

PUBLIC PETITIONS COMMITTEE

Tuesday 26 January 2010

Session 3

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PUBLIC PETITIONS COMMITTEE

2nd Meeting 2010, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

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

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Rhona Brankin (Midlothian) (Lab)

*Bill Butler (Glasgow Anniesland) (Lab)

*Nigel Don (North East Scotland) (SNP)

Robin Harper (Lothians) (Green)

*Anne McLaughlin (Glasgow) (SNP)

*Nanette Milne (North East Scotland) (Con)

*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

Jamie McGrigor (Highlands and Islands) (Con)

Nicol Stephen (Aberdeen South) (LD)

Bill Wilson (West of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Mr A

Mr B

Kathleen Bryson (Lighthouse Foundation)

Mary Craig (Lloyds TSB Foundation for Scotland)

John Forsyth

Helen Greenan

Frank Maguire (Thompsons Solicitors)

Dave Moxham (Scottish Trades Union Congress)

Margaret Paton

Mary Scanlon (Highlands and Islands) (Con)

John Scott (Ayr) (Con)

Alison Waugh

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Alison Wilson

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 26 January 2010

[THE CONVENER *opened the meeting at 14:01*]

New Petitions

The Convener (Mr Frank McAveety): Good morning and welcome to the first meeting in 2010 of the Public Petitions Committee. Because of either illness or prior engagements, we have apologies from Robin Harper, Rhona Brankin and John Farquhar Munro, the deputy convener.

All mobile phones or devices should be switched off in case they interfere with the broadcasting system.

At a previous meeting, we agreed to deal with only new petitions today. Before us, we have six new petitions, and we will hear oral presentations on four of them. This is a new development for the committee, and is an attempt to give more people the opportunity to present their case to the Parliament.

Members have copies of the petitions that have been submitted as well as background briefings that have been provided by the Scottish Parliament information centre.

Male Victims of Domestic Abuse and Violence (PE1307)

The Convener: PE1307, from Alison Waugh and Jackie Walls, calls on the Scottish Parliament to urge the Government to ensure that all publicly funded action—campaigns, publications, action plans, projects and training programmes—on domestic abuse and/or violence is overhauled to acknowledge fully the extent to which men are also at the receiving end, and to address the needs of male victims and their children.

I welcome Alison Waugh and John Forsyth to the meeting. With them are two men who want to speak, but wish to remain anonymous. I thank them for coming along. We recognise the sensitivities around their submitting their views and the bravery that it takes for them to do so. It will be helpful for the committee, in its consideration of the petition, to hear those views. I will identify the two men as Mr A and Mr B—I think that my command of the English language will stretch that far.

I invite Alison Waugh to make some opening remarks.

Alison Waugh: I apologise on behalf of Jackie Walls, who is unable to attend the meeting.

I am a teacher by profession, but I am here as a member of the public. Over the past few years, my eyes have been opened to the reality of the damage that thousands of men in Scotland experience at the hands of abusive partners. Jackie Walls, who is based in Fife, would have been able to tell you about the efforts that she has made to raise the issue in Fife and about the resistance that she has encountered as she has tried to do so. John Forsyth is an experienced journalist who has taken a close interest in the way in which domestic abuse has come to be reported and, sometimes, misreported in Scotland.

I was shocked when I discovered how much damage men can suffer at the hands of an abusive partner—even if their partner is a small woman. I was even more shocked at the abuses that those men can suffer when they leave the abusive home. False allegations are common. Contact with children is often withheld and impossible financial demands might be made on them by their abuser. After all that, they are told by the Scottish Government and Scottish Government-funded organisations and agencies that men are overwhelmingly the abusers, that domestic abuse is gendered and is an abuse of male power, that violent women are simply defending themselves against male intimate terrorists, that only women need specialist support services and that, although domestic abuse can happen to men, it is extremely unusual. That can leave those men feeling that there must be something wrong with them.

Incredibly, our children are going to be taught all that in schools as part of the national domestic abuse delivery plan. Children of abused men were excluded from the consultation on the delivery plan. That consultation was groundbreaking and was good for the children who were asked, but only children of abused mothers were spoken to. Children of abused men are excluded from projects such as the children experiencing domestic abuse recovery—CEDAR—project because the parent who was abused happens to be of the wrong gender. The other day, in a school, I picked up a leaflet about domestic abuse that looked very welcoming to all children, but it was not for all children at all.

The current Government line has been that Victim Support Scotland has been given £4 million, and that it can support all victims impartially. It is implied that it can provide the specialist support that men need. However, that raises the obvious question why we need the tens of millions of pounds that are spent on women's support services—the situation is not that different, I am afraid.

Specialist services seem to work. Scottish Women's Aid is rightly proud of the fact that it can turn women's and children's lives around, provided that it can deliver the right support at the right time. All that we are asking for is the support of this committee to help us impress on the Scottish Government the fact that abused men and their children have the same right to that sort of support. Pretending that the issue is not a problem, or saying that further research is required, is a cynical denial of the evidence that is already before everyone's eyes. If ordinary people with no axe to grind, such as Jackie Walls and I, can find the evidence and meet the people who are struggling in the face of official indifference, it is clear that what is missing is the will, not the information.

The Convener: I invite one of the other contributors to speak.

Mr A: Thank you, convener. This is extremely difficult for me, and I ask your forgiveness in advance if I do not manage to complete my remarks.

I was married to someone with acute borderline personality disorder, which was finally deemed to be incurable. For 17 years, I endured physical violence and neglect, psychological and emotional torture, positively artistic manipulative behaviour, gross financial irresponsibility, pathological and wholly unfounded sexual jealousy and virtually unrelenting verbal aggression and disdain until I broke. All I ever wanted to do was care and provide for my family.

It took 12 years before I stopped having nightmares. I was compelled to stop work on health grounds at the age of 54. Now, more than 20 years on, I am told that I suffer from post-traumatic stress at the extreme end of the spectrum.

I have worked with disturbed teenage boys at a list D school; I have run a hotel; I have hawked coal around the housing estates of this city and climbed its tenements; and I have taught mathematics at a state school. Whatever job I did, that was my refuge and my rest. My real work never began until I got home.

More recently, I served for two years on the ManKind helpline, which for a long time was the only specialised helpline in Britain for men. I have listened to many men in tears. The fact that almost every man I spoke to was amazed to discover that his experience was not unique indicates the profound sense of isolation felt by male victims, and that additional suffering is a direct result of stated Government policy.

I have had to see many doctors, therapists and psychiatrists and I have sat in many waiting rooms where I have seen many posters proclaiming

"Domestic Abuse—There is no excuse. Phone Women's Aid." I had to conclude that the invitation was not being extended to me.

This problem ignored is not a problem solved. Our society will continue to pay through depression, alcoholism, unemployment and suicide. I do not matter any more—my time has gone—but please help us to change course for those who are to come.

The Convener: Thank you very much. I realise how difficult that must have been for you and I appreciate the way that you have shared your private thoughts for our benefit and to help our deliberations.

I think that it would be best to open this up to members' questions, comments and observations. If John Forsyth or anyone else wishes to contribute, they should let me know and I will try to ensure that they get in.

Bill Butler (Glasgow Anniesland) (Lab): Listening to Mr A, one could not help but be sympathetic. I have a few questions for Ms Waugh and Mr Forsyth.

Ms Waugh, you said that the usual claim is that men are overwhelmingly the perpetrators of domestic abuse. Let me play devil's advocate. What evidence do you have to dispute that?

Alison Waugh A lot of independent research shows that men are not overwhelmingly the perpetrators.

Bill Butler: Such as?

Alison Waugh: Our own crime survey, which has just been carried out, shows that.

Bill Butler: What kind of sample was used?

Alison Waugh: Was it 16,000?

John Forsyth: I might be able to contribute here. The Scottish Government's crime and justice survey on partner abuse, which was published just last month, draws on by far the largest sample size—16,000, as I recall—and is the most independent piece of work on domestic abuse that has been carried out for either this Scottish Government or its predecessors. Those who had had a partner, who made up 90 per cent of the sample, were asked about their experiences of some form of domestic abuse and/or violence since the age of 16 and those who had had a partner in the past 12 months were asked about their experience of domestic abuse and/or violence in that period. Of those who had had a partner in the past 12 months, 5 per cent of women said that they had experienced some form of domestic abuse and/or violence. The figure was the same for men.

14:15

One of the survey's advantages for the committee is its independent approach. When men and women were asked whether they had experienced domestic abuse, 3 per cent of men and 14 point something per cent of women said yes. However, when they went through a list of experiences that the respondents might have had at the hands of a partner—all of which, although separately identified, fall within the generally accepted definition of domestic abuse—the figure for men rose from 3 to 15 per cent, and the figure for women rose from 14 to 20 per cent. It indicated that, if asked straight out, men do not necessarily feel comfortable with the label “domestic abuse”. However, if you ask them what experience they have had, the task of labelling is taken away from them, the figures are substantially higher and the gap between the experience of men and that of women is distinctly smaller.

Nanette Milne (North East Scotland) (Con): I thank the petitioners for raising the issue, and give particular thanks to Mr A for his contribution.

I have little doubt that the petition raises a significant hidden equalities issue that must be exposed, but I would like to ask a practical question. Mr A mentioned the ManKind Initiative helpline. I wonder whether you would give us some more background on it. Is it a charitable organisation? Is it United Kingdom-wide? How long has it been going?

Alison Waugh: It is a charity that receives a small amount of funding at the moment. I believe that it has been run for years on a shoestring.

Mr A: It is UK-wide but I suppose that, by necessity, there is not a lot of advertising of the helpline in Scotland. It is much more widely known down south, so it receives far more calls down south.

Nanette Milne: Do you know whether it is used a lot? For instance, is there any evidence of how many calls it receives?

Mr A: I do not have up-to-date figures, but it receives many calls every week—dozens.

Nanette Milne: I assume that we could find that out.

John Forsyth: We do have a report from ManKind with that sort of detail. We do not have it right front of us, but we could leave it with the committee.

Nanette Milne: It would be interesting to see that.

Anne McLaughlin (Glasgow) (SNP): I would like to thank Mr A for his contribution. One of the myths about domestic violence perpetrated by women against men is that men can stand up for

themselves and that they are not being strong enough, but not wanting to fight back—not being violent in return—is not a weakness but a strength. Your appearance here, Mr B, indicates that strength. Whether or not you feel comfortable speaking, the fact that you have appeared here is testament to your strength. It is important that we acknowledge that, because of the myths that surround the issue. There is still a lot of work to do on the issue, but for a long time women who were victims of male domestic violence found it difficult to come forward—they still do. However, it is also extremely hard for men. We need to get society to accept that men can be victims of domestic abuse and violence. It is great to have the opportunity to highlight that issue.

Alison Waugh, you referred to the Government having said that violent women were simply defending themselves. I would be very surprised if that were not a slight exaggeration on your part. However, I wanted to ask you about the CEDAR project. You said that it excluded the children of male victims. Are they specifically excluded or are they just not encouraged? The petition asks the Government to address fully the needs of male victims and their children. In what way is the Government not addressing those needs? Will you give us practical examples of services that are available to women but not to men and their children? Where is the shortfall?

Alison Waugh: The first priority is to make it clear to the general public that the Government accepts that men can be real victims and that, if they come forward, they will be believed and not doubted and that the Government will not immediately send someone from Scottish Women's Aid to check that the woman is all right; if it does, it should also send someone to check that the man is all right. The Government should make the culture more accepting of men being honest about being abused. At the moment, it is extremely difficult for a man to tell anyone.

