



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 20 March 2012

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PUBLIC PETITIONS COMMITTEE

5th Meeting 2012, Session 4

CONVENER

David Stewart (Highlands and Islands) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Angus MacDonald (Falkirk East) (SNP)
*Mark McDonald (North East Scotland) (SNP)
*Anne McTaggart (Glasgow) (Lab)
*Nanette Milne (North East Scotland) (Con)
*John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Katherine Alexander
May Barker (Clacks Kinship Carers)
Nigel Don (Angus North and Mearns) (SNP)
Susan Douglas (Clacks Kinship Carers)
Linda Fabiani (East Kilbride) (SNP)
Teresa McNally (Clacks Kinship Carers)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 20 March 2012

[The Convener *opened the meeting at 14:03*]

Interests

The Deputy Convener (Sandra White): Good afternoon, everyone, and welcome to the fifth meeting of the Public Petitions Committee in 2012. I am the deputy convener and am standing in for the convener, David Stewart, who is at another meeting. Apologies have been received from him. I am sure that the clerks will keep me right if I happen to wander off in any particular way.

I welcome Angus MacDonald, who joins the committee in place of Bill Walker, and ask him whether he has any interests to declare.

Angus MacDonald (Falkirk East) (SNP): Thank you for your welcome, convener. I have no interests to declare.

The Deputy Convener: Thank you.

Current Petition

A90/A937 (Safety Improvements) (PE1236)

14:03

The Deputy Convener: Members will recall that we agreed at our previous meeting to consider PE1236 first today in order to allow the local member, Nigel Don, to attend and to speak to the committee on behalf of the petitioner. I hand over to him.

Nigel Don (Angus North and Mearns) (SNP): Thank you, convener, and good afternoon, fellow members. I thank the convener and the clerks for organising the agenda in such a way as to accommodate me. It is helpful, as I have to go and convene my own committee shortly.

Members will be aware of another document that has arrived. It contains information that has been produced by David Young of Laurencekirk villages in control, which is a local group, on the many heavy vehicles that daily cross the Laurencekirk junction, and the A90 at the south junction in particular, about which we are concerned. I am grateful to David Young for the research that has produced the numbers. Those of us who are familiar with the junction—perhaps all members feel that they are by now familiar with it by proxy, although I am conscious that local members are certainly familiar with it—might be somewhat surprised by the large number of vehicles that cross it. We knew about the buses, but I am not sure whether we knew how many heavy lorries are based in Laurencekirk.

The number of accidents seems to be lower now, so Transport Scotland might be entitled to say that the junction has got safer so we should not worry about it, but some nasty accidents are waiting to happen. I do not want to overemphasise that point, particularly in the light of recent tragedies elsewhere, but hazard analysis involves considering how often accidents will occur and how serious they will be.

It would help my constituents if the committee felt able to write to the Government to draw its attention to the statistics, of which it might not be aware, and to ask what hazard analysis has been done of the junction. I am sure that ministers are now aware that this 20-mile stretch of dual carriageway has no flyover or underpass—vehicles, including articulated vehicles, have no alternative to crossing the junction and taking their chances. The Government might not be aware of the number of heavy vehicles in the area. It would help if ministers sought clarity about how the hazards have been analysed.

The Deputy Convener: I draw members' attention to the number of submissions that we have received on the petition, which include a submission from Mr Nassar from Pakistan.

Nanette Milne (North East Scotland) (Con): I am glad to see Nigel Don at the meeting to put the case for his constituents, who are also my constituents, as I represent North East Scotland. His suggestion is good. I wonder whether people who are not as familiar as we are with the junction know the most recent information. I confess that I did not know it—I had no idea how many heavy vehicles use the junction. I am more than happy to suggest keeping the petition open and undertaking the action that he suggests.

Anne McTaggart (Glasgow) (Lab): I thank Nigel Don for his evidence. The situation is gravely concerning. I agree with Nanette Milne and I recommend that the petition stay open in the light of the new information, which is particularly worrying.

Mark McDonald (North East Scotland) (SNP): Like Nanette Milne, I regularly use the stretch of road that we are discussing. I represent the north-east and I am familiar with the concerns in the communities of Laurencekirk and Montrose, which the vehicles that use the route go between.

The introduction of the 50mph section did not help; it made it difficult for motorists who use the junction to judge accurately the speed of oncoming traffic. It is more by good fortune than anything else that accidents have not occurred at the junction. When driving, I have witnessed drivers taking chances there.

When Transport Scotland makes decisions, it must base them on the existing details and statistics. It is unfortunate that in order to achieve significant junction improvement we are essentially waiting for a bad accident to happen. None of us wants a bad accident to happen, but the recognition seems to be dawning that that will have to happen before a significant junction improvement takes place. It should not have to be that way.

To write to the Government in the terms that the local member suggests would be the best way forward. I know that Nigel Don has met the relevant local authorities. There is the potential for a significant increase in housing in the area. Do you want to give us an update on your discussions with local authorities, which might give us further information for our consideration?

Nigel Don: I happy to do so. I emphasise, however, that there are two sides in this, the first of which is the local authority side. I have spoken to the directors of the local authorities, who have made it quite clear that there will be more house building and more purchasing of housing in the

area over a significant period. However, I do not think that any of us believes that that will happen terribly soon. Secondly, they recognise that the houses that are going to be built according to the current plan will be too far away from the south junction for there to be any real opportunity for section 75 money—if that means anything—to be appropriated for the junction.

The local authorities' third point is that the A90 is a trunk road and it is therefore not—with the best will in the world—their responsibility to put in the junction. They have made it absolutely clear that although the A90 is dangerous there, it is not statutorily a local authority responsibility and it would not be the right way to spend local authority money. They are entirely supportive, but is very clear that the bill is for Transport Scotland to pay.

The Deputy Convener: I thank you for that update. The paper on the petition mentions the new house building and that there may have been an opportunity for developers to do something under section 75.

Nigel Don: Forgive me, deputy convener. I was struggling to remember my other point; I have remembered it. Transport Scotland said in the costing exercise—which members will remember—that the south junction needs to be upgraded: it is there in the text. Transport Scotland knows that work has to be done on the junction if an increase in traffic is to be accommodated. There is no dispute about whether the junction needs to have work done on it. The questions are these: how will we find the money for it, how fast, and how on earth will we find it before we have the major accident to which Mark McDonald just referred?

The Deputy Convener: I thank the member for that update.

Angus MacDonald: As a regular user of the A90, going back and forth from Aberdeen airport, it has always struck me that the junction is an issue. I certainly agree with the consensus view that the petition be kept open and a letter be written to the Government.

