost devoid of boats.

It has also been stated that the island belt and the other areas on the loch that would be covered by the proposed additional speed zones are designated as sensitive areas that include sites of special scientific interest and which require additional protection. They are designated as such because of the presence of oak trees, peat bogs and, in one case, a capercaillie colony. It is our strong contention that restricting boat speeds beyond the existing 150m limit cannot possibly offer any additional protection to oak trees and peat bogs. Senior park rangers say that motorised sports have no effect at all on island wildlife. That view is fully supported by the park authority's recent publication, "Review of Ecological Impacts of Boating and Associated Activities on Loch Lomond and its Shores", which was published in October 2005. That study shows clearly that fast motorised activity has little or no impact on wildlife on the islands.

So far, I have limited the scope of my statement to concerns about additional speed restrictions. A final issue that I want to address is that of young persons in charge of powerful boats. We fully support and endorse the park authority's desire to ensure young people's safety. However, no statistical or anecdotal evidence has been presented to suggest that young people who are in charge of powered craft pose a greater danger than other loch users of different ages. In common with several other groups, we assert that competence should be the overriding factor in determining someone's suitability to be in charge of a vessel. We therefore favour a dispensation that would allow young persons who possess a suitable Royal Yachting Association certificate, or a recognised equivalent, to be in charge of a boat. Indeed, we are all deeply concerned that the introduction of a suitable competency scheme for all loch users has been deferred until the next byelaw review, at the earliest. There has been universal support for the adoption of such a scheme since the original byelaws were introduced, but little or nothing has been done in that regard. There is no excuse for that.

There are issues in the Loch Lomond area and on our other waterways that need to be addressed. Litter, illegal wild camping, boater incompetence and vandalism are but a few of them. However, unlike most of the park authority's executive and board, the people before you and those who responded to our petition have lived in the park area for many years. They see it in all its guises 365 days a year. We know what the real problems are and have a good feel for what solutions might be effective. We have proposed those as alternatives in our submission to the deputy minister and we urge the committee to adopt our recommendations and to ask her to meet us to discuss the matter in more detail.

The Convener: Thank you for a highly comprehensive introduction. I invite questions from members.

Jackie Baillie: I declare an interest. I have met the petitioners before because Loch Lomond is in my constituency and that of Sylvia Jackson.

I have no issue with the proposal to have a competency scheme to improve safety on the loch—it makes a lot of sense. I do not need to devote more time to that.

It will not come as a surprise that there are three areas that I want to explore with you, because I have explored them with you before. Do you not feel that we have come full circle with the byelaws? You have outlined the position that we started off with. It was then proposed that two thirds of the loch should be covered by the speed limit. We have now gone back almost to the original position—an additional 8 per cent of the loch will be covered. Do the majority of loch users not welcome that?

Kevin Lilburn: We certainly welcome any reduction in the scope of the original proposals. The figure of 8 per cent is slightly misleading because it relates to the total surface area of the loch. The surface area that is affected by the speed restriction will in fact increase by almost 50 per cent, which is a significant increase. We feel strongly that the measure will achieve very little. As people who live and operate on the ground every day, we think that we are fairly well qualified to make that comment.

Jackie Baillie: If we are to believe what the park authority says, the measure is designed to protect sensitive areas, which are those around the islands in the middle of the loch. The whole of the south and the north of the loch will be left free for water sports.

Kevin Lilburn: I draw your attention to another submission that you should get today, which is a summary of the ecological impact report on the loch. The report is the national park's own document but, frankly, its recommendations seem to have been largely ignored. Essentially, the byelaw proposals target fast-moving watercraft on the loch irrespective of their size. It is the speed of the craft that is being targeted. The summary of the report states:

> "Fish respond to visual rather than audible cues, so a boat moving slowly overhead causes a greater disturbance than a boat moving quickly, while the noise of an engine produces little response … In the USA slow-moving boats have been shown to drive fish from their nests, increasing the likelihood of predation, while boats moving at higher speeds did not cause the fish to leave".

It also states:

> "Fast moving boats cause more disturbance to bird life than slow moving boats. However when it is taken into consideration that fast moving boats travel at a greater distance from the shore this effect is negated e.g. anglers in slow-moving power-boats that passed directly beneath a peregrine nest caused more disturbance than fast moving craft pulling water-skiers 50m from the nest".

The document mentions a study called "Buffer-zone distances to protect foraging and loafing waterbirds from disturbance by personal watercraft and outboard-powered boats", which examined the flush distances for birds. The flush distance is the distance at which birds will fly away when boats go past. At least, that is my interpretation. The document states:

> "The flush distance of the most sensitive bird was 57.9m for the Osprey … This is well within the present speed restricted Zone and therefore boats travelling at any speed outside this zone should not cause a disturbance. The greatest deleterious impact on winter wildfowl numbers is associated with coarse fishing, sailing and rowing … while windsurfers sails also caused a disturbance".

It appears that the very activities that the park authority has been promoting as not having an effect on sensitive areas are, according to its own study, those that have the greatest effect. I happily confess that that goes against the commonsense assumption—it would go against my assumption, frankly—but it is the result of the park authority's own study of the matter.

Jackie Baillie: That is interesting. I notice that you did not mention jet-skis. Let me just probe that. To judge the matter on the basis of my constituency mailbag, I have never had a complaint about windsurfers, water-skiers or motorised craft of the type that you described, but I have had a significant number of complaints about jet-skis. I suspect that that is less about speed and more about the noise that they create and their ability to get close to people. It has been put to me by people on both sides of the argument that what we need is not a speed restriction but a ban on jet-skis. What is your view on that?

Kevin Lilburn: I did mention jet-skis; I used the generic term, "personal watercraft", which covers them.

Jackie Baillie: I missed that.

Mr Gordon: Good politician.

Kevin Lilburn: I agree that the issue comes up time and again. The first thing that I would say is that, if that is the issue, we should have a debate about that and not target all the other activities at the same time. Secondly, I return to the lack of enforcement. I have made a point of keeping an eye on that recently.

There are certain areas that are highly sensitive. Jackie Baillie is probably aware of those. There is a car park at Milarrochy on the east shore of Loch Lomond; there is a conservation village at Luss; there is the Loch Lomond Shores development; and there is the north end of the loch, which is pretty narrow. There are launching points in all those areas and jet-skis—or personal watercraft—tend to focus their activities there.