It will take some time for men to feel confident, but there must be some confidence building to make it possible for them to speak. We are aware of a document published by the National Society for the Prevention of Cruelty to Children that made a determined effort to encourage boys to phone ChildLine. The NSPCC realised that boys, like men, are reluctant to talk about their feelings and difficulties. As a result of the campaign, the proportion of callers who are boys has doubled. We appreciate fully that men often cannot talk about their problems and would take the option of suicide rather than do so. We must find a way of stopping that and encouraging men to feel that they can talk. For a start, we want no more posters that are only about male violence against women, because that is a sure-fire way of inhibiting men from coming forward.

Men with children are in a difficult situation. If they feel that their partner is abusive and may be dangerous to the children, too, they will stay in the family home for as long as they can, because they are not allowed to leave with the children. Even if there were a refuge to which they could go, they could not take their children there; I suspect that the police would immediately be alerted and they would be accused of kidnap. I have heard of a case in which an abusive mother disappeared with the children and the father had great difficulty discovering their whereabouts or whether they were safe. There must be a safe place to which men can go. Such places would not have to mirror exactly Scottish Women's Aid refuges; they might have to work in a slightly different way.

Psychiatric and psychological counselling services, delivered by people who are trained and experienced in dealing with men who have suffered domestic abuse, must be made available freely. Some counsellors may be able to deal with the issue, but it would be good to know that specifically trained people were available.

In all professions that deal with families and children, there should be people who are trained to understand the reality of domestic abuse, so that they know that the people with whom they are working may include men who have been abused and children whose dads have been abused. The Government-funded training on domestic violence is good at educating participants about what can happen to women, what effect it can have on women and how difficult it is for women to escape. That is good—we need to know that. However, such training avoids completely the issue that a man may be on the receiving end, and the difficulties that apply to men, some of which are slightly different. A huge training programme is needed in Scotland—all professionals in the legal setting and in education need to be trained in the area.

The Convener: I ask the other petitioners to be brief, as a number of committee members want to ask questions and another MSP has expressed an interest in the petition.

John Forsyth: The CEDAR project is funded initially from European money. Three pilot projects are under way in different parts of Scotland. They are intended explicitly for the children of abused mothers, and the families that participate will be chosen by Scottish Women's Aid. We are clear that we do not want to diminish or devalue the work that is done by Women's Aid, but by definition it will not include the children of abused fathers.

I will add one useful observation. I spoke yesterday to the officer who is in charge of policing domestic violence and abuse in Strathclyde Police. Strathclyde Police ran a campaign—which

it gave a great deal of pre-publicity—on challenging domestic abuse and violence during the Christmas period. In Strathclyde, the figures are quite consistent: one in six of the incidents of domestic abuse and/or violence that were recorded during the Christmas period and in the past year involved a male victim of a female perpetrator.

The officer explained to me that Strathclyde Police has been trying to change its approach—he called it a sea change—during the past year. The police are quite properly saying to the perpetrators, “We know who you are, and we are going to challenge you rather than wait for victims to come forward”. He said that one aspect of that involves the police working closely with groups that are able to help them to understand the problem at a general level, as well as encouraging victims to come forward and report that they have been on the receiving end of domestic abuse.

The Strathclyde Police website lists 20 different organisations to which women who are on the receiving end of domestic abuse can go for assistance, which include local branches of Women's Aid as well as national organisations. The site refers to lesbian, gay, bisexual and transgender people, and the officer specifically said that the police had been working closely with LGBT Scotland during the past year on the issue of building up people's confidence so that they feel able to report abuse.

I asked the officer whether it would be helpful if there was even one organisation in Strathclyde that was able to assist the police in the same way by discussing the needs of men who are on the receiving end of domestic abuse and which would be able to encourage men to come forward and even to recognise abuse, never mind to report it. He said that although that is part of Strathclyde Police's sea change in approach, there is unfortunately no such organisation.

To go back to the Government's crime and justice survey, one of the further questions that was asked of people who had experienced domestic abuse in the last year was whether the police had come to know about it. That included questions about whether the victim had reported the abuse to the police, whether someone else had reported it to the police on their behalf or whether the neighbours made the call and the police arrived.

The proportion of women who had experienced such abuse in the past year and whose case had become known to the police was 35 per cent, whereas the proportion of men was 8 per cent. I entirely accept the sincerity of the Strathclyde Police officer when he talked about the need to build confidence, but that has to start somewhere,

and recognition at Scottish Government level must be the starting block.

John Wilson (Central Scotland) (SNP): I have a specific question for John Forsyth. I know that he has campaigned on the issue for some time and has indicated that he feels that a gender-based analysis is hindering attempts to raise the issue of male victims of domestic violence and to move the debate forward. Does he wish to expand on his views on that? Like John Forsyth, I was pleased—in fact, I was delighted—by Strathclyde Police's Christmas campaign on the issue of domestic violence, because the television and poster campaigns depicted males as potential victims of domestic violence too.

At a meeting with senior police officers in one of the divisions in Strathclyde in 2008, I asked how they would record male victims of domestic violence. One of the officers told me that they did not have male victims of domestic violence in their area so there was no need to record them. Would John Forsyth care to comment on the gender-based analysis and how he thinks the agenda is moving forward?

14:30

John Forsyth: From my experience as a journalist and from working in the dim and distant past for campaigning organisations such as Oxfam and Shelter, I understand the importance of having a framework for thinking. The job of campaigning organisations is to help to develop such frameworks to engage with legislators and encourage them to recognise an issue. That is what single-issue campaigners do. [*Interruption.*]

The Convener: John, we will just wait until that mobile phone stops ringing. [*Interruption.*] Mine is two cones and a bottle of Irn Bru, by the way.

John Forsyth: At least it was not my phone.

The Convener: Do not worry—there is no punishment.

John Forsyth: In the 1970s, women's organisations started to demand that domestic abuse be addressed. That was the first time that it was concentrated on as an issue in itself. However, a framework for thinking is not a fact; it is a point of view. It has become a problem for the Scottish Government that, in its early days, the Scottish Parliament adopted the gender-based analysis of domestic abuse and domestic violence as policy. I think that there were three debates on the matter within the Parliament's first five months and the gender-based analysis was explicitly adopted as the basis for recognising the problem and creating funding streams for organisations.

A framework for thinking is jolly good for a single-issue campaign on the outside that is

demanding that a problem be addressed, but it is a problem for a legislature when that framework moves from the outside to the inside and becomes an ideological litmus test. As Alison Waugh said, requirements are now placed on the national health service, the teaching profession and social work services in Scotland to train their front-line staff in domestic abuse issues, but what that means is training them on the basis of the gender-based analysis. That is concerning.

I worked for a while in the Crown Office and Procurator Fiscal Service, so I have experience of the mandatory domestic abuse training. It is half a training course because it is hidebound by the gender-based underpinnings and, therefore, deliberately excludes the experience of men who are on the receiving end of domestic abuse and of their children. For example, it quotes half a table in a Home Office document. Everyone knows that, in the United Kingdom, two women a week are murdered by a partner or former partner; the same table in that document also tells us that, every 10 days, one man is murdered by his partner or former partner. That does not appear in any of the training courses. I happen to know, through freedom of information requests, that between 2003 and 2008 there were 68 partner homicides in Scotland—40 women and 28 men were murdered by a partner or former partner. It does not seem proper to me that mention of those 28 homicides gets dropped out of the training. That is a fatal flaw.

The Convener: I will let Bill Butler in, so that members—

Mary Scanlon (Highlands and Islands) (Con): I have a quick supplementary.

The Convener: I want to let Bill in first, but I guarantee that we will not lose sight of the fact that you have a question.

Bill Butler: Thanks very much, convener.

In response to my initial question, you quoted from and made various points about the Scottish crime and justice survey. That is one piece of research, which is quite broadly based, as it involves a big sample. I agree that, as a legislature, we should proceed on the basis of the evidence rather than that of ideological litmus tests. I am all for that.

On that basis, I refer to another piece of research, by Professor Marianne Hester of the University of Bristol, who in June 2009 published the paper, "Who Does What to Whom?", which demonstrated that there were significant differences between men and women as perpetrators of domestic violence, with men being much more likely to be repeat offenders. It stated:

"the intensity and severity of violent and abusive

behaviours from the men was much more extreme ... This was also reflected in the nature of the violence used ... Men's violence tended to create a context of fear and related to that, control. ... This was not similarly the case where women were perpetrators."

What is your reaction to those findings?

John Forsyth: I think that Marianne Hester works in a department at the University of Bristol that is entirely and explicitly committed to work in the area of gender-based analysis. I have looked at some of the research that she has done with police forces and in other areas of research. Perhaps the most interesting thing to note about her research is that at the simplest level, although she says that domestic violence is much more of an issue for women, she does not deny that her findings are that it is a significant issue for men.

Bill Butler: Yes, but in the quote from her research that I read out—I am sure that you have read the whole paper; I have not—she seemed to be saying that the nature of the violence used and perhaps the circumstances were different, depending on the gender of the perpetrator. You quoted an interesting statistic on homicides, but each case has its own particular circumstances, as you will know, as someone who served in the Crown Office and Procurator Fiscal Service. All those homicides are to be regretted—they are tragedies—but I wonder whether, if we were to take a scientific approach, which it is necessary to do in research, we would find that in the cases in which women were the perpetrators, that was the result of years and years of violent domestic abuse. What would you say to that hypothesis?

John Forsyth: On the basis of my experience at a lowly level doing precognitions in the fiscal service—I am not a lawyer—

Bill Butler: We excuse you for that.

John Forsyth: However, I am well enough aware that, in a homicide case, the first and often the only line of defence or mitigation for the accused is to blame the deceased. I have no reason to think—and nowhere in her research does Marianne Hester produce any evidence to indicate—that the situation is likely to be any different in cases in which it is men, as opposed to women, who are on the receiving end of domestic violence. It is often asserted that the situation is likely to be different, but there is precious little research evidence to sustain that notion.

It used to be the case that the gendered analysis relied heavily on the statistics in police incident reporting or research such as the crime and justice survey, but now that the statistics have become more difficult to answer and are running against the simple form of its argument, that analysis is having to develop different distinctions. I saw research the other night that referred to abused

father syndrome, which is an obvious reflection of the notion that arose in recent years of abused or battered wife syndrome. I accept that we should take a scientific approach. My suspicion is that, if we looked scientifically at each of those homicides—if it were possible to look scientifically at them, which is not so easy—it is likely that there would be very little difference in that aspect of the lead-up to the homicide.

Bill Butler: Did you say that it is likely that there would be no difference?

John Forsyth: There is no evidence—

Bill Butler: Absolutely, but do you accept that that, too, is mere assertion?

John Forsyth: I say that only because there is no evidence, other than ad hominem examples, on the other side either. I would welcome scientific research on the matter, because—

Bill Butler: I always like argument that plays the ball, not the man.

John Forsyth: I suggest that, up to this point, the vast majority of the interest has been in the situation of women who are victims. I regret that quite a lot of the research tends to find what it set out to look for. There should not be a competition between victims.

Bill Butler: We can agree on that.

John Wilson: Perhaps the witnesses can clarify the situation for me, but one issue is that, although John Forsyth has quoted the figures, the 68 homicides have to be looked at carefully to see how they happened and what the circumstances leading up to the situation were. Another issue is that much of the evidence and analysis is based on reported incidents. Although we can draw on figures that are as accurate as they can be in respect of homicides, what do the witnesses feel about the reported incidents of domestic violence and abuse overall? I think that there is a vast underreporting of domestic violence and abuse, irrespective of gender. Do the petitioners think that such underreporting is more prevalent among male victims of domestic violence and abuse than it is among female victims of domestic violence and abuse?