John Wilson (Central Scotland) (SNP): I thank Nigel Don for his verbal contribution today and for his written contribution to the debate. Nigel sat on the committee when we first considered the petition in the previous parliamentary session.

Clearly, the work that David Young has done highlights a number of issues in relation to the volume of traffic at the junction. I see that there is someone in the public gallery today who will be very interested in the number of school buses that use the junction. The committee knows about the problems around school bus transport.

I thank the petitioner for her submission. It is clear that she has identified the issues. She uses local press reports about businesses booming in Montrose. Given the work that is taking place in Montrose, there is going to be a greater volume not of passenger vehicles such as cars, but of heavy traffic using the junction.

It would be appropriate to write to the local authorities. I take on board Nigel Don's point about the statutory obligation lying with Transport Scotland and the Scottish Government. However, it might be useful to write to the councils again to ask, in the light of the latest information that we have from Nigel Don and the petitioner, whether they would approach the Scottish Government to try to push the issue along. Clearly, given the new evidence, we should write to Transport Scotland and the Scottish Government again and ask them to reconsider the issues regarding the junction.

I hope that we can allay the petitioner's fears, given that she said in the last paragraph of her most recent letter that she thinks that there is no support from local MSPs. I hope that, once she reads the *Official Report* of today's meeting, she will realise that two MSPs on this committee and an MSP who attended today support the petition. We will attempt to do everything that we can to get Transport Scotland and the Scottish Government to see sense and to move on the issue before a serious incident happens at that junction. If such an incident happens, we will all regret that we did not take action sooner.

The Deputy Convener: Thank you. The Public Petitions Committee wishes to continue the petition, and the concerns will be noted. I thank Nigel Don for attending.

New Petitions

Safeguarding Vulnerable People (PE1418)

14:15

The Deputy Convener: We have four new petitions before us today. PE1418, in the name of Katherine Alexander, is on safeguarding vulnerable people. Members have a note on the petition. I invite Linda Fabiani, who is the constituency member, to say a few words.

Linda Fabiani (East Kilbride) (SNP): I should clarify at this point that it is not Katherine Alexander but her brother who is my constituent.

The Deputy Convener: I welcome Katherine Alexander, and invite her to say a few words.

Katherine Alexander: The briefing papers on the petition refer to several bodies to which local authorities and people who work in social work may be held accountable. I must advise that, despite the presence of those bodies, my petition highlights a clear gap in accountability within social work that can be exploited by councils to evade the reporting of harm that is suffered by vulnerable people.

At present, registered social workers can be excluded from investigations of harm to vulnerable people and replaced by unregistered service managers who are acting for, and are accountable only to, the local authority. That creates a clear gap in the professional accountability of the social work resource.

My experience with my brother clearly shows how unregistered managers can collude in order to evade the reporting of serious crimes arising from inadequate care. I can provide solid evidence to support my concerns in the on-going criminal and health and safety investigations that were initiated only because I was able to act on my brother's behalf. I have lodged the petition on behalf of my brother. He is a learning disabled man who is unable to communicate and has no capacity to manage his own welfare. He is supported to live in the community with 24-hours-a-day care from a care provider that is subcontracted by the council.

In December 2008, he sustained significant harm while he was with a lone carer. As a result, he is paralysed and will be wheelchair dependent for the remainder of his life. Based on information that was provided by the care provider after my brother was injured, I was immediately concerned that his care had been criminally negligent. My concern was supported by his social worker, who stated that she would discuss with her senior managers the initiation of an adult protection

investigation. Her senior manager was the head of disability services and an unregistered council officer. There was no multidisciplinary adult support and protection investigation, and no report of the incident was made to the police. Instead, social work instructed the care provider that had direct responsibility for my brother's care to investigate the incident internally.

While the investigation was carried out, the care provider submitted a report under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 that was significantly vague and so substantially inaccurate that it would not have triggered an inquiry. That was done with the full knowledge of the head of disability services, who did nothing to correct it.

I reported my concerns to the Health and Safety Executive and an inquiry was opened. Social work failed to allocate anyone to represent a vulnerable man, which allowed the care provider to misrepresent its welfare role with regard to my brother, resulting in closure of the inquiry. That was an orchestrated series of decisions that were made by an unregistered officer who was acting entirely in the interests of the council. If a registered practitioner had acted in that way, I would have been able to ask the Scottish Social Services Council to investigate misconduct.

Immediately after my brother's injury, I was advised by social work services that it would lead an investigation. I was introduced to a social worker who told me that his job was to investigate and report to the head of disability services. I discussed with him my concerns about a significant omission that I had noticed in the care provider's care and risk management plans. The Mental Welfare Commission for Scotland and the Scottish Commission for the Regulation of Care were also advised by that social worker that he was leading an investigation, and I have several letters explaining his delay in concluding his investigation report.

The council now denies that any such investigation occurred. It states that no report compiled by the social worker exists and that no record was made of his meeting with me. It is inconceivable that allegations relating to the abuse of a cared-for person by failing to provide adequate care were not recorded by a social worker.

Although I accept that registration does not protect against the actions of the morally bankrupt, I still consider that it allows some degree of scrutiny and accountability. I have brought complaints to the SSSC that the social worker failed to maintain records. My complaint about his failure to record his meeting with me was upheld, but he was supported by his unregistered line manager in denying that he had carried out an

investigation, so the omission was deemed to be insignificant.

I am told that the only reports into the incident that exist were written by the care provider and the unregistered council officer. My concerns that the reports were written to evade external investigation have been supported by the police investigation. Such behaviour would constitute professional misconduct in a registered practitioner and I would be able to ask the SSSC to investigate my concerns. However, no such accountability exists for council officers.

I reported the crime to the police without the support of social work. When I later learned that a Health and Safety Executive inquiry had been opened but had closed because no one had represented my brother, I reported that to the police. They intervened and from that point onwards the HSE collaborated with the police and the procurator fiscal in a criminal investigation that is on-going and has resulted in a number of prosecution reports.

I ask the committee to consider the point that the on-going criminal investigations support my concern that an unregistered head of service had created a barrier that prevented registered practitioners from acting in the interests of a vulnerable person.

I consider that a trained social worker would have had a duty to protect my brother's rights in this situation. His rights should not require to be protected by the intervention of family. Most adults with severe learning disabilities who have been in long-term institutional care do not have family to advocate on their behalf, and professional advocacy services are not able to access the information that they would require to represent people in that situation. The vulnerable can be protected only by the professionalism of registered social workers acting to protect their rights. If unregistered council officers direct the actions of a trained professional social worker, that line of professional accountability is broken.