As I said earlier, I spent 12 years in the Royal Navy. One of the things that I learned to do there was to patrol waterways effectively. The national park authority is simply not doing that. It needs to put its assets where the problem is and deal with it. The patrol boats are patrolling the entire loch. If the patrol boat was placed in Milarrochy bay and acted when people broke the byelaws, the problem would simply not be there. Last week, I stood and watched as a couple of people on jet-skis flouted the existing limits. The rangers were looking at them from their office through binoculars and making notes, but they made no attempt to go out and speak to them. There was no patrol boat present and no sanction was taken against them when they took their vessels out of the water, so their behaviour is not going to change and the problem will always be there.

11:15

Johnny North: Strathclyde police force has bought a jet-ski this year, which is great news and which could change the situation incredibly. The present patrol boat cannot go in shallow water to chase people, but the police will now be able to use the jet-ski to follow craft into shallow water, which should address the problem. However, I return to our position, which is that no one has tested the existing byelaws because no one has policed them. Why change something when we do not know whether it works?

Jackie Baillie: That is interesting.

Kevin Lilburn: In the committee's discussion of the previous petition, an issue was raised about a gap between policy and practice. We are in the same situation. The policy exists in the existing byelaws, but the practice is that they are not implemented correctly. Frankly, that happens a lot with legislation. When a problem arises, the first thing that we do is introduce more legislation, rather than consider whether we are enforcing the existing legislation effectively.

Jackie Baillie: I am hoist by my own petard.

I have one final question. Sylvia Jackson and I have formally requested a meeting for all parties with the Deputy Minister for Environment and Rural Development, but how would you amend the current proposals if you could change one thing?

Kevin Lilburn: Can I have two things? First, I would make an amendment about young people. It is important that, when young people have an opportunity to express their sense of responsibility and leadership, we should not take that away from them when we have no evidence to suggest that that is necessary. My other suggestion is for an amendment to the scope of the speed restrictions. We had internal discussion on the issue and reached a concord with the riparian owners, who have a slightly different perspective on the matter. We have come up with a proposal for more targeted speed restrictions at Luss and Milarrochy bay. At Luss, we propose an increase in the area covered, from 150m to 300m offshore and, at Milarrochy bay, we propose closing off the entire bay, which would create a buffer zone of approximately 750m from the car park area but would be restricted to that bay alone. Fair Play has also suggested that some of the bays that were closed off previously under the byelaws should be derestricted, as we argue that that was unnecessary. However, those are the two changes that we recommend. I have submitted maps on that—the first set shows the additional areas that are proposed and the second set shows our alternative proposals.

John Scott: I have visited Loch Lomond, which is a beautiful place, but I do not know a great deal about it. Can you say what the driver is for the new byelaws, when the old ones have not been enforced thus far? You hint at an underlying agenda and say that there is no clear statement as to what the problem is or where it exists. Who is driving the new byelaws and why?

Kevin Lilburn: That raises several issues. A lot of the impetus for the changes came towards the end of 2004, when the implementation of the Windermere restrictions became apparent and a grave concern arose that vast numbers of boats and other watercraft would move north to Loch Lomond, because it is the next nearest significant waterway. That led to a lot of press interest in the matter and a focus on the national park's performance up to that point. Several lobby groups existed at that time, notably the Friends of Loch Lomond, the Loch Lomond Association and the Loch Lomond Angling Improvement Association. The anglers have their own agenda, which is pretty much to promote their sport. That is fair enough, as that is what the association was set up to do, as the title suggests. With the other two associations, particularly the Friends of Loch Lomond, the management committees are made up mostly of people who are in excess of 60 years old and who have a rather different perspective from the people who are out on the loch day to day. To be frank, they could sit down and write letters to newspapers and generate publicity for the agenda that they were pushing.

The Loch Lomond Association purports to represent all loch users and all activities on the loch but, in recent years, as my father will confirm, its views have polarised somewhat. That is largely due to apathy and an unwillingness to participate among the younger, more active members of the loch community. The voice that was making itself heard at that point was at one end of the spectrum.

The second aspect of this is that the make-up of the national park board and the staff of the national park is largely an environmental-ecological make-up. Not one member of the park board lists recreational boating—or any form of boating—as an activity in which they participate, although they take part in hill walking, birdwatching and all the shore-based activities that, it is argued, are adversely affected by activity on the water.

In summary, first, there was an apparent public position on the matter; secondly, there is an internal position in the park authority that tends towards the proposals that it has come up with.

Mr Gordon: I am a townie, but like many Glaswegians, on sunny summer weekends—which we get about twice a year—I have been known to drive my family to the east shore of Loch Lomond for a picnic. I must say that, in recent years, I have found the noise of the jet-skis excessive and intrusive. Are you saying that the issue could be covered within the ambit of the current guidelines—the current byelaws?

Kevin Lilburn: The situation would certainly be alleviated if the current byelaws were rigidly enforced. One of the problems with jet-skis is that they tend to stay close to the beach where they launched, where people's friends are. The nature of the activity is that a lot of people tend to use the same vehicle. They will go out and have 10 minutes' thrash on it, return to the beach and then go out on it again. They tend to perform in front of their friends; unfortunately, that also means that they are performing in front of everyone else who is on the beach trying to have a quiet picnic.

We think that the problem is localised to certain specific areas, and that is covered in the alternative proposals that we have submitted. Also, with respect, there are 20 other lochs in the park where people can go to have a quiet picnic.

Mr Gordon: So, I should go to Loch Katrine or Loch Ard in the future.

Kevin Lilburn: If ultimate peace and quiet is your goal, you have the option to do that.

Mr Gordon: You must bear in mind the fact that, to a Glaswegian, peace and quiet is a relative term.

Kevin Lilburn: Indeed.

Lawrie Lilburn (Riparian Owners of Loch Lomond): I have been involved on the loch for a very long time. In 1987, when jet-bikes—personal watercraft, but I still call them jet-bikes—first started to appear, I was chairman of the Buchanan community council on the east side of the loch. I went right down the east side of the loch and got agreement from every landowner not to allow jet-bikes to be launched from their land. The only opposition to that was from Stirling Council, which said, "We will not do that and we will not allow you to do it." At that time, Stirling Council was promoting changes at Milarrochy bay and was building toilet and launching facilities there through the regional park. We succeeded in getting every landowner to agree except the local authority, which had its own launching site. We could not get it to budge.