Alison Waugh: For a start, the research in the Hester report is based on a very small sample, so we cannot really extend it to the whole country, but she makes a very interesting point in her report with reference to police reporting of cases. The researchers had a problem with their research because, in one of the police authorities that they were looking at, the figure for the percentage of female victims was 57 per cent. That is unusual for police recorded cases of abuse. The reason given for that low figure was that the police were apparently told in training that, if they were unsure

who was the victim and who was the perpetrator, they should pick one and name that person as the perpetrator, but the police in Northamptonshire refused to do that. In Northamptonshire, if the police really could not decide who the victim was, they would record both partners as victims. For that reason, the proportion of women victims was 57 per cent in Northamptonshire but much higher—the average was about 75 per cent—in other police authority areas. To me, that implies that, if the police are in doubt, they name the man as the perpetrator. I can draw no other conclusion from that. Perhaps that has a bearing on other points that Professor Hester makes in her report.

14:45

The Convener: Let me bring others into the discussion at this point. At the tail end, we can try to sweep up other issues as we reach conclusions about what to do. Mary Scanlon has expressed an interest in exploring the issues that the petition raises, and I know that another individual also wants to contribute.

Mary Scanlon: Convener, thank you for allowing me to speak to the petition even though I am not a member of the committee. I have supported the petition on the website, so I will just briefly add some points about my support.

When I tried to intervene earlier—for which I apologise, convener, although I tried to do so through the chair—I wanted to ask about the gender-based analysis that was the subject of John Wilson's questions to John Forsyth. I understand that such a gender-based analysis has been reversed by the Welsh Assembly Government. Can the petitioner perhaps clarify that?

I also understand that the Minister for Parliamentary Business agreed at a meeting of the Parliamentary Bureau that there should be a parliamentary debate in the foreseeable future on violence against men.

I associate myself with Anne McLaughlin's comments about Mr A and Mr B. I also thank Alison Waugh and John Forsyth for speaking to the committee. That is sometimes nerve-wracking for us as experienced parliamentarians, so we can only commend those who appear before this committee to get an issue on the parliamentary agenda.

Over the past nine years, incidents of domestic violence in which the victim was female and the perpetrator was male have increased by 33 per cent. Over those nine years, incidents involving a male victim and a female perpetrator have increased by 163 per cent. Over the same period, incidents involving a female victim and a female perpetrator have increased by 500 per cent.

Incidents involving a male victim and a female perpetrator now make up more than 12 per cent of all incidents of domestic violence. It is important to get that on the record.

I understand that the best service that is offered in Scotland to any male victim of domestic abuse that was perpetrated by a female is a telephone helpline in England. Details about such helplines are posted on the websites of two police forces and of several councils as well as on the Scottish Government website, but no money from Scotland is given to such helplines in Scotland. If someone in Dundee or Fife phones up one of the helplines based in Brighton or Somerset, the services in Brighton or Somerset will not be able to help the caller. It seems quite unfair that details of those helplines are posted on the official websites of councils, Victim Support Scotland and the Scottish Government when we are not willing to offer such support or fund such services.

There are support services to help male perpetrators to address their behaviour through, for example, anger management, but there are no services to address females' behaviour and help them with anger management.

I have spoken to the police about the children of male victims. Again, this is anecdotal, so I trust that my colleague Bill Butler will not enter into a line of questioning on it, but I understand that, when there has been an incident, the male is removed, even if the abuse was perpetrated by a female against the male. It worries me that children are left with a mother who has just beaten up her husband. What signal does that give to the child? It seems that their reward is to be left with the perpetrator. That makes me worry about their future behaviour.

The approach is based on there being a male perpetrator and a female victim. As I said, if there is a female perpetrator and a female victim, the female victim will get help but the female perpetrator will not. When there is a male perpetrator and a male victim, the male perpetrator gets help but the male victim does not. John Forsyth mentioned LGBT people. We must remember that we are not just talking about men against women or women against men. We are also talking about same sex-relationships.

In a parliamentary question, John Wilson asked what funding is in place for support services for male victims of domestic violence. The answer was:

"There have been no specialist male services tackling domestic abuse established in Scotland to date."—[*Official Report, Written Answers*, 14 May 2009; S3W-23659.]

I hope that that will change. I am pleased to say that we had a meeting with Alex Neil and I believe that he listened carefully.

I want to put it on the record that, unfortunately, the SPICe briefing does not examine the content of the petition, which is to examine the

“publicly funded action”

to support

“male victims and their children.”

The petition clearly urges the Scottish Government

“to ensure that all publicly funded action (campaigns, publications, action plans, projects, training programmes, etc.) on domestic abuse/violence are overhauled to fully acknowledge the extent to which men are at the receiving end and to address the needs of male victims and their children.”

It is unfortunate that, in one paragraph, the SPICe briefing discusses female victims. I would take nothing from the systems that are in place to support female victims, who should get every penny. However, today, on Burns’s birthday, I hope that our desire for equality and our compassion for our fellow man will be acknowledged. In fact, Burns’s birthday was yesterday. Sorry—I am a day late, but that still stands.

The Convener: You must have had a few whiskies last night.

Mary Scanlon: I will need one tonight.

The Convener: You raised a lot of points, Mary. Some of them were touched on in the opening comments and questions, but we want to pull those things together. I am sure that SPICe will reflect carefully on the comments that you made on the detail that was provided.

I give Mr B an opportunity to make a contribution. He has been very patient.

Mr B: I will give a brief introduction to some of my experiences and what I went through. My ex-wife had threatened me a few times with a knife. On one occasion, she told me that I would be stabbed if I went to sleep. I have a professional occupation and I was awake all night before having to go into my work the next day. I will give a few other examples. She threw a hot deep-fat fryer at me as well as vases, cups, ornaments etc, all of which left holes in the walls. I hate to think what would have happened if she had managed to catch me with one of them. She manipulated who could be my friends and isolated me from my family. She attacked me by kicking me in the groin, spitting on me and scratching me on my face and arms until they bled. I had to take time off work because of the injuries. She would hit me with her fists, and again I had to take time off work.

She had a lot of financial control. When I discovered that she had had an affair, she wrecked my house. She threw washing powder,

smashed the plates and completely messed up the whole house. I called the police at that point, but they were unable to do anything. She disappeared with my children for 10 days, and that was after taking an overdose. My worry was for my children. I wanted somebody to ensure that my kids were safe, well and out of harm’s way. The news sometimes reports on mothers or fathers who have taken their children away and ended all their lives, so that was always at the back of my mind. Achieving consistent contact with social work services and the police was very difficult. Eventually, I managed to persuade them to check on my children, but I still did not know where they were until I finally stumbled on them at a garage.

When I contacted the police and social work services in the early years of our relationship, a letter was sent to her to ask whether she was okay and she was treated as the victim. She never accepted any services, although I encouraged her to consider services to help her with anger management and so on. I was never offered any services.

After many years of my suffering such behaviour and of my children witnessing it—that included a few more assaults from my ex-wife and threatening telephone calls and texts, and she scratched my friend’s car—a warning was finally issued to her. I would have benefited from having somebody to speak to—I never had anybody to speak to. The subject was embarrassing and I did not want to speak to my friends or family about it. Domestic abuse just did not happen to men.

I never appreciated the situation until I did the Fife Council training, when I sat as a victim thinking, “That happened to me—that’s me you’re talking about.” We heard, “Males are doing this, this and this,” but I was thinking that all that was being talked about was happening to me. That enlightened me that I was suffering from domestic abuse. When I sat through that training, I felt dismissed and hurt. I empathised with many of the victim scenarios and recognised many of the behaviours that my ex-wife had perpetrated.

I would like the Government to consider an equal and gender-fair response. After separation, I had to pay more than £5,000 to see my kids. I have a professional occupation and I have encountered several instances in which I have been restricted in offering support to people who have been in similar situations to me. More services should be available to people who have suffered as I have.

The Convener: We are pretty clear about the issues that the petitioners and Mr A and Mr B have raised. Members have asked extensive questions and Mary Scanlon has identified evidence and information in research. We want to pull that together in deciding what to do next.

Under the petitions process, we gather in the petition and identify whom we wish to raise points with to gain more understanding. We are nowhere near the stage of making core recommendations but, if a parliamentary debate is in the offing, members will have another chance to be lobbied and—I hope—to speak about the issues that have been raised. We need to interrogate the information about what happens on the ground—the approach that is taken and where people can and cannot go—and the reason for the gap in services that people have spoken about.

I invite committee members to suggest how to progress the petition. From what we have heard, I presume that we want to continue the petition and to explore the issues on the petitioners' behalf.

15:00

Bill Butler: The issue is obviously very serious. Domestic abuse is domestic abuse is domestic abuse. I applaud the bravery of Mr A and Mr B in coming to the meeting.

We should agree with the convener and continue the petition. We should write to the Scottish Government and ask it what its initial reactions are to the petition. We should also write to Victim Support Scotland, Scottish Women's Aid, the Samaritans, the National Society for the Prevention of Cruelty to Children and the Association of Chief Police Officers in Scotland to ask for their views on the issues that the petition raises relating to the serious subject of domestic abuse and violence, and what action, if any, they would like the Scottish Government to take to address those issues.

Anne McLaughlin: I was going to suggest specific questions that we could ask the Government. However, like Bill Butler, I think that we should write to many other organisations and ask them specifically what they would like the Government to do. Perhaps we should wait until we receive those organisations' responses before we ask the Government specific questions. I wanted to ask whether the Government recognises that such abuse and violence happen and the importance of the issue as well as about things that Alison Waugh talked about, but it would probably be better to wait until we receive all the views from the organisations that Bill Butler mentioned. We could proceed from there.

John Wilson: Bill Butler suggested that we write to ACPOS, but I ask that we do not do so at the moment, as it might give us its general view. I think that we should write to specific police forces in Scotland, because how different police forces tackle domestic violence, whether the perpetrator is male or female, is an issue. I suggest that we select four police forces to write to. We could write

to Grampian Police, Fife Constabulary, Strathclyde Police and Lothian and Borders Police and ask them to respond to a range of questions about how they address, report and record domestic abuse and assist in domestic abuse cases.

We need to get a balance, as there is a wider issue to do with violence and abuse in society. It is not simply about considering whether males or females are the victims or perpetrators; I have a wider concern about the continuing perpetration of abuse and violence in society in this day and age. The petitioners have raised that issue. People will carry the impact of what they witness in their homes and families with them for ever more in how they perceive their role in a normal family or society setting.

We should write to the four police forces that I mentioned and ask them how they deal with issues on both sides, and about their reporting methods and the support mechanisms that are in place. There may be adequate or sufficient support for female victims of domestic abuse and violence—some may argue that that support is insufficient—but the issue of support mechanisms not being in place for male victims of domestic abuse and violence has arisen today.

Anne McLaughlin: Can we also write to a selection of local authorities to find out how social work departments respond when they get referrals? I was struck by what Mr B said. His wife got a letter that asked whether she was okay. People would not dream of sending such a letter to a man if it was thought that he was the perpetrator.

Mr B: I think that police forces' responses are changing through time. What I mentioned happened probably about four or five years ago. Things are getting better now.

Nanette Milne: I was going to suggest writing to the Association of Directors of Social Work, but perhaps it would be better to write to individual authorities.

I asked earlier about the ManKind Initiative helpline. I would like more information about its workload and where it comes from. I also wonder whether we can get input from the Law Society of Scotland or perhaps family lawyers. There must be a wealth of experience there of issues involving domestic abuse.