My petition draws the committee's attention to adult protection legislation. That is good legislation and local authorities have clear procedures and guidelines to implement it. The committee's briefing paper focuses on the powers that the legislation gives to local authorities, but the legislation does more than that: it creates a framework of procedures to guide local authorities on the complex investigation of harm to vulnerable people through multidisciplinary intervention, which is very similar to the procedures that are used for child protection. However, if access to those protective procedures is controlled by an unregistered council officer, there is no protection against situations in which the council shares

culpability for the harm that has been caused by failing to provide adequate care.

The professional code of conduct for registered social work practitioners defines the responsibilities and duties of social workers in respect of protecting the rights of the individuals in their care. It is very clear about appropriate reporting through established procedures of any concern about the possible abuse of a vulnerable person. The code of practice states that if a conflict of interests exists, the worker must disclose it. My brother's social worker acted immediately in accordance with procedures to report her concern. She reported it up her line management structure all the way to an unregistered head of service, who initiated actions that were intended only to protect the council.

In trying to resolve my complaints, I have had access to an independent complaints review committee. The process resulted in a meeting at which the head of disability services disclosed to the CRC care-failure issues that had not been included in the reports. The complaints that I took to the CRC were fully upheld, but no action was taken after that; nothing was done to correct the situation. The complaints related to the conduct of the head of disability services. I subsequently brought a misconduct complaint to the council, but she was cleared of any misconduct.

The Deputy Convener: Katherine, I will stop you there.

Katherine Alexander: I do not need very much longer.

The Deputy Convener: We are running out of time and the committee cannot discuss individual cases.

Katherine Alexander: This is not an individual case.

The Deputy Convener: We cannot discuss an on-going criminal case.

Katherine Alexander: I am not asking the committee to discuss a criminal case. This is about what happened to my brother.

The Deputy Convener: We cannot discuss an individual case or an on-going criminal case. Could you wind up in a couple of minutes? We are under a time constraint.

Katherine Alexander: After the CRC, I learned that shortly before my brother was injured, the council had changed its care provider through a competitive on-line tendering process which, I understand, is used by a lot of local authorities. The head of disability services was involved in that. The process does not allow those who are tendering to assess the needs of the individual or

even to have sight of the care plan. The council provides a description of the care package.

It has been confirmed to me that, in my brother's case, that included a statement that all the required care plans and risk management plans were in place. I bring that to the committee's attention because that is what created the conflict of interests. When I became aware of that, I asked for another CRC meeting but I was refused one. I was told that I had exhausted my complaints within the council's process. When I took my complaint to the Scottish Public Services Ombudsman, it said that it could not comment because I had had access to the CRC and because the decision to use adult protection procedures is discretionary and invested in the professional accountability of social work resources. In fact, in my brother's case, the decision was taken by an unregistered and unaccountable officer.

The Deputy Convener: I ask you to stop there so that we can deliberate on what you are saying. We have your papers.

Katherine Alexander: Okay.

The Deputy Convener: I do apologise, but thank you very much—

Katherine Alexander: Can I just summarise with my final paragraph, if you will have patience with me?

The Deputy Convener: Okay. On you go.

Katherine Alexander: Setting aside my personal issues, I have submitted the petition in the wider public interest because the conflict that I have highlighted exists in all local authorities because those bodies have a dual role: they act to procure or deliver direct care through competitive tendering and they provide a social work service to directly represent the rights and needs of the users of key services. Even when care services are subcontracted, the council can be responsible for care failures that are transferred by the council from one provider to another. The only protection for vulnerable people from issues arising from the conflict of interests is through trained and professionally accountable social work staff who, by the code of practice, are obliged to act in the interests of vulnerable people.

I am not able to take complaints about the action of an individual social work resource to the Scottish care inspectors, but because I have submitted the petition, I am aware that Scottish ministers can, so I ask the committee to consider that as well.

The Deputy Convener: Thank you Katherine. I understand how difficult it has been for you to come here today and speak to the petition, but you did it very eloquently. The committee will certainly

look at your petition. After committee members have given their thoughts. Linda Fabiani may wish to comment, as the local MSP.

Do members have questions?

John Wilson: This is the committee's opportunity to question you on the intention of the petition. Although you have given a lengthy presentation, we take this opportunity to seek clarification from you.

Are you arguing that heads of service or executive directors of social work departments must hold a social work qualification and that they must be registered social workers?

Katherine Alexander: I argue that they should either hold a social work qualification or should not be involved in writing reports about significant incidents.

John Wilson: I ask that question because I know that one of the local authorities in the area that I represent has an executive director of housing and social work services who, as I understand it, is not a social work professional. She came from a housing background. There might be a number of local authorities throughout Scotland that have, during the past five to 10 years, rationalised their services and how they operate them and decided to allocate the head of service or executive director post to an individual who is not professionally qualified in social work. The issue is that, if a social worker writes a report—earlier, you said that a report went from a social worker to a head of service—

14:30

Katherine Alexander: No—no report was written. I was under the impression at the start that a report was being written, but the only reports that have been written were written by an untrained head of services and by the care provider, following an investigation. It was completely taken away. The social worker who dealt with my brother and her team leader expressed a lot of concern about what had happened but, as the issue went further up the management structure, it seemed to stop and be dealt with by someone who was the council officer. I do not understand why the responsibility for responding to the matter was taken out of the hands of trained social workers. To me, it looks like a get-out for the council, as the person who responded in my case is the only person I dealt with who cannot be held accountable in any way for her actions.

John Wilson: I am aware of some of the issues from a "Panorama" report, which I presume concerned the same local authority. In the previous session, I was on the Local Government

and Communities Committee when it conducted a special inquiry into that report. I am on record as having raised concerns about the care provider that was contracted by the local authority to provide care in individuals' homes. Although "Panorama" highlighted a number of concerns about the level of care that was being provided, it was quite clear that the authorities that oversaw the work that should have been taking place with individuals in their homes did not hold the local authority accountable for the lack of care. Rather, they held the care provider accountable. There seems to be an issue about where accountability rests if care is not being provided at the level that we expect it to be provided at.

Katherine Alexander: It is more to do with whose responsibility it is to report it. If you were harmed by a health and safety failure in your place of work, your employer would make that report—or, if you thought that your employer was negligent, you would raise it and make your own report. For a vulnerable person, there is only the care provider to make the report. There is nobody there to make the report on behalf of a vulnerable person. I have to be very clear with you that there would have been no investigation into what happened to my brother if I had not made the reports. In the case of most of the vulnerable adults who are cared for in the way that my brother is cared for, there is no family to make a health and safety report or make a report to the police. It should not be that difficult.