It is strange that, many years later, the only people who like personal watercraft are their users. I have been a member of the Loch Lomond Association committee for many years and was involved in drafting the first code of conduct, which we published and distributed free of charge, long before a national park was ever thought of. It did not work, and we agreed reluctantly to the creation of byelaws. It is strange, but jet-bikes have become a rod to beat the park's back. The rod could have been broken much earlier in the history of jet-bikes, but about 800 jet-bikes now use Loch Lomond.

No one likes jet-bikes except jet-bike users. The Loch Lomond Association exists to protect the interests of all loch users, but it was set up before anyone had heard of jet-bikes. There is a lobby in the association that would dearly love jet-bikes to be banned, but we are bound by our constitution, which does not allow us to ban them.

Even the riparian owners are divided on the matter. They are mostly elderly gentlemen like me and many of them would dearly love jet-bikes to be banned, because they all live on the lochside. Some people do not want to interfere with people's rights, but the rest of us also have a right to peace and quiet. Had there been no jet-bikes on Loch Lomond, this debate would not be taking place, because the argument would not have arisen. I would be loth to put up my hand and say, "Ban them", but that is what everyone wants.

Kevin Lilburn: I should clarify that 800 jet-bikes are registered to use Loch Lomond—anyone who wants to use the loch must register their vessel. That does not mean that there are 800 jet-bikes on the loch at a given time. Some jet-bike users might come from Cornwall and come to the loch for a week in the summer.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I appreciate that jet-bikes can be annoying on a quiet Sunday afternoon, when people are having a picnic with their families, as Charlie Gordon did.

In your submission, you say that boat numbers on the loch have gone down by two thirds. Is that because of the increased presence of jet-bikes, or is there another reason?

Kevin Lilburn: There are two reasons, both of which are economic. Boat numbers reached an all-time high at the end of the 1980s, which to some extent reflected the trend for anyone who came into a bit of money—particularly in Glasgow—to buy a boat and go to Loch Lomond. The fashion has moved on, although I cannot say what the current trend is.

Petrol prices also made a huge impact. It is simply too expensive for many people to have a boat on the loch. Petrol was expensive in the 1980s, but prices have gone up markedly since then.

Johnny North: Also, much uncertainty has been created by the review of the byelaws. There is evidence that people are deciding not to buy a boat because they do not know what the situation on the loch will be in the long term. The uncertainty will be permanent, given that the byelaws are to be reviewed every three years. People will not invest money in a boat if there is a possibility that the area they can use will be restricted.

It is disheartening that not one of the 25 park authority members has taken a trip to Windermere to see what happened there. I will give you a brief history of the scenario in the lake district, which is different from the set-up in Scotland.

11:30

The people who used Windermere were told that, if they did not make a fuss when Coniston, Derwent and Ullswater were shut down, they would always be allowed to boat on Windermere. I am sorry, I get very emotional about this; it was an incredible decision. The speed limit on those lakes was then restricted to 6mph and no fuss was made about it. The decision then came to close Windermere completely to any boat travelling at over 7mph. I have spent a lot of time at Windermere researching what has happened down there. The minimum estimate is that £10 million has gone out of the local economy. Committee members may have seen on the news that the park authority is in a financial mess; it is shutting down visitor offices.

A survey was done at Windermere as part of the consultation. In its report, Arup said that the boat owners in the area reckoned that the average boat owner pumped £3,300 into the local economy through staying in hotels, spending money in pubs and so forth. Obviously, we are not at that scenario at Loch Lomond yet, but the original byelaw proposal was to shut off the whole middle section of the loch to 7mph. That would have had a phenomenal effect on the local economy. At the moment, the increase that is proposed in the byelaws means that there is still uncertainty. Where is the park authority going to go with this? It will have a huge knock-on effect on the loch. People have not really addressed the effect on the local economy as yet, but we have to think about it. We also have to remember that one of the original ideas behind the national parks was to look after the people who live in the park area. At the moment, the park authority’s actions are having a detrimental effect on the people who live within the park.

John Farquhar Munro: One point that you all made in your evidence is that there is sufficient regulation at the present time, if it is enforced. The implication is that the regulations are not being enforced. I think that it was Mr North who mentioned that a new boat has been purchased by the park authority—

Johnny North: It was Strathclyde police.

John Farquhar Munro: You said that it is a low-draft boat. Will more effort be put into enforcing the existing regulations? Undoubtedly, that would help the situation.

Kevin Lilburn: Quite clearly, the authority is putting more effort into enforcing the regulations, but it is doing so on the back of the consultation process. Basically, everyone who was involved in a discussion with the authority as part of the consultation process banged the table about enforcement. The problem is that we are shutting the gate after the horse has bolted. Concurrent with that, instead of giving an opportunity for the greater enforcement to take effect, greater restrictions are being introduced.

The Convener: Members have asked a range of questions. I will now draw the debate to a conclusion. I seek recommendations from members on how to take forward the petition.

John Scott: In light of the foregoing discussion, we should seek the views of the Loch Lomond and the Trossachs National Park Authority, the Friends of Loch Lomond, the Royal Yachting Association, the Lake District National Park Authority—clearly, there has been a lot of dismay at what has happened there—and the Scottish Executive. Perhaps we could make the responses that we receive known to the petitioners and seek their comments.

Jackie Baillie: I have no difficulty with those suggestions, although I question why we are asking for the view of the Lake District National Park Authority. After all, its solution to the problem was that everybody should come up here—a fact that it advertised on its website. That said, it would be interesting to hear its views. Although I am happy with the suggested list, I would like to add the chambers of commerce in the area. There is a business argument element to the petition that was brought out today in questioning. It would be worth testing it out.

We should proceed with a sense of urgency. In particular, I suggest that our conversation with the Scottish Executive needs to be a rapid one. The consultation closed on 15 May. Ministers will shortly be looking into the matter. Hopefully, Sylvia Jackson and I can arrange for the petitioners and others to meet the minister.

Rosie Kane: A number of issues were raised in the questioning, in particular enforcement, byelaws and so on. Perhaps we could write to the appropriate officers in Strathclyde police on the matter.

The Convener: I see no reason why we cannot do that.

Kevin Lilburn: It would be good if the committee were to contact Strathclyde police and Central police.

John Scott: The reason for suggesting that we write to the Lake District National Park Authority is that that would help us to find out about the economic impact that its actions have had in respect of Mr North's comments.