The Convener: My only additional observation is in response to the question that John Wilson asked. In answer to written questions, the Government has referred to research that was carried out eight years ago. Attitudes and perspectives have changed since then. Because more knowledge is out there, women who have experienced domestic violence feel more confident in some respects about coming forward. However,

we do not yet have an equivalent level of confidence among men, which strikes me as the heart of the petition. It is about creating space for individuals who are experiencing violence to be able to come forward and not to go through the experiences that Mr A and Mr B have articulated to us.

We need to explore issues with a range of folk. We will bring back the petition to the committee in due course, when Mr A and Mr B will have a further opportunity to be present at the committee. We need to explore several issues. The fact that we have taken more than an hour on an oral presentation is not a reflection of the contributors; it is more that we needed to find information from them and it is testament to the fact that we want to find a better solution. One positive aspect of the Scottish Parliament since 1999 has been that it has allowed space for the debate about domestic violence to come to the fore. We are now at the next stage, at which we want to consider what we have learned and how we can use that to address the concerns that the petitioners have raised. I thank Mr A and Mr B for their contribution.

Access to Justice (PE1303)

The Convener: The next petition is PE1303, by Grahame Smith on behalf of the Scottish Trades Union Congress, which calls on the Parliament to urge the Government to restore access to justice for all by abandoning its policy of full withdrawal of funding for civil courts and repealing the orders relating to Court of Session, High Court of Justiciary, public guardian and sheriff court fees, which have increased the cost to individuals of accessing civil justice. We have with us the deputy secretary of the STUC, Dave Moxham, and Frank Maguire of Thompsons Solicitors. Both individuals have appeared before a range of parliamentary committees, so they know the broad format. I invite one of them to make some opening comments.

Dave Moxham (Scottish Trades Union Congress): Given the time constraints, we will be as brief as a trade unionist and a solicitor can possibly be.

The Convener: We will be here for a while, then.

Dave Moxham: Exactly.

Thank you for the opportunity to present a petition to the committee. Frank Maguire is with us on behalf of Thompsons Solicitors, which the STUC and a range of trade unions instruct to navigate the difficulties of the court system for us and our members.

It is unusual for the STUC to submit a petition to the committee; I think that this is the first time we

have done so. We have submitted a petition rather than following other routes that are usually easy for us to follow because the principle of court fees should be debated by the Scottish Parliament and it has not been. We are on our way along a continuum to full cost recovery of court fees, with 70 per cent being recovered currently and 100 per cent being mooted by the Scottish Government without the debate having taken place. Obviously that affects our members but, in a sense, it is more important that it affects individuals who are taking up cases relating to, for example, housing, mortgages, custody, workplaces and health. Such cases are vital for the management and continuation of our justice system. Although there are obviously exemptions with regard to legal aid, many people are not exempt and we believe that the current justice system is not properly served by fees being levied. The market does not work in the case of the justice system. The justice system should be seen as a public service; it should not be paid for.

I leave it there, because we will have to deal in some depth with the issues in our petition.

Bill Butler: Nigel Don and I know a bit about this subject from our direct experience on the Justice Committee and its consideration of the issue when the recovery of fees increased to 70 per cent. What do you say to those who say that it does not matter whether we move to full cost recovery, because those who cannot afford court fees can always fall back on legal aid?

Frank Maguire (Thompsons Solicitors): That presupposes that access to justice is proportionate—in other words, that some people have to pay for it and some do not. However, the principle is that access to justice is not proportionate; it is an underlying value in our democratic society, like access to the Parliament or to our courts, which are open to everyone whether they are rich or poor. Access to justice should be that way inclined, in the same way as health and education are. We do not say that one group of people should have to pay for those things but another should not. We do not rely on that. Access to justice is a fundamental part of our democratic society. That premise is a prerequisite before we move on to talk about anything else.

Legal aid means that some people will have access to justice without paying for it, but others will not. That is the problem with what is happening with access to justice.

Bill Butler: Do you have anything to add to that Mr Moxham?

Dave Moxham: I simply underline what Frank Maguire said. We know from experience that people adjust the ways in which they avail themselves of public services depending on cost,

among other things. Witness eye tests, prescription charges and a range of other public services in which people have adjusted their behaviour based on whether they believe that they can afford to pay for them.

Bill Butler: You will understand that I was playing devil's advocate with that question, although I do not think that anyone is up for sainthood at the moment.

Nigel Don (North East Scotland) (SNP): Like Bill Butler, I was on the Justice Committee—indeed, I still am—so we are aware of the issues that arose when the fees were last changed.

I want to challenge your analysis. I take the point that education and health are free, in principle. However, the difference between those two services and the courts is that, when we present ourselves to those services, we do so as a person first and, secondly, as an individual who, as we in Scotland and most societies on the planet respect, has an individual right inherent in their personality. Contrast that with the situation in which many of those who come before the courts are not only legal personalities but corporations of one sort or another. I wonder whether you can reflect on whether it is fair for two corporations of any size, but certainly large ones, to avail themselves of the courts for free, when they can well afford not to be there but have chosen to be there and have none of those individual personal characteristics that we recognise as human in the context of either education or health.

15:15

Frank Maguire: Bill Butler asked the same kind of question, although his question was about the lower end—the legal aid end—and yours is about the higher end, which is the rich end. I will give the same kind of answer as I gave before: the legal aid situation may be okay for the rich and for the poor, but the people who do not fall into either of those categories are the ones who are affected. They are the people who have to pay but who may have difficulty in paying, because they are neither rich nor poor.

Once we start to discriminate with regard to a principle—whether it is the right of expression, right of association or access to justice—where do we stop? If we say that we will stop at corporations, do we mean partnerships, charities or industrial provident societies? The same kind of complication arises at that end as it does at the other end regarding who qualifies for legal aid. I therefore beg to differ with Mr Don's analysis. I return to my fundamental point, which is that the principle is breached when we start trying to discriminate between who can or cannot pay.

Nigel Don: I accept your argument, if we take the issue down to the small level. Incidentally, as a member of the Musicians Union, I should have mentioned that I might be arguing from your side of the table at some point, so I entirely understand your viewpoint.

We can say, therefore, that access to justice should be entirely free, while recognising that there is no such thing as a free lunch and that, in fact, we all pay for it out of general revenue; or that there should be 100 per cent recovery of the cost of access to justice, which is the other extreme; or that the position should be somewhere in between, with safeguards. The latter seems to be the Government's position. If, as you have put it, that is objectionable in principle, I am not sure that there is much one can do, other than acknowledge your argument. If one accepts that the current—possibly defensible—practice is that we are on a line in between, are you arguing that we should move the line for legal aid to a point at which, frankly, large corporations have to pay but no reasonably endowed individual has to pay? Can we nudge the line somewhere that makes practical sense?

Frank Maguire: I do not agree that we are on a line in between. The Scottish Government's declared intention is to move to 100 per cent recovery, which is full cost pricing. That is the big problem, in that the Government no longer has any input and nothing comes from the taxpayer into the system or into access to justice. There is therefore 100 per cent recovery. The percentage of recovery rose from 30 to 60 per cent, and will increase to 78 per cent as of April. The declared aim is to go to 100 per cent, which is full cost pricing. That means that the person using the court—often that is not a matter of choice; as people must go to hospital, so must they go to court—must start paying for the full system, which includes the money that goes to the staff, the accommodation and the judges.

I will give you an illustration. If this was a court, I could not be at the table with my client until money had been paid. The petition that we lodged with the committee would be a court document, so we would have to pay for it being lodged and for it being copied. We would have to pay for the booking of this hearing. We would also have to pay for the committee members being here as the judges—or the jury, more likely. However, if we could not pay any of that money—if we could not give a cheque at the door—we would not be here in the first place. We do not countenance the idea that citizens cannot come to the Scottish Parliament and exercise their democratic rights, so people who go to court to exercise their rights vis-à-vis the court should not have to be subject to what would not be countenanced in the Scottish Parliament.

Nigel Don: I note that the Government subscribes 100 per cent of what comes from legal aid.

Frank Maguire: You are right. There is legal aid exemption, although there are bigger exemptions that I could discuss. There are hidden exemptions for the state. When someone pursues the state, it does not have to pay anything, but they do. There are exemptions for criminal business. As we have heard, if a person has been violent in the home or negligent in a road traffic accident, through careless driving, and is prosecuted, they will be fully funded through legal aid. If someone goes through the civil courts to sue for money on behalf of the breadwinner or to get an interdict to stop a person being violent, they must start paying before they get to the next stage.

Nigel Don: You might have added that, if you have to sue someone as a result of a car crash, the insurance company will be behind them but may not be behind you.

Frank Maguire: Yes.

Nigel Don: I cannot dispute that the system is lopsided.

John Wilson: I must declare an interest, because I was a member of the Justice Committee in June 2008, when it considered the first tranche of Scottish statutory instruments. I am one of the committee members who was responsible for allowing them to go through the Parliament.

I am quite sympathetic to the case that is presented in the petition, but I am less sympathetic on the issue of court fees. Unless Mr Maguire is saying that he now works for a no-win, no-fee legal firm, the biggest burden on any individual taking a case to court is legal fees. If they win their case, they may recover those fees, but I throw the issue back to the petitioners. What arguments or presentations have been made to the legal profession concerning the fees that it charges? Court fees are increasing and will increase year on year, but I understand that they are nowhere near the legal fees that are required for an individual to hire a lawyer, an advocate or a Queen's counsel to pursue a case in the court system on their behalf. Has that issue been raised with the legal profession in any way, shape or form, to see how it would react to a cut in its fees? If we want to provide a free service to those who wish to take cases to court, is the legal profession prepared to provide its services free of charge?

Frank Maguire: Having a no-win, no-fee service assumes that, at the end of the day, there will be a capital sum, out of which what you would call the big fee—if there is one—may be taken. One problem is that approach and the debate about fees do not touch is the fact that many cases are not about capital sums but about issues such as

personal status and custody or adoption of children. They may relate to executries, following a death in the family, or the taking out of interdicts.

I will give an example of where the issue cuts. The Parliament has passed the home owner and debtor protection (Scotland) act 2009, on the back of the Mortgage Rights (Scotland) Act 2001. If someone is in mortgage arrears, their creditor—the building society—may take action against them to foreclose and to get them out of their home. How is that person to exercise their rights under the legislation that I mentioned? They must get a lawyer to pursue the case. The lawyer may do that for nothing—pro bono—but they will immediately ask the person for money, as they must pay the court to take the mortgage minute and to do the reponing note. That immediately suggests to the person that, in trying to exercise their rights, they are accumulating even more debt. The lawyer is being asked not only to pursue the case on a pro bono basis but to give the client money.

There is a charity that helps some people with this. I know that the charity is paying out the money itself, so, in a sense, it is subsidising the court service and the court. Okay, we can talk about no-win, no-fee lawyers and fat-cat lawyers, but there are a lot of others out there at whom that criticism cannot be levelled. There are good lawyers who charge reasonable fees and do work on a pro bono basis and charity lawyers who cannot operate the legislation that the Scottish Parliament has enacted because of the fees and dues that are being charged for these people, who, by the way, cannot get legal aid.

John Wilson: I thank Mr Maguire for his response; for the record, it was not me who described some lawyers as “fat-cat lawyers”. However, I do not disagree with what Mr Maguire said about the issue that we face in society. Some legal firms make a lot of money out of providing legal services for various groups.