I am not here about my brother's case, as that has been dealt with. I am here because, if I had not been there for my brother, the matter would never have been reported, and that is wrong. That means that there may be numerous instances where the failure to provide the adequate care for a vulnerable person is not being reported, disclosed or counted.

The Deputy Convener: What you have just said is enlightening. There seems to be an anomaly. As you said, the vulnerable person has no one to act on their behalf, unless they have a relative—

Katherine Alexander: Social work usually provides advocacy services for people who lack capacity. I have a lot of dealings with my brother's advocacy worker. I have been telling him about my progress with the case as I have gone along. He has told me the information that I have needed to get so that I could act for my brother. Things such as the copy of the RIDDA report would not go to the advocacy service. That came to me because, as my brother's guardian, I asked to see a copy of it.

There is no safety net. The only one that I can see is professional accountability. Ultimately, in social work, the council is the employer. We

cannot get away from that, but we need another body by which people know that they can be held accountable if they do not do the right thing. I am clear that, in my brother's case, there was a conflict of interest—the possibility that someone was culpable for what went wrong meant that they did not want an investigation.

Regrettably, my brother has been involved in another incident since then, but the case went through adult protection procedures as they are expected to work. That went like clockwork and resulted in somebody being charged, so I know that the legislation works if it is used. It is the Scottish Parliament's intention that it will be used, but it can be circumvented by a council officer who takes a decision in the interests of her employer that the legislation applies or does not apply. That decision should be taken by a professional social worker.

The Deputy Convener: As members have no further questions, I ask Linda Fabiani whether she wishes to comment.

Linda Fabiani: Katherine Alexander has eloquently said all that has to be said. I stress that there are two separate issues. One is about the case of Katherine's brother, which is on-going. However, when Katherine initially came to me some time ago to discuss the issue, the main issue in her mind, which became an issue in my mind once I understood it—it is not an easy concept to understand—is that there can be situations in which the line of accountability suddenly disappears. If a safeguard can be put in place through professional standards and professional accountability to a registered body, it should be. It is possible that, either intentionally or unintentionally, people's rights are not being properly maintained.

I know that the committee will come to a decision. I am interested in Katherine's comments about the power of ministers to instruct an investigation not of the individual case but of the possibility that such a situation could arise as one of those unintended consequences that arise from trying to make good legislation. We should ensure that it is investigated thoroughly. It is too late for Katherine's brother, but not for other people.

Katherine Alexander: It does not matter for him, because the investigations that should have been initiated on his behalf by somebody with a duty of care for him have been initiated by his sister. However, it matters for the future, for when his sister is dead and gone.

Linda Fabiani: Katherine has been working on the issue for a long time. All members will have had to act on behalf of constituents who, for all sorts of reasons, have not had that determination to see an issue through. There is a concern that

things happen that we do not even hear about. If we hear about something, we should do all that we can do to ensure as far as possible that it cannot happen again.

The Deputy Convener: Thank you, Katherine and Linda. I throw the discussion open to the committee. Do members have any ideas or recommendations on what to do with the petition?

Mark McDonald: I thank Katherine Alexander for bringing the petition before us. Linda Fabiani rightly highlighted the point that many people are unable to speak out on issues. It has obviously taken a lot for Katherine to come here, so she is to be commended for that.

We should keep the petition open and write to a range of bodies, including the Association of Directors of Social Work, the Scottish Social Services Council, the Scottish Public Services Ombudsman and Social Care and Social Work Improvement Scotland—the care inspectorate. We should also write to the Scottish Government about the general thrust of the petition and the potential unintended loophole that appears to exist, which the petitioner has highlighted. We should ask the Government whether it is minded to investigate whether there is an opportunity to close that loophole. We should also write to the Convention of Scottish Local Authorities. Although I do not doubt that the practice took place in Katherine's brother's example, we have no evidence before us to suggest how widespread instances are in which senior postholders do not hold a professional qualification. We should find out whether COSLA can provide information on that, which might help to inform our discussions.

Katherine Alexander: There is one more thing that you need to know. Because the matter was not dealt with in the way in which it was intended to be dealt with, through adult support and protection procedures, two people who were involved were returned to their work in direct service delivery without an investigation by the care commission, despite their being under criminal investigation for three years. Had the matter been dealt with through adult support and protection procedures, as it should have been, the care commission would have been involved at the start. It would have had the information and it would have been able to decide whether it was appropriate for the people to be returned to work while a criminal investigation was going on.

That approach does not keep vulnerable people safe. If it was happening in childcare, there would be an outcry. If somebody who was being investigated for an offence against a child carried on working in a nursery, there would be an outcry, but we are talking about people with learning disabilities, so it seems to be accepted.

The Deputy Convener: Thank you, Katherine.

As no one else wishes to comment, does the committee agree that we should continue the petition, as Mark McDonald recommended?

Members *indicated agreement.*

Katherine Alexander: I am sorry for taking up so much of your time.

The Deputy Convener: Not at all. I thank you and I thank Linda Fabiani.

Linda Fabiani: Thank you, convener.

Kinship Carers (PE1420)

The Deputy Convener: PE1420, in the name of Teresa McNally, on behalf of Clacks kinship carers, calls on the Scottish Parliament to urge the Scottish Government to recognise the real value of kinship carers and give them parity with foster carers throughout Scotland. Members have a note on the petition.

I welcome Teresa McNally, May Barker and Susan Douglas from Clacks kinship carers. Good afternoon, ladies. I believe that Teresa will give a short presentation of about five minutes.

Teresa McNally (Clacks Kinship Carers): Thank you for asking us back again. I thank Sandra White for accepting our original petition, which she did outside this very building. We welcome this opportunity to address the Public Petitions Committee.

Local kinship carers welcomed the Scottish Government's decision in 2007 to recognise the role that they play in looking after family members' children. The details of our journey from January 2010 are in our petition, so I will not repeat them. Instead, I will express the outstanding concern of kinship carers, which is that they should be treated in a way that gives them equity with other carers.

Recent research by the Poverty Alliance highlighted that child poverty in Scotland is expected to increase over the next three years, and recent figures show that half of the local authorities in Scotland have wards in which more than 30 per cent of children live in low-income households. There are also concerns about the impact of welfare reform. The new system is expected to take £500 million out of the pockets of disabled people in Scotland every year from 2013. That will have an impact on kinship carers and their looked-after children.