Lawrie Lilburn: I am intrigued that you will seek further consultation with the Friends of Loch Lomond, but that you did not mention the Loch Lomond Association, which is, in fact, the only association that represents the loch users. The Friends of Loch Lomond are primarily land based, although I think that there might be two or three of them who actually own a boat.

The Convener: We will take on board your recommendation and write to the Loch Lomond Association asking for its comments as well.

Johnny North: I ask you also to speak to the Keep Windermere Alive Association, an action group that can give you all the economic figures associated with what has happened down there.

The Convener: I see no reason why we cannot add that organisation to the list. Are members happy for us to write to all those organisations and to try, with a sense of urgency, to get responses and to seek the petitioners' comments on them?

Members *indicated agreement*.

The Convener: I thank the petitioners for bringing their petition to us.

Unpaid Care (PE954)

The Convener: Our next petition is PE954, by Claire Cairns, on behalf of the national carer organisations group. The petition calls on the Scottish Parliament to urge the Scottish Executive to fully implement the 22 recommendations of care 21's report, "The future of unpaid care in Scotland."

Ruth Clark and Dave Clark of the Princess Royal Trust for Carers, and Wendy Brooks will make a brief statement to the committee in support of the petition. I welcome them all to the committee. Once we have heard the statement, we will discuss the issue.

Ruth Clark (Princess Royal Trust for Carers): Thank you for the opportunity to speak to the committee. I will take a couple of minutes to highlight the key issues, before passing over to Wendy Brooks, who is a parent carer and who will outline what it means for her to care for her son.

The Scottish Executive deserves much credit for commissioning the care 21 report. The research for that report was the largest study of unpaid carers anywhere in Europe. Around 5,000 carers and former carers contributed to the research, so the evidence base for the report's 22 recommendations is quite compelling.

However, for carers and their representatives in the voluntary sector, the findings of the research were not a surprise—they only confirmed what carers have been telling us for years. One of the earliest policy documents to be produced by the new Scottish Executive was the strategy for carers in Scotland, which was launched in November 1999. That strategy was supposed to put carers' issues firmly on the political map, yet six years later carers say that they are still not getting the help and support that they need to fulfil their role.

The care 21 report praised the framework of policies that exist for carer support, but one of its main criticisms was that those policies are simply not reflected in the local delivery of services and support for carers. The Deputy Minister for Health and Community Care's response to the care 21 report acknowledged the strong case for delivering better help and support, and he broadly accepted 21 of the 22 recommendations. However, the implementation of many of the recommendations is subject to resources being made available in the spending review 2007 and we want to ensure that providing resources to implement them is given high priority in that spending review.

In 2001, in growing recognition of the level of unpaid care, the census included for the first time ever a specific question about whether people provided unpaid care for a family member or friend and, if so, how much time it took. The census results showed that 480,000 adults and more than 16,500 children and young people in Scotland provide unpaid care. A staggering 116,000 of those carers provide care for more than 15 hours a week. Those figures have grown, and we know that there are 600,000 carers in Scotland.

Unpaid carers are the backbone of the health and social care system. Without them, the system would simply collapse. It has been estimated that they save the Government £5 billion every year. Delivering a better deal for carers deserves to be a high priority in the spending review. We ask the committee to seek assurances from the Executive and the minister that funding the implementation of the recommendations will be a high priority in the spending review, and to refer the petition to the Health Committee and the committee for children and young people to monitor the issue.

We must build on the momentum that the care 21 report has generated. We cannot afford to let time pass us by or to congratulate ourselves on getting this far. Complacency is simply not an option. Carers expect action now, not more research and reports. Members may have seen the recent press coverage when the Deputy

Minister for Health and Community Care launched the Executive's response to care 21. One carer was quoted in *The Herald* as saying:

> "It's just another talking shop; … all carers ever get … is a wee pat on the back."

Please support the petition and help to ensure that unpaid carers get more than a pat on the back.

Wendy Brooks: I am a parent carer. My son is five years old and has a speech and language and communication difficulty that results in poor social skills. He has poor co-ordination as well. He does not have any definite diagnosis, which makes it difficult to access certain services for him. There was no support or access to services until he was in the educational loop.

The impact of that for me is that I need a certain degree of flexibility to be available for him. I am a single parent, which also means that there is less support for me. I cannot be in any type of employment, whether full or part time, because I need flexibility to be available for him. The only respite that I get is when he is at school but, because of his poor social skills, he does not attend any after-school clubs or activity clubs, as he cannot communicate with his peer group on the necessary level.

That is all that I feel I can say about the situation at the moment.

Mr Gordon: I make it clear that I am sympathetic towards the petition. Last month, a group that covers my constituency of Glasgow Cathcart—the Glasgow south east carers network—was in the Parliament with a similar petition of more than 2,000 signatures, which we presented to the Minister for Health and Community Care, Andy Kerr. Since then, the Glasgow south east carers network has changed its name, because it is now affiliated to the Princess Royal Trust for Carers.

Would I be right in saying that the point at which all 22 of the recommendations are implemented will be quite far in the future? Which recommendations would you like the Scottish Parliament to concentrate on for early implementation?

11:45

Ruth Clark: When the deputy minister announced the implementation of the recommendations, he set out a 10-year agenda and the Executive prioritised four areas: carers' health, training for carers, supporting young carers and respite. The implementation of recommendations in the other areas will depend on the spending review, but work to begin to focus on those four priority areas will also be highly dependent on the spending review.

I will give you an example. The majority of carers do not receive any help or training in moving and handling or medication, and a high number of them are involved daily in administering medication and heavy lifting; health practitioners would normally undertake those tasks and receive training for them. There is no question about the need to provide training for carers, but the delivery of training will depend on available resources. The development of a national training programme and, as a minimum, making that training available to those carers at the heaviest end of the scale—the 116,000 carers in Scotland who provide care for more than 15 hours a week—would require resources so that the programme could be delivered on the ground. Implementation of those four areas depends on the priority that they are given in the spending review.

Mr Gordon: Usually we would pass the petition to various interested parties for comment and it would come back to us, but you said in your opening statement that you would like us to refer the petition to the Health Committee and the committee that is concerned with children's services. I presume that you want those committees to start to get to grips with the issues of early action that you just mentioned.