The issue that the petition raises is how many people you think will be restricted, or will not go to court, because of the introduction of the fees. I think that you might represent the union Unite, of which I am a member, in court, but I might be wrong about that. An element of the subs that I pay to my union covers legal fees that I may incur if I have to take an employer or someone else to court. Likewise, there are options in many householders' insurance policies for legal insurance, too. How many people are we talking about being denied access to justice, given the funding that people might get from elsewhere, either through insurance policies, trade union membership or from charitable organisations? In your opinion, how many people will be denied access to justice as a result of the court fees?

Dave Moxham: Frank Maguire might be able to give you a view on potential numbers. You might also wish to take evidence from other organisations, which I am sure could help with that.

You are right that your subs, which I am sure that Unite gratefully receives, provide you with a measure of insurance. It is unfair that Unite would end up using that part of your subs to pay your court fees, rather than having court fees paid as part of general taxation, which I am sure that you also pay. You are right that if you are a member of a union or if you have the right type of insurance, you are covered. As you also know, the majority of people in Scotland are not members of trade unions and are not covered in that way, which is a shame. Because trade unions are so good in many cases and trade unionised workplaces are safer, we often do better in such places, such as the Scottish Parliament, than we would do in others. That means that the vast majority of cases that are taken forward are of non-union members, who, in most cases, have to pay their own fees.

Frank Maguire: The premise on which the question is based is that if there are only X number of people affected, then Y is okay. That is the wrong premise. You then get into a numbers game and damage limitation. We are talking about a universal principle, which applies to everyone. Having said that, if people have insurance or union assistance, the burden is taken by the union or the insurance company—or the person takes the action privately or the lawyer is doing it, which means that someone somewhere is supporting it. All that has a dynamic in the administration of justice. If there is a case in which someone is involved in a road traffic accident and they are offered £5,000 and I think the case is worth £10,000, I have to tell them that if they go for the £10,000, which is reasonable, they might have to pay in excess of £3,000 towards the court, as well as the other side's costs—so they take the £5,000. They might otherwise have gone for the £8,000 or the £10,000, because that is what they were entitled to. That is a measure of the injustice that can arise not just through people not coming to the court, but once they are in the court.

15:30

You asked how many people are affected, but that is like proving a negative. If the Scottish Parliament charged people for coming to the Parliament, to justify that or to throw it back to the people who objected to that you could ask how many people did not come to the Scottish Parliament this year because of those fees. It is a very difficult question, but that is the area that you get into. It illustrates the importance of the principle of access to justice for everyone. Without

that, you get into a damage limitation exercise, with the rich trying to distinguish themselves from everybody else and the poor trying to do that as well. I do not think that that should happen.

Nigel Don: Is it not the logical conclusion from what you have just said, with which I do not necessarily disagree, that legal aid should be available to everybody and that the services of lawyers should be free? If a matter is worth taking to court, it is worth talking to a lawyer about.

Frank Maguire: There is a basic element of access to the courts. Who someone instructs to be their lawyer is a matter of their free choice, whether they do that through a trade union, an insurance company or whatever. That is where the element of choice comes in. It is a competitive market and a person can choose whatever lawyer they can pay for or whoever is inclined to act for them. That is when they get into the area of choice. Before they get there, however, they must have access to the courts.

I do not think that legal aid should be extended to everyone, as that would mean giving people money to pay for their lawyer. That is not the principle that I am talking about. I am talking about the principle of access to law and the courts being available to everyone. After that, they can pay for whatever representation they choose or what their economic clout can get them.

Bill Butler: Perhaps I am the wrong person to speak about this, as the petitioners do not have to convince me at all. I believe that court fees should come from general taxation and that access to the courts and justice should be a universal principle. I worry that, as Mr Maguire said, we are following a helter-skelter route to full cost recovery from 30 to 60 per cent and from 70 to 78 per cent in April. That is the wrong way to go. I say that not as a party-political point; that trend began under the previous Executive and I would think that it was wrong whatever the colour of the Government of the day.

I take the point that it is the middle class who are most affected. So, this is me, an old Labour politician, speaking up for the middle class—at least, the aspiring middle class.

The Convener: I have heard the line at some time over the past couple of weeks and I am up for it.

Bill Butler: Indeed, but I come at it from a slightly different angle, convener. You come at it from one side and I come at it from the other, but I am sure that we will arrive at the same paradise—in the end, we will both be dead.

However, this is a serious issue. We should ask the Scottish Government to reverse not only its policy but the policy of previous Executives of

going hell for leather for full cost recovery. We should ask other organisations for their views on the petition, including the Law Society of Scotland, the Faculty of Advocates, the Scottish Legal Aid Board, the Scottish Consumer Council, Citizens Advice Scotland and Consumer Focus Scotland. That would do to start things off, convener. I can predict the response that we will get from the Government, but we must make the effort.

Frank Maguire: Earlier, I alluded to housing cases. You may want to ask Shelter what its experiences are with regard to court dues.

Nigel Don: I happily endorse Mr Maguire's comment, but I wonder whether we might ask SPICe to look round the world. There is a philosophical issue in the petition, and it would be interesting to know how other jurisdictions deal with the matter.

The Convener: We could get SPICe to look round the world, but not visit it.

Frank Maguire: I can give some indication of what Nigel Don asked about from my own research, which is not near completion. Neither France, Spain nor any of the states in the United States of America recovers the full cost of court fees. Other jurisdictions in Europe may recover fees, but I am still looking into whether they recover 100 per cent or a smaller proportion. The individual may make some contribution to the cost but it may be that there is not full cost recovery.

The Convener: There was a big sigh from the SPICe researchers who are present because that comment narrowed down the field of inquiry for them. If you could send on that information by e-mail, I am sure that it would help immensely.

Anne McLaughlin: Perhaps the two members of the Justice Committee who are on this committee could tell me whether the Justice Committee has considered the matter. Regardless of whether it has, we should ask the Government whether it would consider exemptions if it is not prepared to overturn the fees, as we suspect it will not be. I am worried by the example that was given whereby, when somebody in mortgage arrears who did not want to face up to their debts has to face up to them because they may lose their home, they might be unable to go ahead with any court defence. We could use that example, but there would be other exemptions. We should find out whether the Government is willing to consider that.

John Wilson: I have one point of clarification: the Home Owner and Debtor Protection (Scotland) Bill is currently going through the Parliament. I assure members that it is not an act as yet—the committee that is dealing with the bill meets tomorrow to consider it at stage 2. Perhaps the fees issue that the petition raises could be taken

on board in that bill, because we are trying to find a more sympathetic and more cost-effective way to deal with the situation in which a home owner faces losing their home.

I do not think that the long list of organisations that Bill Butler suggested included the Equality and Human Rights Commission Scotland. It makes court representation for groups of people who are not covered by trade unions and takes up cases on behalf of particular disadvantaged groups. It might be worth asking the commission to give an indication of cases that it felt could not proceed to court because of the cost impact on the individual or organisation.

Frank Maguire: There is another similar respectful body of persons. The Lord President has made his views known to the committee and there is an excerpt from his letter in the papers. You may think that you already have his views or you may want to contact him or the Judicial Council for Scotland to find out what else they have to say.

Bill Butler: It would be illuminating to find out whether the Lord President is still of the same view. I had marked that out carefully but forgot to mention it. It is a fairly revolutionary—revolutionary reformist—view, with which I concur.

The Convener: There is no longer a threat to bourgeois capitalism this afternoon.

Bill Butler: Is that the first time that you have said that in 25 years, convener? I think it is.

The Convener: Some of us move on, brother.

Bill Butler: Some of us continue in the right way.

The Convener: Ah, goodness—I love history.

As the petitioners have heard, committee members want to explore the issues. We know that there are continuities between the former Scottish Executive and the present Scottish Government on the matter. There are different views among committee members on how best to handle it. We will try to explore the issues and will bring the petition back to the committee.

I thank the petitioners for their time and for lodging the petition. I hope that we can address some of the issues that are raised in it.

We will take a brief comfort break and reorganise for the next group of petitioners, who are waiting patiently.

15:40

Meeting suspended.

15:46

*On resuming—***Charities Funding (PE1304)**

The Convener: I thank members, and in particular the petitioners who have been here since the start of the meeting, for their patience.

PE1304, by Kathleen Bryson, on behalf of the Lighthouse Foundation, calls on the Parliament to urge the Government to make representations to the banking and other private funding sectors to maintain funding to charities to protect their jobs and services, many of which are carried out on behalf of public bodies, and to outline how it will address any funding shortfall as a result of the current financial difficulties that banks and other sectors face. I welcome to the meeting three supporters of the petition: Kathleen Bryson, Mary Craig and Helen Greenan. You will be aware of the format: after your opening remarks, there will be a question-and-answer session.

Kathleen Bryson (Lighthouse Foundation): The Lighthouse Foundation supports the families and children of people who are addicted to drugs or alcohol. We do not deal with the person with the addiction; we work solely with their mums, dads, grannies, grandpas and every other family member. At present, we are running five projects. As we receive no statutory or Government funding, we have to depend on organisations such as the Big Lottery Fund and grant-making trusts for our survival. At times, things can be really precarious.

First, we have a project to support families living in Ayrshire that have a family member who is addicted to drugs or alcohol. Secondly, we offer support to families of prisoners in HMP Kilmarnock. Eighty-five per cent of the people in that prison are there as a result of the violence and illegality that surround drugs and alcohol, which means that, for that one prison alone, about 450 families are affected.

Thirdly, our STOP drugs—education saves lives project, which for the past five years has been part-funded by the Lloyds TSB Foundation for Scotland, offers information on basic drug awareness; the legalities of possession, because a lot of families do not realise that if they let the family member in question use drugs in their home, they are committing a crime and could lose their house; and overdose intervention. The last is especially relevant to prisoners' families, because there is a big chance that people who manage to get themselves clean in jail will overdose when they get out. For example, we let families know that putting people in the recovery position can help to save their life. The project, which in its five years has provided information to more than

18,500 individuals in families, families of prisoners, community groups, youth groups and secondary schools, provides a major service to the community and has filled a lot of service gaps.

I believe strongly that children are the forgotten victims of addiction. To that end, our fourth project is a therapy service for children. For the past three years, the project has been funded by BBC Children in Need. Over the next three years, it will be funded by BBC Children in Need and the Lloyds TSB Foundation for Scotland's partnership drugs initiative. We would not have been able to develop that service any further if we had not received the money from Lloyds TSB—it is extremely helpful. We give children who are affected by addiction a voice. We work with the child and, because we cannot work with children in isolation, we work with the child's family. We work with social work and schools to provide the appropriate support for the child. Again, we are filling quite a few gaps in service provision.

Our final project, which is also funded by the Lloyds TSB Foundation for Scotland, is a pilot project. We aim to work in partnership with addiction services in Ayrshire to offer help to people who are in recovery from addiction and have lost contact with their family. We will work with the person's family to get them round the table to discuss the issues that helped to break the family down in the first place. If that project is successful—it is looking that way at the moment—it will stop relapse, reoffending and drug-related deaths.

That is what we do, and we would not be able to do it without the help that we receive. We do not have any statutory funding, so were it not for Lloyds TSB, the Big Lottery Fund, the Robertson Trust and various other funders, we would not be here—our doors would be closed.