Income inequality has continued to increase in Scotland and, despite high unemployment, we still work some of the longest hours in Europe—that includes carers. According to the Poverty Alliance, price increases could push another 170,000 Scottish households into fuel poverty, taking the

total to nearly 1 million. Kinship carers are facing all of the above, plus the added pressure of being a parent to a grandchild or a niece or nephew, which is a vastly different role from being a grandparent, an aunt or an uncle.

Although our group recognises the on-going need for respite for both child and carer and the need for continuance of the support group for kinship carers, whether they are formal or informal, our petition asks for kinship carers' status and the important part that they play in the development and holistic wellbeing of vulnerable children to be acknowledged, and for them to have equity with foster carers throughout Scotland.

We want the needs of the child to be put at the centre of any policy so that it is child-centred as opposed to budget driven, and we want entitlements for kinship carers to be clarified, because each Scottish local council interprets the current guidance in different ways.

14:45

Kinship carers are like other full-time carers of vulnerable youngsters and we, too, need sickness and emergency cover and a right to time off because we have the responsibility of a parent and work 24/7. Kinship carers also need access to training on health and safety issues and training on managing and coping with the behaviour of their looked-after children.

One of our committee members, who, unfortunately, cannot be here today, has frequently stated that it is not just about the allowance but about a recognition of the role and status of family members who step forward to look after their family members' children, usually at a time of family crisis.

The Deputy Convener: Thank you, Teresa. I met you and others a couple of weeks ago about the petition. I congratulate you on the petition and I congratulate Clackmannanshire Council and the three other councils that provide some form of parity for kinship carers. From what I gather, the money that councils pay to kinship carers ranges from £30 to £196. Obviously, you are here to challenge that anomaly. I was interested in your statement, though, that it is not just about the money. I know from meeting kinship carers in my constituency that they think that it is also about accessing child psychologists and so on. Could you elaborate on what other services kinship carers do not get that are available to, for instance, foster carers?

Susan Douglas (Clacks Kinship Carers): Our local authority does not even recognise us as carers. People who look after people with learning disabilities, elderly people or disabled people get invited to carers' forums and so on, but kinship

carers do not get invited to anything like that. There is nobody to support us. You are supposed to support your own child and your grandchild or your niece or nephew—it is a very hard thing to balance.

Teresa McNally: As I think I said in my written statement, there is a need for respite and a break for both children and kinship carers. That will allow kinship carers to continue to do the job that they do with children who may be vulnerable and very damaged because there is drug and alcohol misuse in their households.

I am not a kinship carer, but the group came to me because of my previous work in the health sector. That is why the two ladies beside me will be able to answer your detailed questions much better than I can.

May Barker (Clacks Kinship Carers): I think that I am a bit different in that this is the second time around for me as a kinship carer. The first time, I looked after two children, one of whom has grown up. I have only one child now. It is difficult for the social workers. I cannot say that this is always the case but, in my case, they took the part of the grown-up, even though the child I was looking after was a teenager. They just would not listen to what she needed. They need to listen to the children as well. It is not just about money. We could have done with quite a lot of care from psychological services, because the girl was damaged. Throwing money at us is not the answer. That is not just what we are here about.

Mark McDonald: The answers that the witnesses have just given perhaps have already addressed what I was going to ask. I do not think that anybody here would disagree that there needs to be parity on the funding, but is there also a need for parity of esteem? Is it the case that kinship carers do not have parity of esteem at present and that that needs to be addressed? That is as much a mindset issue as it is a money issue. We agree that parity in payments is needed, but a wider discussion needs to be had to ensure that kinship carers are given parity of esteem with foster carers.

Teresa McNally: In the early days, the group approached elected members of Clackmannanshire Council and local MSPs; the local MP was also drawn in. Esteem is the issue—the value of kinship carers is not recognised. At that time, a senior council officer was challenged with the question, “What if we refused to continue to be carers?” The reply was that the council could not afford to keep the children, because a looked-after child’s care package of being placed with a foster carer or in an institution would be much more expensive.

The issue is esteem and recognising the status of kinship carers, who care because they are family members. Many local kinship carers are not doing it because of the money. The money is a fairly new part of the solution. The issue was the council’s non-communication with the kinship carers who received the money, which was suddenly withdrawn without any discussion—there was no consultation at all. It was as if the kinship carers were not valued. That was the reason for the groundswell to try to convince the council to revisit the matter, which it has done. I give the council its place—it has put back some of the money, but that still does not have parity with payments to foster carers.

May Barker: Stigma is attached to kinship carers more than foster carers, especially in schools. We need help in getting children through that. As we have said, people need training to help, because they sometimes do not know how to cope with a crying child or teenager and do not know which way to turn. Sometimes, people are ready to put their coat on and walk—they feel like that often.

The Deputy Convener: You do a fantastic job.

Anne McTaggart: I welcome May Barker, Teresa McNally and Susan Douglas and thank them for their petition. I speak with a vested interest, as my background is in social work and I have dealt a lot with kinship carers, who provide value and not just monetary value. Being able to drop kids off with kinship carers is invaluable; the kids know the family member who is willing to take them in. It is important that kinship carers have recognition, as you have said, whether that relates to psychological services or even just self-esteem.

A few weeks ago, I had a meeting with Who Cares? Scotland, which deals with looked-after and accommodated children. I am not sure whether it taps into kinship carers or people they look after. I know that there is a legal wrangle in the Scottish children’s panel service about the relevant legislation while children remain in kinship care. Does any of you deal with the charity Who Cares? Scotland for support for the young people you look after?

May Barker: No—not that I know of.

Teresa McNally: We have contacted the local carers, but they do not recognise us as carers. They have given us a lot of support, but the group’s members are not officially carers in the wider sense. Many kinship carers are informal. When care crosses over into involving social work services, kinship carers become more recognised, but the support is not the same as that for foster carers. That has been the driver all the time for us.

We want to get equity. We had equity initially in Clackmannanshire Council in 2007, following the

Scottish Government's decision. One paper, of which I can give the committee a copy, said that the council thought that it might save money by encouraging kinship carers but found out that it did not, because so many children needed care and to be looked after.

The wording "looked-after children" needs to be recognised. Kinship carers care for looked-after children, because those children are not with the parents who gave birth to them. We need to tussle with and change that bit, for the benefit of the children.