Dave Clark (Princess Royal Trust for Carers): In a sense, the petition has been overtaken by events. When the petition was first lodged, the Executive had not responded to the recommendations in the care 21 report. As Ruth said in her opening remarks, the Executive deserves a lot of credit because it has broadly accepted the recommendations. It has identified four areas as priorities, and we concur with that, but there is no promise of resources.

Mr Gordon: So the debate has moved on to another stage.

Dave Clark: Our aim is to keep the issue and the four priorities on the political agenda. The spending review cake will only be so big—I do not know whether the Executive knows how big it will be—and there will be hundreds of competing priorities. Our aim is to ensure that the issues get the prioritisation that they deserve when it comes to talking pounds and pennies.

Ms White: I can see the sense in that, now that you have said that the debate has moved on to another stage.

I have brought apologies from John Swinney; he wanted to come to the meeting, but he has another meeting to attend.

I was interested to hear that you are happy with the Executive's response to the recommendations, although there is no cash back-up. The Executive has said that it will create a task force to review respite provision. What are your feelings about that? The Executive started to consider the issue in 2005 and Lewis Macdonald responded to the recommendation in 2006. Do you have concerns about that?

Ruth Clark: From the research and care 21 consultation, we found that respite was one of the biggest areas of concern for a large number of carers. However, one of the outcomes for the task force will be that there is a need to resource the infrastructure of respite provision on the ground to ensure that there is flexibility in delivery across Scotland and choice for carers and service users. Ultimately, provision will depend on resources being invested in that one area.

Ms White: I sympathise. Many people come to my surgeries to talk about unpaid care. As you said, there are thousands of carers out there. You mentioned training in aspects of care such as lifting; I do not think that it would be too difficult to provide that training. For many women who have had to cut short their careers to care for elderly parents, the fact that they cannot get certain medicines delivered, for example, does not help; they have to go and pick them up. Delivering medicines would not cost an awful lot of money.

You talked about the spending review, but do you agree that it would not cost a great deal of money to kick-start provision of the basic services that people desperately need right now and which would make their lives much easier?

Ruth Clark: The development of a national programme of training for carers would cover a range of areas that are important to the daily lives of carers. Some resources would be required to ensure that such training was of a high quality, as I am sure that the Executive would want it to be. Perhaps that training could be funded in the next grant process.

The important issue is delivery on the ground. Local carer organisations throughout Scotland are likely to be at the forefront of the delivery of the training. They would require resources to be able to increase their capacity to deliver training in a range of flexible ways, which would enable carers throughout Scotland to benefit. A sizeable investment would be required to make training accessible and of benefit to carers. Even if those who are at the heaviest end were to be targeted, 116,000 people in Scotland fall into that category.

John Scott: In my experience, it is the daily grind of caring that wears people down. Have you done any costings for the provision of more respite or more training? Do you have any figures for the Executive on the costs involved or are you aware of any figures?

Dave Clark: One of our colleagues, Jack Ryan, who is chief executive of Crossroads (Scotland), will represent the carers organisations on the group that Sandra White mentioned. I am sure that he will feed figures into the Executive, but we do not have them here.

Helen Eadie: I am interested in your experience of the direct payments scheme. The Health Committee, of which I am a member, has reached the end of a fairly major inquiry on care for the elderly. An academic paper that we received said that, across Scotland, there was a massive underspend with regard to people claiming direct payments. In the past year, the regulations have changed and it is now possible for family members of those who need to be cared for to be paid as carers. Edinburgh was highlighted as one of the biggest spending areas, followed by Fife, which is another area in which the greatest use was made of the direct payments scheme. However, a major lack of take-up was highlighted in the west of Scotland. What is your experience of the direct payments scheme? It comes back to enabling those who are cared for to pay for the sort of care that we are discussing today.

Ruth Clark: I am aware of the Health Committee’s review of the direct payments scheme. Direct payments emerged as an issue in the care 21 research. A number of carers found that the scheme was difficult to access and difficult to use because of the limitations on choice. The issue is not one of the four priority areas that the Executive will work on initially, but it is included in the 10-year scope of the care 21 recommendations.

Helen Eadie: One of the people who gave evidence to the Health Committee—she was caring for her child—said that the direct payments scheme had enabled her to make a massive improvement on the prescribed care package that she had previously been given by the local authority. The scheme had enabled her to have tailor-made care arrangements and that had made a big difference for her as a carer.

The Health Committee felt that we ought to promote direct payments a lot more. Perhaps in partnership with your organisation, we could promote the direct payments scheme that has been enabled by the Government. An increased take-up of direct payments should be encouraged because the scheme gives those who are cared for much more choice with regard to the package that suits them best.

Dave Clark: The care 21 research found that the situation was patchy. It was a bit like the postcode lottery—the position depended on the local authority area. Some people were quite happy, but many people were unhappy. Many people did not know about the scheme. If I remember rightly, an initial bugbear was that family members were excluded, but that has been changed.

It is interesting that the Department of Health in England has made implementation and promotion of the direct payments scheme a priority. The Prime Minister's letter to Patricia Hewitt after the most recent Government reshuffle asked her to make the scheme a priority.

Helen Eadie: Perhaps we could achieve that in partnership with your organisation. If the scheme exists and the money is available from the Government but people are not taking it up, that is an issue for all of us who are involved—not just the Government, but all the voluntary agencies and others, such as MSPs.

Dave Clark: Staff in the trust's centres throughout the country know about the scheme and tell carers about it.

Ruth Clark: If direct payments were made more accessible, that would be of great benefit to many carers, because it would increase choice. However, direct payments would not be a solution for many other carers, because of the restrictions in the system. Direct payments would help some but would not greatly change the day-to-day lives of many people.

Rosie Kane: This is one of those petitions that make us say, "Gaunae just get on with it." The petition causes me much concern. Carers cannot and will not down tools for a day.

My point leads on from what John Scott said. The areas that carers cover include the health service, education and social work, and I could go on, as could everybody around the table. Do you have an estimate or a notion of how much you save the Government?

Dave Clark: Ruth mentioned that the figure in Scotland is about £5 billion a year.

Rosie Kane: That is an incredible input.

Ruth Clark: Carers in Scotland form the single largest health care workforce—there are more carers than there are NHS staff. Carers provide a significant amount of care that is free of charge but costs them personally.

Rosie Kane: That just occurred to me and struck me about what you do. The petition is so sensible that I am speechless, which is unusual for me.