The decision that the Lloyds TSB Foundation for Scotland has had to make because of the banking crisis will affect not just the Lighthouse Foundation but hundreds of charities throughout Scotland. If you get funding from Lloyds TSB, it gives you credibility with other funders—it helps to secure other funding. We would like the Government to advocate for the Lloyds TSB Foundation for Scotland with the banking group, and ensure that other money will be made available to the charities. Otherwise, there will be many gaps in services in Scotland. We are talking not just about services but about the people of Scotland—human beings. Helen Greenan is from one of the families that I have been dealing with for the past four years, and to which I have given quite a lot of support. Helen is only one of the people I support. In her family, many people have been affected by her child's addiction. It is a big issue. I am asking

the committee to do something to help us and other charities throughout Scotland.

The Convener: Thanks, Kathleen. I will invite questions. If you, Mary Craig or Helen Greenan want to come in, feel free to do so when it is appropriate. Do members have any opening comments or observations?

Bill Butler: I am very sympathetic to the petition. Ms Bryson's outline of the core element of the petition was excellent. However, what would you say to Lloyds Banking Group, which has considered it not to be appropriate to treat one of the foundations—Lloyds TSB Foundation for Scotland—differently from the rest? Is its door still open for negotiations? Is it serious about that?

Kathleen Bryson: I think that it is serious. I do not really know, but Mary Craig could probably tell you.

The Convener: Mary, where are you in the discussion and negotiating process? That could help our deliberations.

Mary Craig (Lloyds TSB Foundation for Scotland): For quite some time we asked the banking group for a further meeting. We have now secured that meeting, which will take place in early February. We have asked the banking group to have an open discussion with us.

I promise not to labour the point but, for the benefit of people here who do not realise it, there are four foundations in the UK. The foundation for Scotland is funded from the profits of the banking group. As a result of the merger with HBOS, the banking group said last year that there would be substantial losses in 2009.

To go back even further, the foundations were established many years ago when the TSB wanted to float on the stock market. Customers in Scotland and throughout the UK fought against that floatation, because they claimed that they were the owners of the bank. I will fast-forward the story, and tell you that the fight ended up in the House of Lords, which agreed with the customers' assertion that they were the owners, but allowed the bank to be given public limited company status provided that the banking group set up four foundations, one for each of the countries in the UK. The banking group would fund the foundations, but they would be independent of it. The foundations were set up to ensure that communities throughout Scotland were compensated to some extent for the fact that they had lost their bank in the flotation because, naturally, the money that came in from the shares went to the banking group.

Each foundation was endowed with shares, and rather than receiving a dividend from the shares, each foundation has a deed of covenant that says

that we are entitled to a share of 1 per cent of the profits. As a result of the banking group's announcement that there will be losses rather than any profit for 2009, the covenant will not pay out—as there will be no profit to distribute—which is, of course, a concern to us.

We have had many discussions with the banking group since it raised the issue in November 2008. It said that it wanted to re-examine the arrangement, and that it wanted to reduce the 1 per cent share of the profit to 0.5 per cent, although we have not been given any reason for that figure. The banking group has presented us with papers that state that, notwithstanding the fact that the group will not make a profit, it has money—many millions of pounds—to give to the foundations. However, that money will be available to us only if we agree to the strings that are attached to it.

The banking group predicts that it will be back in profit in the next few years, which means that, although the current situation will cover a very short window of time, the foundation is being asked to give up half of its rights and entitlements. The banking group wants control over where a percentage of the funding goes—whereas at present we are an independent foundation—and it wants to put some bank people on our board.

Bill Butler: What is your view on the figure of 0.5 per cent—the halving of the share of the profits—that has been offered in the short term? To play devil's advocate, is the banking group saying that that figure would apply and that your independence would be fettered for only a very short period of time, or would it be forever?

Mary Craig: That is not what the banking group is saying. It is saying that it will make funding available to us over the current lean period, but that we cannot access that funding unless we agree to its terms: a reduction to a 0.5 per cent share of the profits, a percentage of the funding that we get being directed by the banking group, and banking officials being on the board. What you suggest is not an option.

Bill Butler: I understand that you are currently in negotiations, so you cannot give away your negotiating strategy. For the sake of argument, however, would you be willing to move some way towards accepting the figure of 0.5 per cent if that were for only a short period of time? Let us assume that that would include rejecting the idea of fettering your independence; I can well understand that the banking group wants to have its cake and eat it, as bankers seem to want to do.

Mary Craig: We want a settlement that is right for the foundation and for the Scottish charities that we fund. We have never sought a different settlement from those of the other foundations—

we have sought the right settlement for us. We are not a corporate foundation, but an independent foundation with an independent board of trustees. There is certainly no advantage for Scottish charities if we go down the route that is currently being pursued.

We have asked the banking group to come and speak to us with an open agenda, and to have an open discussion. We have already rejected the current proposal, but in our experience of trying to get the banking group to speak to us, the only agenda item that it wants to discuss is its own.

16:00

Bill Butler: Does the banking group's agreement to a meeting next month make you cautiously optimistic, or do you fear that you will get the same response that my colleague Wendy Alexander got from this chap Mr Kane, which came very close to, "I plead the fifth"?

Mary Craig: It is possible that that is what the response will be. We have asked the banking group to come with an open mind to discuss matters so that other possibilities can be pursued—that is certainly what we want to do.

The financial and legal advice that the foundation has obtained over a number of months is that it is not in the best interests of the foundation to accept the deal that is being offered. Our trustees have to take cognisance of that.

Bill Butler: I understand. I was not for one second suggesting that you should accept that deal; I was merely acting as devil's advocate.

Nanette Milne: From previous correspondence, I understand that the Lloyds TSB Foundation intended to seek interim funding from external sources. Is that still the case? In the current financial climate, is that a realistic ambition?

Mary Craig: We still intend to pursue such funds, and we have been approached by people and organisations that are willing to support us. As we see it, if the banking group decides not to fund us, we need to get through the next few lean years and then our covenant will kick in again. On projections that the banking group has given us, there should be a significant profit.

As Kathleen Bryson said, if we do not have our money, where will the money to support organisations come from? There is a genuine concern not necessarily about saving the Lloyds TSB Foundation for Scotland but about bridging the gap for the benefit of the people who will miss out as a result of our not putting money into communities.

We have put an alternative proposal to the banking group. We have said, "Now that we are

aware that you have millions of pounds to offer us, can you give us an advance on the profits so that, when the covenant kicks in again and the enhanced profits come, we can repay the money to the banking group over a period of time?" That would allow us to continue to provide funding at current levels. The fact that we would repay the money means that it would be a no-cost option to the banking group. Further, it would be a no-cost option for the taxpayer. The banking group has responded that that would not be appropriate. Essentially, we have been told that we are receiving too much.

Nanette Milne: I am interested by the news that people have been willing to help with the interim funding. Is the bank aware of that? Might that encourage the bank to progress more positively?

Mary Craig: The difficulty with people who want to help us out is that nobody, including us, wants to let the bank off the hook. We see those as two separate issues. We are still trying to pursue a solution and a settlement with the banking group, but we have to be realistic and work out what we can do if that does not happen, which is why we are exploring the other route.

Anne McLaughlin: I would like to congratulate you, Kathleen. I know that you are representing one charity, but you are—

Kathleen Bryson: No, it is not just the Lighthouse Foundation; this issue has a knock-on effect.

Anne McLaughlin: That is what I am saying. You are representing all the charities that benefit from the Lloyds TSB Foundation for Scotland.

I had a look at your website, because I am interested in the work that you do. I saw a moving letter from a mother to her 21-year-old daughter—

Kathleen Bryson: That broke my heart when I read it the first time.

Anne McLaughlin: Mine too. The work that you do is tremendous—many projects are dependent on the funding that the foundation provides. How quickly would a change in your funding arrangements start to affect your work? Service continuity is important when you are supporting families of people who have a drug or alcohol addiction, and it would be extremely damaging to rip away that support.

Not to take anything away from the issue that we are discussing, but are there alternative sources of funding that your organisation could pursue? I suspect that there are not, because all of the charities that find themselves in your position will be approaching the same funders.

Kathleen Bryson: We are always chasing money. Until 2007, we had a three-year grant from

the Big Lottery Fund, which helped with our core funding. We have a cocktail of other funders. We send out applications regularly, which involves not just one application to one funder but about 10 applications for the same thing, and we hope that one or two responses will be positive. As I said earlier, we do not have statutory or Government funding; it is very difficult to access that.

I submitted an application to the third sector resilience fund in December—it had to be in by 4 December, in fact. If I had submitted the application to Lloyds TSB, for instance, I would have been sent a letter to say that it had been received, but I am still waiting for word that the fund has received it—and for the outcome.

It is a constant battle to get funding. We simply have to keep sending out applications to every grant-making trust that we can find. Luckily, we were successful this year in being awarded another three-year grant from the Big Lottery Fund for our core costs, so we are okay for the next three years. God knows what will happen after that, however.

Anne McLaughlin: With regard to the services that you offer to people such as Helen Greenan and her family, how quickly might things be cut back?

Kathleen Bryson: Our STOP drugs—education saves lives project has been partly funded by Lloyds TSB for the past five years, and the decision that Lloyds has made will have a catastrophic effect on it—it is possible that the project might end later this year.

Our pilot project for redeveloping family ties, which is also funded by Lloyds TSB, helps families to renew contact with other family members. It is funded only until the end of May. I have submitted applications, but we do not know whether they will receive positive responses. If applications to Lloyds TSB were open, I would put in another wee application—to the bank as well as to other funders—to try to get some more money for the project. The decision will have a dire effect on us.

There are not just issues around one wee bit of work; loads of stuff is happening. It is not just about us; it is about other organisations, too. So many charities are scrabbling about for wee bits of money.

Anne McLaughlin: It is good that you are here today, telling us exactly what the decision means to people in Ayrshire. Helen Greenan is with you, and—

Kathleen Bryson: May Helen say something, if you have a minute or two?

Helen Greenan: I am bringing up two grandchildren. At one point, I was working four part-time jobs. I started at 5.30 in the morning and

did not stop until 8 o'clock at night. Through my daughter's addiction, I ended up living with my grandson and granddaughter, who are now 13 and 14. I had to give up two of the jobs, so I am now working two part-time jobs to bring up those kids. Social work did not want to know me. I phoned up and found out that they were not a priority. I got no help financially, and had to go out to work, keep the kids and pay a mortgage from my two part-time jobs.

One day, I was at the end of my rope. I thought, "Oh, God, where am I going to go? What am I going to do?" I had received a leaflet from a girl who had been to the Lighthouse. It had been stuck on my fridge for more than a year. As if by fate, it fell off the fridge at my feet. I thought, "God, you've answered me." I lifted the phone and, thanks be to God, I got Kathleen Bryson on the other end, and I have never looked back. If it was not for the Lighthouse's support for me and my grandchildren, I do not think that I would be here, and my grandchildren might be in care now.

The Lighthouse has been a lifeline for me and my grandchildren, because it provides counselling and just somebody to speak to. Local government and the social work department have nothing in our area to help people in our position. The only place that I know of is the Lighthouse. A lot of families are in the same position as me, and they rely on the Lighthouse to give them a wee bit of sanity and support.

The Convener: Thanks, Helen.

Given what we have heard in response to our questions, I think that we are unanimous in wanting to consider what we can do to help you. I know that you need to adopt tonnes of negotiating strategies, because you are dealing with some fairly high-powered individuals who have thrown a whole series of issues at you in terms of the legal framework, never mind the economics of the situation and the assumed interests of stakeholders. As we heard today, you have lots of stakeholders.