I get so annoyed when I hear about the experiences of people such as Katherine Alexander. Listening to her, I could feel my anger rising. The rights of the individual and the rights of children are paramount here. We want the child or children—some of the kinship carers in our group have more than one child; they might also be caring for an elderly parent—to have the best quality of life. It does not surprise me that about 75 per cent of kinship carers are female because, in the caring sector, at least, it is usually females who do the looking after. I do not think that I have answered the question.

We have been involved with Children 1st, Citizens Advice Scotland and About Families in producing a kinship care fact sheet. I do not know whether the committee has a copy of it, but it provides more information about kinship care in general. I would be happy to leave one for you to look at.

Anne McTaggart: We often use the phrase "preventative spend". That just sums up the fact that it would be much better to spend money before people go down the statutory route of being looked after and accommodated.

You mentioned that kinship carers might look after an elderly relative as well as a child. Kinship carers often look after a parent of the young person and try tirelessly to access services for them.

Teresa McNally: That is right.

Anne McTaggart: I empathise with you, and I hope that we will keep the petition open and make progress with it.

Nanette Milne: I am pleased that we are considering your petition. I have tremendous admiration for what kinship carers do and what they go through, emotionally and in other ways, to look after youngsters, who are usually their grandchildren.

We speak about informal and formal caring. In your experience, is there a significant difference between the treatment of informal carers and that of formal carers, or carers of looked-after children?

Susan Douglas: Once you have been through the court system and got guardianship and parental rights and responsibilities, your child is no longer a looked-after child, which means, basically, that you are finished with social services. Although your child's behaviour can be challenging, unless the school or your health worker makes a referral, it is up to you. There is no on-going support for kinship carers.

Nanette Milne: There is another thing that bothers me. The strategy for foster and kinship care goes back to 2007. Are you saying that nothing much has happened since then as far as kinship carers are concerned? I would find it quite worrying if, five years later, we are not much further on.

Teresa McNally: Councils took their own decisions about how much to spend on the issue. I do not think that the funding was ring fenced. There was a pot of money that came from the centre and guidance was provided. Clackmannanshire Council paid top whack—if that is the technical term—to kinship carers. At the time, what they got was on a par with what was provided to foster carers, but that was withdrawn. Suddenly, there was a recognition that what kinship carers were doing was good for society and the child or children they were looking after—they had a certain status and esteem—but that was withdrawn and it has never been replaced.

I do not know whether all councils have introduced the kinship care allowance. I think that they had until last year or two years ago to do that. It is not a question of forcing councils to recognise kinship carers; it is about social esteem and recognising the value of kinship carers. We seem to be missing a trick. As I said earlier, if kinship carers withdrew their services, a lot of vulnerable children would have to be looked after by the state. I just cannot work out why people do not see the sense of that argument, which is why we thought about petitioning the committee and perhaps also Westminster and—who knows?—Europe. That would enable a wider, regional and Britain-wide view of benefits and so on to be taken.

15:00

Mark McDonald: One of the points that was raised set off a little lightbulb. Do you agree that the informality of some arrangements can present a difficulty?

I have represented constituents who have an informal kinship arrangement that has not involved a placement by social work. The family had—as families do—simply taken the decision to take a young person in and look after them. However, that can create a difficulty. If there is no social

work involvement, it becomes difficult for the local authority to allocate money to the family, on the basis that it has had no involvement with the placement and the arrangements around that.

You cannot have informal fostering—that must be done under a formal arrangement. There can be formal arrangements for kinship care that involve a formal placement by social work and regular social work involvement. However, there are also informal arrangements that take place without the knowledge or involvement of social work. There is perhaps a blurring of the lines in that regard, which should be examined in more detail.

Teresa McNally: Yes, you are right. If someone is relatively well off, they do not have to ask the state for help. We are talking about a group of kinship carers who are not terribly well off. Some folk gave up their working arrangements because there was some money to give them some help. When that money was withdrawn, they were suddenly struggling. That can lead to poverty in the household, which means that the children miss out.

I am not the expert on how to resolve that, but there must be a way to recognise kinship carers alongside foster carers, which might include an assessment of whether the child is in the appropriate place. All those things must be taken into account, because the child should be at the centre.

Anne McTaggart mentioned the health issue. In the early days of our group, we looked with the help of our contact not only at social work, but at education and health. There is a practitioner who is involved in the group too. We see the child holistically—it is about not just one element, but the whole child. We are passionate about that.

John Wilson: I thank the petitioners for lodging the petition and appearing before us today. I agree with Ms McNally's last sentiment: the child should be at the centre of what we do.

There is a difficulty, as Mark McDonald mentioned, with regard to informal versus formal arrangements. I was on committees in the previous session—including this committee—that considered kinship care. Ms McNally referred to those who can afford kinship care without charging for that service, which is all very well for them, but other people might not be able to afford to do that.

Parents or grandparents often do not want to go down the formal route for fear of intervention from social work departments. Once the care is formalised, there are formal processes, which means that there is regular oversight by the social work department and other agencies to ensure that the services are being provided correctly. That

goes back to the heart of putting the child at the centre of the services that are provided.

I am not sure if it is possible for you to answer this, and I know that you cannot speak for the whole of Scotland, but how many of your members provide care informally and how many have gone down the guardianship route to provide care under a formal arrangement that includes the social work department?

Teresa McNally: I do not have those figures with me today, but I can certainly find out for you. By suggesting that those who can afford it do not have to ask for state help, I am—perhaps inadvertently—saying that it is a basic entitlement. John Wilson is right to say that a lot of families will not—for a multitude of reasons—want social work to be involved. However, if we are putting the child at the centre and considering their needs, and one need is financial support—as well as all the other needs, such as respite and training for the family—surely such support should be at the top of the list to be provided to the youngster, whether it is provided by the council or whoever.

As I said, many of the children we are talking about have been through a traumatic period—from babyhood, for some. Babies who are born to mothers who have misused drugs through their pregnancy have withdrawal symptoms. A child's behaviour might be completely over the top, through no fault of their own. We were tempted to bring one such child with us today, to let you see what the kinship carer has to manage day by day and night by night. That is where the extra support is needed. The carer in question has recently been given some respite, but it is minimal. That is the bit that needs to be tackled, with the child at the centre of whatever services are provided, as you said.

John Wilson: That takes me back to the point that I was trying to make about informal versus formal arrangements. Whatever a child's background, circumstances and personal situation, the Parliament and society should ensure that all the professional services are available to support the kinship carers and the child, to ensure that the child gets the best start in life.