The Convener: I thank the petitioners for their information. One of the clearest pieces of information was that the debate has moved on, which is pretty significant. We usually write to seek views on a petition from organisations such as the Princess Royal Trust for Carers, from the Scottish Executive and from a host of people, but in this case we need to ask the Health Committee to consider the petition. That is where the debate is. I recommend that we refer the petition to that committee and ask it to ensure that care 21 is assessed in the way in which it normally examines such initiatives.

Ruth Clark: Could the petition also be referred to the committee that covers children and young people? We know that at least 16,500 young people in Scotland are carers.

Jackie Baillie: I think that you are referring to the Education Committee. In the past, committees have operated on the basis of sending a reporter from one committee to another committee. We should refer the petition to the Health Committee, because that will maintain the focus on it, but we might want to suggest that that committee should consider inviting a reporter from the Education Committee, to make the link that you seek.

Rosie Kane: Are the petitioners thinking of the cross-party group on children and young people?

12:00

The Convener: There is no difficulty in sending the petition to that group for information, but what the group does with it is a matter for the group. The Health Committee is the most appropriate committee to approach to encourage the Parliament to examine the issue, so we will send the petition to it. We hope that the petitioners will be involved in the dialogue with that committee. Thank you for presenting your petition.

Swimming Pools (Investment) (PE966)

The Convener: The last of our new petitions is PE966, by Robert A Lambert, on behalf of Glenrothes community action group. The petition calls on the Scottish Parliament to consider and debate the lack of investment in swimming pools in Scotland; the action that is being taken to address the sportscotland "Ticking Time Bomb" report, which was published in 2000; and how the goal to increase and maintain the proportion of physically active people in Scotland is being achieved. We are joined by Tricia Marwick, who wants to contribute.

Tricia Marwick (Mid Scotland and Fife) (SNP): The petition relates to a specific problem in Glenrothes, where, at one point, Fife Council threatened to close the facility. The petitioners have, quite rightly, asked the Parliament to consider not the specific situation in Glenrothes but the need for an overall strategy in Scotland. They have pointed out the "Ticking Time Bomb" report and the fact that sportscotland was supposed to have produced an audit of local facilities by last year, but that has still not happened.

The Scottish Executive has introduced its strategy for physical activity. It wants to increase and maintain the proportion of physically active people in Scotland. Having considered the strategies that are coming forward, the Glenrothes action group wonders why some councils are looking to close or downgrade facilities.

I suggest that the committee take up with the Executive and sportscotland the issues that are raised in the petition as a matter of urgency and ask them to get their finger out and bring forward an audit of facilities. I will leave it to the good sense of the committee to determine how to deal with the petition, but those are my suggestions. The problem is national—it does not affect just Fife—and there needs to be national recognition of it and national action to address it.

The Convener: Writing to the Executive and sportscotland would be the right thing to do, but do members have any other suggestions?

Ms White: We must write to the Scottish Executive and Fife Council, which is going to consult in spring or summer of this year, but, given its past record, it could be later than that. I would like us to hear the views of the Scottish Amateur Swimming Association and sportscotland.

Rosie Kane: Sandra White named the organisations that I think that we should write to. The problem is nationwide. I had a preliminary teacher's badge; I used to teach swimming in Glasgow. Every pool that I taught in is no longer there—I am not taking the blame for that. The problem is huge and I would like to hear the views of the Scottish Amateur Swimming Association.

The Convener: Do members agree that we should write to those organisations, then seek the petitioner's views on their responses?

Members *indicated agreement.*

Current Petitions

Field Impairment Tests (PE714)

12:03

The Convener: The first petition under agenda item 3 is PE714, by Hugh Humphries, which calls on the Scottish Parliament to urge the Scottish Executive to review the validity of field impairment tests in its road safety campaign regarding the dangers of driving under the influence of drugs; to issue guidelines on the disposal of vehicles belonging to individuals failing FITs; and to issue guidelines to courts about the evidential value of the FIT results.

At its meeting on 5 October 2004, the committee considered responses from the Association of Chief Police Officers in Scotland and the Scottish Executive and agreed to defer further consideration of the petition until live court proceedings relevant to it were concluded. Those court proceedings have now concluded and further responses have been received from the Scottish Executive and ACPOS. Do members have any suggestions on how we deal with this petition?

John Scott: Given the response from the Executive that it is about to introduce—perhaps early next year—a procedure to identify the presence of drugs, we have a result, although that might have been going to happen anyway. There is no point in carrying on with the petition.

The Convener: Do members agree?

Members *indicated agreement.*

Ancient Woodland (PE858)

The Convener: Petition PE858, by Andrew Fairbairn on behalf of the Woodland Trust Scotland, calls on the Scottish Parliament to urge the Scottish Executive to address the threat to the fragmented remnants of ancient woodland by fulfilling its commitment under the UK Forest Partnership for Action, which was made in preparation for the world summit on sustainable development in 2002, to protect the nation's rarest and richest wildlife habitat.

At its meeting on 7 December 2005, the committee considered the responses that it had received to PE858 and agreed to seek the petitioner's views on them. We have received a response from the petitioner, so I ask for members' views.

John Scott: The petitioner has highlighted what he sees as a flaw in the planning system; it would be sensible to seek the Executive's comments on the fact that much ancient woodland is not being detected under the current system.

The Convener: Do members agree to write to the Executive?

Members *indicated agreement*.

Affordable Housing (Scottish Executive Policies) (PE877)

The Convener: The next petition is petition PE877 by Janet Walton, which calls on the Scottish Parliament to urge the Scottish Executive to review its policies on the provision of affordable housing, particularly in relation to the impact on elderly people and people on low incomes. At its meeting on 30 January 2006, the committee considered responses from Communities Scotland and Fife Council and agreed to seek the petitioner's views. Now that we have received a response from the petitioner, we need to decide what action to take.

Ms White: I wish that we could take further action on the matter; after all, there is a problem with affordable housing for pensioners and people on low incomes not only in Dysart but all over Scotland. However, the committee cannot take the issue up with individual councils. I presume that the petitioners have already written to the Scottish public services ombudsman.

The Convener: I am not sure. Even if the petitioners have done that, I do not think that we can get involved. We have to consider what we can do with the petition—I do not think we can do anything more. Do members agree to close the petition?

Members *indicated agreement*.

Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 (PE767)

The Convener: The next petition is petition PE767 by Norman Dunning, on behalf of Enable Scotland, who calls on the Scottish Parliament to urge the Scottish Executive to review the operation and effectiveness of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976.

At its meeting on 8 September 2005, the committee considered a response from the Minister for Justice and agreed to await a further response. We have now received that response, which has been circulated to members along with correspondence from a member of the public on the petition. Shona Robison has an interest in the matter, so I give her the opportunity to make some comments before we consider it.

Shona Robison (Dundee East) (SNP): I thank the committee for its work on PE767, and I pay tribute to Betty Mauchland, who has campaigned tirelessly on the subject since 2000, when her brother died in hospital.

I have to say that this is unfinished business, so I ask the committee to consider referring PE767 to one of the justice committees in order to allow it to examine the operation of the current fatal accident inquiry system, particularly in respect of whether it represents the best way of getting to the truth of such matters, the lengthy delays in the system, the daunting experiences that families have to face, and the fact that families often have to bear the full—and often prohibitive—costs of putting together a legal team. Moreover, families often feel at the end of what is a difficult process that the FAI's recommendations are not implemented, enforced and monitored as they should be. That is almost a double whammy. Those issues need to be examined and families should have the opportunity to give evidence to a committee inquiry to find out whether a better system that gets to the truth can be put in place.

The Convener: We cannot rule out the possibility of referring the petition to one of the justice committees, but we have not heard from the petitioner and I am sure that committee members will want to hear from the petitioner before we take any decision.

Jackie Baillie: I was going to suggest that we send the Minister for Justice's response to Enable Scotland for its comments. I welcome the fact that there has been movement on the matter, but it is quite shocking that recommendations are not implemented at the end of fatal accident inquiries. That is a key concern. The fact that there will now be a central database is a credit to Enable and to Betty Mauchland, who first raised the matter with Enable. I would be interested to hear its comments—we can consider what to do thereafter.

The Convener: We will not rule out the possibility of sending the petition to one of the justice committees for its consideration.

John Scott: There appears to be a solution in what the minister is proposing. I appreciate that the process that has been referred to should perhaps come at a different point in inquiries, but I think that the proposals are worth while, as far as implementation of inquiries' findings is concerned.

Ms White: I agree with Jackie Baillie. We have moved on, and the response that we have received from the minister mentions "recording recommendations". We are halfway there, but I would like to hear the petitioner's response before we move the petition on to one of the justice committees. The situation has moved on in the sense that the petitioner has got something that he was looking for.

The Convener: We will write to the petitioner and await Enable's response. If necessary, we will take the matter further and pass the petition to one of the justice committees.

NHS 24 (Independent Review) (PE917)

The Convener: The next petition is PE917, by Kevin Herd, who calls on the Scottish Parliament to consider and debate the final report of the independent review of NHS 24. At its meeting on 18 January, the committee agreed to seek the views of the Minister for Health and Community Care. The minister's response has been circulated.

Helen Eadie: The petitioner has met the First Minister and we have received a response from the Minister for Health and Community Care. What he said is entirely satisfactory. A review is now taking place, and progress is being made within NHS 24. Perhaps no further action is required on the petition for the moment.

The Convener: Do members agree with Helen Eadie?

Members *indicated agreement.*

Information Literacy (PE902)

The Convener: Our next petition is PE902, by Dr John Crawford, who calls on the Scottish Parliament to urge the Scottish Executive to ensure that the national school curriculum recognises the importance of information literacy as a key lifelong learning skill. At its meeting of 21 December 2005, the committee agreed to write to the Scottish Executive, Learning and Teaching Scotland, the Scottish Qualifications Authority, Her Majesty's Inspectorate of Education, the Educational Institute of Scotland and Universities Scotland. Responses have been received and circulated. In addition, correspondence has been circulated from the School Library Association in Scotland, Unison school librarians and the petitioner.

John Scott: Given the number and quality of the responses, it would be reasonable to seek the views of the petitioner.

The Convener: Do members agree that that is appropriate?

Members *indicated agreement.*

Ecovillages (Planning Policy) (PE903)

The Convener: Our next petition is PE903, by Eurig Scandrett, who calls on the Scottish Parliament to urge the Scottish Executive to develop and introduce a Scottish planning policy document on ecovillages. At its meeting on 21 December 2005, the committee agreed to write to the Scottish Executive, the Convention of Scottish Local Authorities, the Royal Town Planning Institute, Findhorn ecovillage and the Scottish Ecological Design Association. Responses have been received. We are joined by Chris Ballance, who has an interest in the subject.

Chris Balance (South of Scotland) (Green): I thank the convener and the committee for their consideration so far. The responses that you have received show that there is general support for low-impact sustainable developments, or ecovillages as they might otherwise be called. The Executive policy favours mainstreaming sustainable architecture and that type of development.

The problem with the Executive response and with Scottish planning policy 3, which identifies that

> "Proposals for sustainable residential development … may be acceptable at locations where more conventional buildings would not",

is that the current policy automatically determines that the developments are not mainstreamed, and that they are put on land that is marginal or abnormal. Since the Executive issued its response, the petitioner has received an e-mail from Tim Birley highlighting the problem. Tim was formerly head of the then Scottish Office rural affairs division. I will happily forward that e-mail to the committee.

It should also be pointed out that most planners instinctively resist ecovillages and do not set aside land for them in development plans. I have experience of that in my work with the Tweed valley ecovillage group in the Borders, which encountered precisely that problem. That community has worked for something like seven or eight years to get planners to put aside land, but it has completely failed in its attempts so far. However, the group is still continuing to promote its plans.

12:15

I hope that the committee will see the complexity of the situation, and that the intended policy is not yet taking effect on the ground. I therefore ask the committee to consider referring the petition to the Communities Committee as a possible subject for an inquiry into how planning policy is working.

The Convener: As I said earlier in response to Shona Robison, we are a stage away from that because we have not received the petitioner's views on the responses. I do not rule out the possibility that Chris Ballance's suggestion will be the ultimate conclusion of our consideration of the petition, but we need first to get the petitioner's views. Do members have other views?

Members *indicated disagreement.*

The Convener: Okay—we will write to the petitioner with all the responses. Once we have received the petitioner's response, we will decide how to progress the matter.

Chris Ballance: Understood. Thank you very much.