We want to take forward some of the recommendations so that we can keep the petition alive for you. That might assist with some of the pressure points that you need to address with the likes of Lloyds Banking Group and other interested parties, because I am sure that there are other interested parties, such as the Scottish Government and the United Kingdom Government. The fact that our papers show that four or five parliamentary motions on the subject were lodged within a matter of days shows the level of consensus among members that we need to find better solutions. Given that we—collectively, as taxpayers—have a lot of money in all the banking institutions because of what happened during the crisis, the situation seems

illogical to most of us. There seems to be a meeting of at least some minds on the need to address the community's interests as much as the interests of stabilising the banks.

Mary Craig: If I may interrupt, convener, all that we are asking for is the same treatment that Lloyds Banking Group received from the Government when it needed a hand to get it through difficult times. We are asking in principle for the same thing.

The Convener: There should be reciprocity. I hope that that helps some people to understand it better.

Nanette Milne: Given that two parliamentary committees—the Economy, Energy and Tourism Committee and the Local Government and Communities Committee—are looking at the subject of the petition, can we ensure that the *Official Report* of our meeting reaches those committees during their deliberations? I do not know whether they will want to take evidence from the petitioners, but we could ask them. Perhaps we could ask Lloyds Banking Group and the foundation for their responses to the issues that the petition raises and ask what is being done to try to resolve the situation. We should also write to the Scottish Council for Voluntary Organisations. We know from what the petitioners say—although we knew anyway—that a number of charities are in the same situation. It would be helpful to find out the SCVO's reaction to the petition as well.

Kathleen Bryson: Can I add one more thing? It is not—

The Convener: I am not going to argue with you, Kathleen. I know my place.

Kathleen Bryson: When people say “charities” it sounds anonymous. In fact, it is all about people. It is about what services and charities out there are doing for the people of Scotland. That is the important thing—what they do for their stakeholders.

The Convener: I agree. One of the compelling issues for members is the fact that there is probably not a constituency or region of the country that does not receive substantial input from the foundation. We know from the jobs that many of us have done either in local government or in voluntary organisations that, without that network of economic support as well as personnel, many projects that are holding things together in some of our communities cannot easily be sustained. There is a genuine concern about the implications and ripple effect of decisions that are made elsewhere. Your purpose today, quite rightly, is to articulate that, and we need to reflect that in our deliberations.

John Wilson is a member of the Local Government and Communities Committee, so he might want to comment.

John Wilson: The Local Government and Communities Committee has decided to hold an evidence session on the matter, and I believe that Mary Craig has been invited along. If she has not received an invitation to come along yet, she will receive one.

The Convener: In Chick Young's words, that is an exclusive.

John Wilson: We have decided to widen the issue, because it is not just about the Lloyds TSB Foundation. We are aware that a number of charitable organisations that feed money to local, community-based organisations are looking at cutting back the resources that they make available. We will look at the Lloyds TSB Foundation situation, but we will also look at other charitable organisations and the impact of the recession on them, because the recession is having a wider impact on how they fund local organisations.

There are concerns about the work in Ayrshire and every local authority area and community—as the convener said—that relies on funding from charitable organisations, as that funding is almost drying up. How do we meet the demand for services?

As well as writing to the Scottish Government and the organisations that Nanette Milne named, we need to write to the Convention of Scottish Local Authorities or a select few local authorities to find out what discussions they are involved in. Many services that local organisations provide are supplementary to or instead of services that local authorities deliver. We need to find out what resources—if any—are being made available and what the impact on communities will be of withdrawing many such services.

16:15

Bill Butler: The vicissitudes—that is another big word, convener—of the present economic system have caused the situation. In other words, I am talking about the ups and downs of that system. The banks have been in crisis—much of it self-inflicted. Taxpayers—us—bailed out the banks and helped them to survive; perhaps we should have taken them over completely. It is incumbent on the heads of those banks to realise that they have a social responsibility to help projects such as the Lighthouse Foundation to survive, rather than undermine them, whether purposely or inadvertently—we can make our choice about which.

We should support the petition and write to ask the Scottish Government what representations it has made to the banking and other private funding sectors about the situation. Given that the Cabinet Secretary for Finance and Sustainable Growth has held discussions, we should ask him to update the committee on the progress that has been made with Lloyds Banking Group. That is the least that we can do. I hope that banks and bankers will act in a way that takes them higher in the estimation of the public, politicians and journalists. Bankers still have some way to go.

John Wilson: On the basis of Bill Butler's comments, I suggest that we write to ask the Chancellor of the Exchequer what discussions his department has held with banks that operate foundations or give money from their profits or otherwise to foundations and other charitable causes. We should find out whether clauses have been put in place to safeguard the funding of charitable organisations. We talk about the Scottish Government but, as Bill Butler rightly said, the money to bail out the financial institutions came from the taxpayer via the UK Government. Surely it was incumbent on the Government to safeguard wherever possible the money that was conditional on banking operations.

As Mary Craig rightly said, people forget the TSB's history and the local institutions that existed before the takeover. They also forget the Bank of Scotland's role in the debate. We keep on being told that the institutions were Scottish, but HBOS was an international conglomerate that was involved in the market. The UK taxpayer has bailed out those banks and every UK citizen will pay for that bail-out, yet the banks are dropping their obligations—established when the institutions were incorporated—to provide a payback to communities that lost local services and the funding for local organisations that those institutions operated.

The Convener: We will wrap up the discussion with a contribution from Nigel Don.

Nigel Don: I thank our witnesses for coming. Clearly, there is a long way to go on the petition. As a former trustee of an organisation, I cannot help saying that if the Lighthouse Foundation has three years of core funding, it is better off than many organisations.

Kathleen Bryson: It took a while to get there.

Nigel Don: I do not want to put you down, but there will be organisations that are in far worse positions than yours and which will be seriously concerned about how they will get through the next month. We need to be aware of that. I would like to ensure that we understand the value of core funding. An awful lot of organisations add on to core funding to allow them to do projects, but the

difficulty for most charities is finding the core funding that enables them to exist. On that, the Lloyds TSB Foundation has played a crucial role in the past few years, which is why the issue is doubly important.

I agree with John Wilson about writing to the Chancellor of the Exchequer. We should ask the UK and Scottish Governments whether they have a handle on the total charitable pot in our nation, and, if they do not, politely suggest that they should. If somebody somewhere does not have an eye on how much funding moves through the voluntary sector, where it comes from and how those big numbers have been affected by the current crisis, frankly, they jolly well should have. If somebody has a clue about that, they should also have an idea of what the solution will be.

Mary Craig: I have two quick points. We have written to the Chancellor of the Exchequer and received responses. As well as the points that Mr Don made, perhaps the committee could request the Chancellor of the Exchequer's department to interrogate the information that it receives in response to its inquiries. That would be helpful.

I appreciate the support that members have shown for the petition. If possible, it would be helpful if the committee wrote to Lloyds Banking Group to ask why it cannot give a substantive response to the reasonable proposal that we have put on the table, which would be a no-cost proposal for the banking group and would allow us to continue funding charities and to keep our independence intact.

The Convener: We would be happy to do that.

The witnesses have been patient. I appreciate the time that they have given.

Kathleen Bryson: It has been interesting—nerve-wracking, but interesting.

Bowel Cancer (Screening Programme) (PE1305)

The Convener: PE1305, by Margaret Paton, calls on the Scottish Parliament to urge the Government to extend the bowel cancer screening programme to the immediate families of those who have been diagnosed with bowel cancer. I welcome Margaret Paton. I know that she has to find time to return home on the train, so I hope that we have not delayed her for too long. If we are going to steal metaphors from various writers, I will say that our best-laid plans essentially never ever match. We hoped to finish by 4.30, but a lot of detail was required on the other petitions. Margaret's local MSP, John Scott, is with her this afternoon and has expressed an interest in the petition. I invite her to make some opening remarks.

Margaret Paton: Thank you very much for having me. I would like to go back to February 2003, when I was diagnosed with bowel cancer. If the bowel cancer screening extension that I am campaigning for was in place then, my daughter Lorna would still be alive today. Let me fast forward to early 2005, when Lorna was diagnosed with bowel cancer. It was terminal and spread to her liver. Two years in such a case is a very long time, and it could have been picked up when I was diagnosed. My daughter should not have been in that situation. I am sorry about this wee bit: she said, "Mum, I don't want to die." She was only 39 years of age.

We are only on this earth for an infinitesimal time, and we have first-class medical care to save lives. I am here to try to prevent loss of life.

I was not going to mention this but in August 2005, I was rushed to hospital. I had to have two operations within a fortnight. One was for a twisted bowel—I will not go into the gory details—and a fortnight later I had to get a join, which is complicated. My weight went down to 6 and a half stones. That was nothing: my daughter died on Christmas day that year in Ayrshire Hospice. I did not get an awful lot of time to support her because I had been ill myself.

Convener and members of the committee, I have brought this evidence before you and I hope that it will give you some insight into what it means to lose a loved one to tragic circumstances that could have been prevented by extending bowel cancer screening to the immediate family. All I can say is what happened to my family, and I do not want to see it happen to other families. You will notice that the petition says that more and more people under the age of 40 are being diagnosed with bowel cancer, and I urge you to think seriously about that.

Last but not least, I thank John Scott, the MSP for Ayr, for contacting the Public Petitions Committee and starting me off in the right direction. I have been trying for the three years since 2007. I hope that you will all think about it.

The Convener: Thank you, Margaret. I know that it is tough when the petition involves a family member; you have done really well this afternoon.

Does John Scott want to add some comments just now, or will he wait until after questioning?

John Scott (Ayr) (Con): Whatever suits you.

The Convener: I am giving you an opportunity now, so if you would like to take it, on you go.

John Scott: I thank the committee for considering the petition today, and for allowing me to speak. I also commend Margaret Paton for her courage in bringing the petition to the committee.

Picture the scene in 2005, when Margaret was fighting for her own life and her daughter died on Christmas day. It does not get much worse than that, and it takes enormous courage to come to the Parliament with a petition to extend screening to family members. I know that Margaret has the support of the Beatson in Glasgow, and I understand that her own surgeon in Ayr, Mr Boom, supports her position. Mr Diamant of NHS Ayrshire and Arran is also looking into the possibility of extending screening.

As Margaret said, she had two operations and her weight reduced to 6 and a half stones. The committee will be aware that bowel cancer is the third most common cancer in Scotland, after lung cancer and breast cancer. More than 3,000 people each year are diagnosed with the disease. The current bowel cancer screening programme gives everyone in Scotland between the ages of 50 and 74 the opportunity to be screened every two years, and of course that is a big advance. However, extending screening to the immediate family members of anyone who is diagnosed with bowel cancer seems entirely sensible. It would not necessarily be that expensive to do, and, given that more and more young people under the age of 40 are contracting the disease, it would save lives and money if the screening was extended to the family members of those who have bowel cancer.

Thank you for considering the petition.

16:30

Nanette Milne: In a previous life, I had quite a lot of experience—in a research capacity—of looking at patients with bowel cancer. As John Scott said, it is a very common cancer, the incidence of which is particularly high in the north-east of Scotland, where I come from. I know that there can be a family link in some cases, but such a link is not as common with bowel cancer as it is with hormone-dependent breast cancer, for example.

How common is it for immediate family members of a bowel cancer sufferer to contract the disease? I ask purely out of ignorance; I have not come across many such cases myself. Perhaps John Scott is aware of how common that is through work that he has done with Margaret Paton.

Margaret Paton: I do not know.

Nanette Milne: It is unfair to ask. We might need to find that out as part of our follow-up investigation.

John Scott: I am afraid that my knowledge does not extend to that, but I am aware that with all cancers genetic links are being established on a daily basis, and my concern is that bowel cancer is

one such example. I think that the proposed approach would be a sensible precaution—not only in this case but possibly in others. The screening programme is absolutely terrific as it is, but it takes a rather broad-brush approach. A more focused approach, combined with the genetic knowledge of families, might make sense in the long term.