The difficulty is that informal arrangements leave the kinship carer and the child at a disadvantage, because the professional agencies who could intervene do not become involved. This is my honest assessment: if a carer continues with an informal arrangement, how does the local authority or the Scottish Government determine who should receive a kinship care allowance? Unless the arrangement is formalised in some way, authorities could be at the mercy of people who might come along and say, "I've taken on responsibility as a kinship carer. I don't want to

formalise the arrangement or register with the social work department or any other council or Government department, but I am looking for a kinship care allowance.” That is the difficulty, as I see it.

How do we determine who should receive the allowance, bearing in mind what was said about people who can afford to be kinship carers and do not claim the allowance? If someone is genuinely providing kinship care, they should receive the appropriate allowance, irrespective of whether they have adequate funds to deal with the issue themselves. However, how can we get to a stage at which local authorities and others can appropriately assess whether a kinship care allowance is applicable to the child who is being looked after?

Teresa McNally: As I said, it is about not just the allowance but the avenue to other support and resources—respite, holidays, Christmas entitlements and so on. All those sorts of things come into it. I am not an expert in this, but I know that there is an issue to do with entitlement to free school dinners and so on. People have to be recognised before they can access the support.

It is about equity with foster carers. If foster carers are recognised, as they rightly are—although I was listening to a programme on the radio yesterday and I learned that there is some inequity there—the kinship carer, or whatever carer, should have the same status and esteem for what they do for society. The child is paramount. It is about the needs of the child. There must be some way of assessing a child who is placed with a kinship carer, whether the placement is formal or informal, to allow access, whether people want that or not. I am not sure how that would work—I am not an expert in the field. You should be present when we get together on a Thursday to have a cup of tea, to hear about how people manage what they do while trying to run a household and sometimes even a job, too.

May Barker: We have one carer who is not recognised. Most of us take in children because we are asked to by social workers, and the children are damaged. I only know about this one case. There was a death, which meant that the carer had to take over care of the child and she is still caring for it. She is a kinship carer but she does not get anything. That is not because she does not want social workers to be involved; she took the child in because it was either that or see them go into the system.

The Deputy Convener: Thank you. From your contribution and the questions that have been asked, we can see that it is obviously not just about the money, regardless of what that might be; it is about parity of services. Many of the kinship carers I have met have been in the same

position as May Barker. It is sometimes difficult to get guardianship; or it can happen overnight. Someone might have to bring up grandchildren, or a sister or brother, or, in some cases, it might be a whole family of youngsters, along with their own family. By the time you have attended to their emotional needs, you might not get around to attending to the formalities, and some people do not want to go into the system.

Teresa McNally also touched on the point about petitioning Westminster because of the Welfare Reform Bill. We know that if someone gets money for kinship care or foster care, that will have a direct effect on any benefits that they might get. We need to look at that side of the issue as well as the parity of care. The issue is a huge one; it is not just about kinship care, and I thank you for bringing that out during the discussions that we have had.

I also draw the petitioners' attention to the fact that the Education and Culture Committee has been working on the issue. It had a round-table discussion and it is calling on the Scottish Government and COSLA to come to give oral evidence. I am not saying that the Education and Culture Committee is carrying out an inquiry, but it has certainly had a recent round-table discussion on kinship care. I am talking about this because we must decide whether this committee should continue the petition or note it and pass it to the Education and Culture Committee, because it will take evidence from the Government and COSLA. This committee can do what it likes. If the petition goes to the Education and Culture Committee, I would like to see the petitioners, as kinship carers, being invited to give evidence to that committee along with the Government and COSLA. It is open to the committee to discuss the petition but if the Education and Culture Committee has already considered the issues, it would be a great opportunity for the petitioners to give evidence. I cannot read the minds of the members of the Education and Culture Committee but I am sure that they would not say no if this committee passed the petition over and asked it to invite the petitioners to give evidence. It is certainly going down the right road.

We would certainly write to COSLA and others to ask for evidence, so if the Education and Culture Committee is also bringing those organisations in to give evidence, it would be great to use that. What are the rest of the committee thinking?

Anne McTaggart: That is an excellent idea, convener. If we do pass the petition on, we should ensure that the petitioners get the opportunity to go along and express their concerns and give their thoughts to the Education and Culture Committee.

The Deputy Convener: I do not want to put the petitioners on the spot, but would you be happy with that? If you were invited to give evidence to the Education and Culture Committee, you would not be averse to it.

Teresa McNally: We would be more than pleased to talk to anyone who will listen. We have chapped on that many doors and we do not mind who listens as long as, at the end of the day, we can change something that is not happening at the moment. That has been the whole driving force behind what we have been doing.

I have been looking through the factsheet for John Wilson. It mentions the formal and informal carers but it does not have a breakdown between the two; that will be somewhere or other. If I leave that factsheet, will it be helpful to you?

15:15

John Wilson: We have that information. I was really just trying to get an idea of what the breakdown was in your group so that we could try to translate it Scotland-wide. We are dealing with your group in this petition and you are giving evidence from the experience of your group, but the experience is no doubt replicated across 32 local authorities. Although there might be some variance in the amount of kinship care payments local authorities make and how they allocate those payments, I wanted to get an idea of the informal/formal arrangements.

In your oral evidence, you gave some examples of individuals who provide such care on an informal basis, but clearly for the wider discussion and our response we need to consider how to determine how those payments could be made and accessed as well as, as you quite rightly said, the services that would normally be provided by other professionals and other agencies to people who require support for the children they are looking after.

Teresa McNally: I am sure that back at the ranch we have a breakdown of who is informal and who is formal within the group. I am happy to give that to whoever I should send it to.

Angus MacDonald: To clarify, convener, if we are minded to pass this to the Education and Culture Committee, the Scottish Parliament information centre briefing states that the responses from the local authorities, the Department for Work and Pensions and the Scottish Government are due to be considered at the meeting today. Would it be prepared to extend the timescale to accept a response from Clacks kinship carers?

The Deputy Convener: Perhaps I did not explain this correctly. The Education and Culture

Committee had a round-table meeting today and—you are quite right, Angus—mentioned that it would write to those people. It is considering a further meeting and will call in the Scottish Government and COSLA to hear their responses. My idea was that it would be a good opportunity for the kinship carers to give evidence at that same meeting, as the investigation is ongoing. The evidence from today's meeting would be there, too, and any paperwork or evidence we have here would go on to that committee, too.

Angus MacDonald: Okay.