Breast Cancer (Screening) (PE904)

The Convener: Our final current petition this morning is petition PE904 by Katie Moffat. The petition calls on the Scottish Parliament to urge the Scottish Executive to consider introducing an early breast cancer screening programme to start from age 30 upwards.

At its meeting on 21 December 2005, the committee agreed to seek the views of the United Kingdom National Screening Committee, the Institute for Cancer Research, the National Institute for Health and Clinical Excellence, Cancer Research UK, the Scottish Parliament cross-party group on cancer, the Scottish Executive's breast and cervical screening national advisory group and the Minister for Health and Community Care. Responses have been received and circulated.

I suggest, as with the previous petition, that we send the responses to the petitioner for comment. Are members happy with that?

Members *indicated agreement*.

Equalities Report

12:17

The Convener: Agenda item 4 is consideration of our draft annual equalities report. Having seen the draft report, do members have any issues that they wish to raise? Do members agree to adopt the report?

John Scott: I agree that we should adopt the report, but I am concerned about the Edinburgh-centric nature of the petitions that arrive here. If we were to plot them on a map, we would find that, at a radius of 50 miles or 100 miles from Edinburgh, the application rate falls off. The committee needs to address that huge issue. It might well mean that we need to take the mountain to Mohammed by going out and about more as a committee. What are other members' views?

The Convener: We have tried to do that in our tour of the country.

John Scott: I think that we are right to have done that, but we may need to go out even more.

The Convener: We identified that as a problem—hence our taking the committee to different places. We will meet in Jedburgh in an effort to raise awareness in that part of the country. We need to make such visits on an on-going basis, so John Scott is right to highlight that difficulty. We will need to monitor the situation.

We also need to ensure that we receive petitions from minority groups and various other groups that have not taken advantage of the existence of the Public Petitions Committee. I am sure that such groups will have issues that we would like to consider.

Helen Eadie: When I attended last night's briefing on the worldwide event that Civicus is to host in Glasgow in June, I was pleased to see Jim Johnston's name. He will address various workshops at that event. It is good to have our clerking team going out as ambassadors to ensure that we reach different voluntary organisations, which are among the best means of accessing the many people out there who need access to our committee. We need to provide access to equality groups, groups for ethnic minorities and other groups to do with gender, disability, race and so on. I am pleased to see that happening.

However, John Scott is right—we have worked hard as a committee. We have been to Ayr, Inverness, Dundee and Dunfermline and we are off to Jedburgh later this month and will go to Glasgow in November. It is good that we are doing that. It is a constant struggle for us to ensure that people know about the work of the committee and the difference that it can make to their lives.

Jackie Baillie: I have a couple of questions and a comment. The Equal Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality made specific recommendations about anonymising data and sending survey forms in advance. Did we incorporate all those?

Jim Johnston (Clerk): We incorporated some of the recommendations, and we are continuing to look at others. The proposition in the paper is that we continue dialogue with those organisations.

Jackie Baillie: Some of the suggestions are fairly straightforward, such as that we should capture age and gender details. We should, as a matter of course, be gathering much of the information the organisations suggest we gather.

I have one question on language. By my reckoning, English accounts for 65 per cent of the responses. What did other people say was their first or preferred language?

Jim Johnston: The figure of 65 per cent is the percentage of people who filled the form in. Some respondents did not answer that question. Interestingly, it is the only question for which we did not provide a category. We changed the question on race or ethnic group in response to advice from the Commission for Racial Equality, and the number of responses to that question increased considerably.

Jackie Baillie: Okay. I am specifically supportive of the recommendation that we go to Glasgow. However, we should not try to do two things in the one visit; that is, go to Glasgow and tackle our problem in respect of black and ethnic minority groups. I think that we should do both, but that may necessitate a return to Glasgow or a visit to some other location.

John Scott: I agree with Jackie Baillie. I also draw attention to the male to female gender identity ratio in petitioners, which is 3:2 in favour of males. I do not know quite how we can address that.

Jackie Baillie: Women complain less.

John Scott: Others might think differently. There is no basis in fact for that.

Jackie Baillie: Yes there is.

John Scott: Is there any way in which we can address that imbalance sympathetically? Is Jim Johnston always the first point of contact? I am not suggesting that that is anything other than entirely appropriate, but I do not know whether it would have any bearing on it if Eileen Martin or someone else was the first point of contact for petitioners.

Jim Johnston: I would like to think that it would not make a difference.

John Scott: I trust that it would not. However, we must seek a solution to the problem.

Jim Johnston: One of the suggestions is that we send the report to the Equal Opportunities Commission. We will continue our dialogue on how we should address the issues.

The Convener: If the EOC could make suggestions as to how we could address the problems, I am sure that we would listen to it.

Rosie Kane: Some of the workshops that we have held around the country have been quite well attended by women. Maybe the figure will start to increase. There are four women on the committee; perhaps we should be reaching out in a sisterly fashion.

Many of the women who have come here have contacted me at my surgery—other MSPs may have had the same experience—because they have been nervous and have felt quite intimidated. We need to put the message out that we are actually quite friendly and cuddly folk. I wonder whether women are aware that crèche facilities are available at Parliament. We could maybe push a bit in that direction. I am sure that Jim Johnston is not frightening the women away.

The Convener: We have commissioned research into all the petitions that we have received—where they have come from, what their outcome has been and who has lodged them. It will be interesting to see whether lessons can be learned from that. I am not sure when we expect the research to be completed.

Jim Johnston: We expect the research in September. It is being done by the University of Glasgow.

The Convener: That will give us an opportunity to examine the issues and to consider how we can take things forward. We are always trying to develop the committee's processes so that we can be more accessible. The more we learn, the more we can change and adapt. I am always open to such suggestions and dialogue.

Are members happy that the report is a factual statement of the committee's position?

Members *indicated agreement.*

Visit to Bundestag Petitions Committee

The Convener: Item 5 is consideration of a proposed visit to Berlin to meet colleagues from the German Bundestag petitions committee and to attend a formal meeting of that committee. I ask for members' comments on the proposal.

If anyone is wondering why the Bundestag has been chosen, it is because we have had strong links with it since the Public Petitions Committee went there in 2001. It has adopted our e-petition system after coming over here to talk to us about that. This is a reciprocal opportunity to see how that committee has implemented its petitions system.

John Scott: It would be a good opportunity to see whether we can learn from that committee.

Members *indicated agreement*.

The Convener: Our final item will be discussed in private.

12:25

Meeting continued in private until 12:26.

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