Nanette Milne: John Scott said that the people at the Beatson centre were supportive of the proposal. I presume that they have the expert knowledge that I do not.

Margaret Paton: I have another point to make. You will have noted from the petition documentation that I am adopted. There are thousands of folk in this country who are adopted. I do not know my biological parents—I was not interested—so I do not know what kind of genes they have, but when I was diagnosed, I was asked whether there was any history of cancer in my family. It would be possible for cancer to skip a generation and affect your grandparents and, as the petition says, grandparents do not talk about cancer. It is a difficult issue. I want to emphasise that what I am talking about is nothing to do with genetic clinics; it is a completely different thing. I know a few people who have been diagnosed with bowel cancer and who are under 40.

The Convener: Research by the Beatson Institute for Cancer Research indicates that if a particular genetic marker is present in a bowel cancer patient, it is 20 times more likely that the disease will have an impact on their relatives. There is no doubt that the cancer research organisations and the specialists see a pattern; the issue is whether that pattern is enough to require a wider screening programme, which is what your ambition is for.

I have two adopted children, so I am conscious of the dilemmas that can arise in the event that any medical conditions exhibit themselves—which has not happened so far, thank God.

From your experience, do you feel that the health service is geared up to meet the concerns that you have raised, or do you feel that you have not got very far?

Margaret Paton: The Maggie's Centre in Glasgow definitely supports me and the Beatson centre, which I have mentioned, has been wonderful—it is an oncology centre, as you know. The surgeons are number 1, because if you are diagnosed with a cancer—any kind of cancer—and have to have an operation, the surgery comes before the treatment. I know that NHS Ayrshire and Arran will definitely support me.

Anne McLaughlin: I know that you are calling for automatic screening of the immediate family whenever someone is diagnosed with bowel

cancer, but do you happen to know whether, when someone is so diagnosed, the family members can request screening? Is screening denied to them? I know that that is not what your petition calls for, but I just wondered what the situation is at the moment.

Margaret Paton: This might sound odd, but people who are diagnosed do not think about whether their immediate family might have cancer. That does not even go through their head. When people are diagnosed with cancer, they think about the fact that they will need to undergo whatever operations and treatment are needed for them to get better. They do not think about whether their daughter or son or others within the family circle might get bowel cancer. Given what has happened to me, I do not want the same to happen to other folk, but it definitely can happen.

It was always said that cancer is an old folk's illness. Down south, I think that people are screened only if they are over the age of about 69. However, bowel cancer is not an old folk's disease. As I commented in my petition, many young people do not have a good, healthy diet and they skip meals. That is what happened to me. When I did voluntary work, I worked night and day—as John Scott will confirm—and skipped meals, including lunch. Eventually, I got bowel cancer. Many young people smoke, consume quite a lot of alcohol—I am not talking about binge drinking—and do not have proper, healthy meals. That can contribute to bowel cancer. That worries me, but some cases of bowel cancer could be prevented if we were to direct more publicity at young people on how to avoid getting it.

Anne McLaughlin: I have a wee follow-up question on that. Could we perhaps raise awareness among those who have a family member with bowel cancer? Rather than write to all family members, could the person who has been diagnosed perhaps be given awareness-raising materials to give to their family to think about?

As I have said to the other petitioners today, Margaret Paton has shown a lot of courage in coming to the committee. I have been a member of the committee for a year and I still feel quite nervous speaking in the committee. Given what she has been through, she is doing a tremendous job.

Although this is not what the petition asks for, would an awareness-raising campaign that encourages those who have been diagnosed to speak to their families go some way towards tackling the issue?

Margaret Paton: Thank you for saying that, but I do not think that folk would be able to speak to their families. I think that the message needs to

come officially through an extension of the screening programme. Many people would not listen to a family member. If people with bowel cancer try to raise awareness with their family members, they might just be told, "No thanks." Two cancers, bowel cancer and prostate cancer, are not talked about much. People do not spell it out by saying, "I have bowel cancer," or, "I have prostate cancer." It does not happen like that.

I feel that it is vital—I am very committed and dedicated to this—that we get an extension to the screening programme. I can see that so many young people do not look after themselves well. I feel that, if anyone gets bowel cancer, their son or daughter should be screened. I want to stick to that.

Perhaps I am different from other folk, because I can speak out—I am used to speaking out; I have done so on many issues in the past. However, many people will not speak out about bowel cancer. I assure the committee that that is true, because I have met such people. People have even asked me whether I think that members of their family will get bowel cancer. I say to them that, over the past three years, I have tried hard to do something about the issue. They tell me to keep doing that, but they will not speak out on or ask anyone about the issue.

The Convener: I want to pull the discussion together. I invite brief final questions or comments, as I am conscious of the time.

John Scott: My question relates to the issue of awareness raising. Regrettably, I lost my wife to cancer a number of years ago. When a family member is ill, one thinks about the survival of that member; only afterwards does it sink in that the issue may affect other people. For Margaret Paton's daughter to survive her cancer, she required an automatic and immediate referral. Had that happened, she would be here today, and Margaret would not be here with her petition. Awareness raising may be of some—but, I suspect, limited—value, but if people received an automatic referral because their mother or another family member had cancer, they would turn up for that.

Nanette Milne: We should continue the petition. We need to write for an expert opinion to the UK National Screening Committee—we know about the Beatson Institute for Cancer Research—and to the Government. I hesitate to use the term "cost benefit", but we must look at how effective a screening programme would be. We know what the benefit to Margaret Paton's daughter would have been, but we should find out how common such situations are. We need to explore the issue further, to find out from bodies that have the relevant knowledge and research whether

extending the screening programme is the way forward. I would support such a programme.

The Convener: We want to continue the petition and to explore the issues that it raises with various organisations in the health sector and the Government, through the Cabinet Secretary for Health and Wellbeing and the health department. The petition will have to come back to the committee for consideration. The petitioner may not be able to speak to us again directly—she is welcome to attend as a member of the public—but it appears that one of her local members wishes to speak to the petition on the next occasion that it is discussed.

Nigel Don: I am conscious of the fact that there are many organisations in the sector, but we know to which of them we may write. A number of things are happening informally in the medical profession. There are people who are extremely concerned about the prevention of cancer by the collective route; I have been privileged to be involved in some of their meetings. On bowel cancer, we should contact Professor Bob Steele at Ninewells hospital in Dundee, who is at the centre of much that revolves around the issue.

The Convener: In our exploration of the matter, we will want to raise it with a variety of cancer support agencies such as Macmillan Cancer Support, Bowel Cancer UK and Cancer Research UK, and with the Royal College of General Practitioners. Three or four positive references have been made to the Beatson; we may want to liaise directly with senior professionals and medical staff there.

John Wilson: I suggest that we write to a couple of health boards. We have talked about national organisations, but in many cases the issue is with delivery at the local level. I suggest that we write to a selection of boards: Lanarkshire NHS Board, Greater Glasgow and Clyde NHS Board, Lothian NHS Board—

Anne McLaughlin: And Ayrshire and Arran NHS Board.

John Wilson: There are your four. We should ask boards what services are delivered locally and how they deal with family members and other relatives of people with bowel cancer, to find out whether services are being delivered in a uniform way at the local level, through the health board system.

16:45

Nanette Milne: I am not going against any of John Wilson's suggestions, but I know that bowel cancer is very common in north-east Scotland and that a lot of work has been done over a number of

years in Grampian, so it might be worth including Grampian among the health boards.

Margaret Paton: As I said, when you are diagnosed you are definitely asked whether your relatives—your mother, father, grannies and so on—have had a history of cancer. If you say yes, you are referred through your GP to the genetic clinic, but a lot of folk say “No, there is no cancer in my family”, probably because they do not know. That is perhaps the missing link—they do not know.

The Convener: We will try to pull all that together. I am conscious that you have a journey ahead of you. Thanks for your contribution.

Margaret Paton: I am starving, actually.

The Convener: We are very generous, but we do not extend to providing an evening meal. I apologise for that, but I am sure that your local member of the Scottish Parliament will be delighted to assist you. On the way to the station, you will pass Bene’s Fish & Chips on the Canongate, which is fantastic. Thank you very much. I appreciate your taking the time to come here.

Police Complaints (PE1301)

The Convener: PE1301, by James Duff, calls on the Parliament to urge the Government to make provision to allow individuals complaining about the police to approach a police force from a different area to investigate their complaints. There will not be an oral contribution on the petition. Do members have any comments?

Bill Butler: We could put our questions to the Scottish Government, the chief inspector of constabulary and perhaps ACPOS and other police organisations.

Nigel Don: I am one step behind Bill Butler on this point—perhaps that is for life. It seems to me that, as a general principle of justice, a complaint should not be investigated by someone close to the person who has been complained about. Therefore, if I had asked whether a complaint about the police was automatically referred to a neighbouring police force, I would have expected the answer to be yes. I am surprised to find that the answer is no; I think that that is wrong in principle. If the committee agrees, we should ask why such referral does not happen, if it should be the principle. I suspect that we will get very good answers, but that is where we should be coming from. We should say, “This looks wrong: please explain.”

The Convener: Do you also want to ask the Scottish Government, at both the ministerial and departmental levels, whether there is guidance? There may well be a guidance note that everyone

operates by. As you suggest, newspaper reports of such incidents say, “Officers from another force are investigating”, so one would assume that that is what happens. Perhaps there is something anomalous in the structure that means that such an approach is not always required, which may have precipitated the petition.

Nigel Don: It would be perfectly reasonable to ask the Government. I am slightly reluctant to take the scattergun approach; in the first instance, it is perhaps for the police and the chief inspector of constabulary to explain why they do what they do, but, by all means, let us ask the Government for its view.

The Convener: Do we wish to continue the petition and explore the issues?

Members indicated agreement.

Local Authority Public Petitions Process (PE1306)

The Convener: The final new petition today is PE1306, by David Park, which calls on the Parliament to urge each local authority to put in place an open, accessible, accountable and participative public petitions process. We have obviously dealt with some aspects of the issue in our general inquiry into the public petitions process in the Scottish Parliament. It would be a logical continuation of our position to say that a petition has been received on the matter and to invite either COSLA or individual local authorities to respond to it.

Nigel Don: It would be fair to ask COSLA what its attitude is, and it would probably be fair to ask a selection of local authorities how they view the matter, but I do not think that we should be telling them that having a petitions process is the way forward. I spoke informally to individuals in two local authorities with which I have very good connections. One said, “I think that it would be a great idea and we will see what we can do.” The other told me that members of the public are allowed to make a 10-minute presentation to council committee meetings; in that case, it is really only a matter of getting an issue that is of local concern on to the agenda. One would think that, in general, a local councillor would be prepared to support an issue that he or she thought was substantial. That response indicates that a different mechanism may exist, although perhaps it is not overused. Local councils may say that they have an equivalent mechanism, and we must be careful not to tell councils what mechanism they should use.

Anne McLaughlin: We should write to the three local authorities that currently operate a public petitions process—East Lothian, Renfrewshire and Stirling, apparently—to find out for how long they

have been doing it; what sort of feedback they have had since they started it; how well used it is; how it works in general; how different or similar it is to our process; and whether they feel that it has had a worthwhile input into the work of the local authority.

Members *indicated agreement.*

New Petitions (Notification)

16:49

The Convener: Under item 2, members are invited to note, for their information, the new petitions that have been lodged. Do we agree to note the petitions?

Members *indicated agreement.*

Meeting closed at 16:50.

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