Mark McDonald: I do not want to be a pooh-pooh, convener, because as you know it is not my style, but I wondered whether we should continue the petition ourselves. For too long, this debate has been taking place and nobody has ever gone out to the individual local authorities and asked what their policy is on kinship carers and why they make the payments they do for kinship care and foster care. The petition presents this committee with a golden opportunity to write to every local authority in Scotland and ask what payments they make to kinship carers, what their policy is for kinship carers vis-à-vis parity of esteem and how they reconcile the difficulties of the formal versus informal situation that the committee has recognised. Is there perhaps a way in which we could do the two in tandem? I wonder whether there is some jiggery-pokery we can do to keep the petition here while also having it considered by the Education and Culture Committee. If that is away to be done, I will be absolutely happy, but there is an opportunity here to hold local authorities to account for their policy on kinship carers.

The Deputy Convener: I do not know the exact wording of the questions and letters that the Education and Culture Committee sent out to COSLA, but I understand that it has written to local authorities to ask those very questions. Like you, I think that this is a very important issue and I do not want people to miss out on an opportunity. Perhaps we could do some of what you call jiggery-pokery to find out exactly what the Education and Culture Committee asked.

John Wilson: I remind committee members and members of the public that the committee can do one of two things: we can continue to consider the petition as a committee in our own right, or we can refer it to another committee of the Parliament to deal with. However, we cannot do both at the same time, despite the new parliamentary language that has been invented today for how to take issues forward.

I have an alternative suggestion, which is that we should not refer the petition at this stage, but should instead allow the clerks and the convener to consider the remit of the Education and Culture

Committee's inquiry into kinship care to determine whether contact is being made with the 32 local authorities—as Mark McDonald suggests that we do—how that information will come back to the committee and how it would take forward the petition. At our next meeting, we can determine whether to continue the petition or leave it to the Education and Culture Committee to deal with as part of its inquiry.

I know from previous experience in the Parliament that, if we hold on to the petition and write to COSLA or any other body, the immediate answer will be to refer us to the evidence that it has already provided to the Education and Culture Committee. There is a danger that we undermine our consideration of the petition. As I said, if possible—I seek guidance from the clerks on this—we should allow the clerks and the convener or deputy convener to determine, by looking at the remit of the Education and Culture Committee inquiry, whether that inquiry goes far enough to encompass the petition.

Mark McDonald: This is not intended to muddy the water but, although John Wilson's suggestion is a good one, I will go slightly further and suggest that, as well as delegating to the convener and deputy convener along with the clerks the job of speaking to the Education and Culture Committee convener, if it is felt that that committee would welcome having the petition passed to it, we should allow our convener and deputy convener to decide to do that, so that we do not hold up the process by waiting for the petition to come back to our next meeting. This committee meets fortnightly, whereas the Education and Culture Committee meets weekly. At our next meeting, we can simply get a report back from the convener and the clerks on the outcome of the discussions. That would mean that we do not delay the process by waiting for a report back to the committee in two weeks.

The Deputy Convener: We all want to move forward on the petition as positively as possible. The Education and Culture Committee cannot tell the Public Petitions Committee what to do—it is our decision. However, I am sure that we can work on the issue and speak nicely to the Education and Culture Committee. I agree entirely with John Wilson. One of the thrusts of the discussion was that we should find out whether the Education and Culture Committee has written to ask the same questions that we would ask. We have to do that. We will keep the petition open and the clerks will liaise with the Education and Culture Committee.

I will go one further, too, and ask the clerks to suggest to the Education and Culture Committee that, if it thinks it proper, it should invite the petitioners to give evidence at its evidence session with the Government. That would be positive. We

will consider the answers from the Education and Culture Committee at our next meeting. If we can give evidence and if we get the proper information back from the Education and Culture Committee, we will certainly know where we are going with the petition. Do members agree to that approach?

Members indicated agreement.

The Deputy Convener: I thank May Barker, Teresa McNally and Susan Douglas for their evidence.

15:24

Meeting suspended.

15:27

On resuming—

Educating our Future Generations (PE1417)

The Deputy Convener: The next new petition is PE1417, in the name of Andrew Ellis Morrison, on educating our future generations. Members have a note on the petition from the clerk and a SPICe briefing.

Do members have any comments?

Mark McDonald: We should keep the petition open. We should write to the Scottish Government and to COSLA. It would be worth writing to the Scottish Parent Teacher Council, which is mentioned in the note on the petition. We could also write to the Educational Institute of Scotland to get its view.

My only concern is that the petition refers to the “decision” of consultees. My view—I come from a local authority background—is that a consultation is not a referendum. Elected members sometimes decide to go down the route for which the majority of consultees express support, but sometimes they do not.

I worry about the use of the word “decision”, but it is worth keeping the petition open and writing to the organisations to which I referred to get their views. Questions need to be answered on how consultations are conducted and whether they are open and inclusive enough. Some local authorities do consultation very well, and others do it slightly less well. We should seek the views of those organisations, then consider the petition further.

Anne McTaggart: I agree that we should write to the organisations that Mark McDonald mentioned, including COSLA and the SPTC.

Nanette Milne: I agree with the others.

The Deputy Convener: Do members agree that we should continue the petition and write as recommended?

Members *indicated agreement.*

Scottish Minister for Older People (PE1419)

15:30

The Deputy Convener: PE1419, by Jimmy Deuchars, calls on the Scottish Parliament to urge the Scottish Government to create a dedicated minister for older people. I declare an interest as I am the convener of the cross-party group in the Scottish Parliament on older people, age and ageing and I was one of the original signatories to Alex Neil's bill to create a commissioner for older people.

Do members have any comments?

John Wilson: As you have identified, convener, the issue has been around in the Parliament for a number of years, and it has been discussed during that time. A number of representations have been made to me and, no doubt, other members regarding a commissioner for older people. Given the latest decision by the Government, there are also calls for a minister for older people.

I suggest that we write to the Scottish Government to ask for its views on the petition and to find out whether it will consider establishing a commissioner for older people. We should also write to Age Scotland. There are also a number of local organisations. I know that a number of members of the west of Scotland seniors forum have been actively involved for some years in campaigning for a commissioner. It might be useful to write to those organisations to ask for their views on the petition.

Nanette Milne: I am happy to go along with what John Wilson suggests. I add that I, too, am an office bearer in the cross-party group on older people, age and ageing, although I was not a signatory to Alex Neil's bill. I would like to know the Government's opinion on the proposal.

The Deputy Convener: It is agreed that we will continue the petition and write to the bodies that John Wilson mentioned and the bodies that the clerks have noted in the paper. We should remember that the petition calls for a minister for older people and not a commissioner for older people.

John Wilson: Sorry, convener.

The Deputy Convener: I think that I said commissioner as well, John. Are we agreed?

Members *indicated agreement.*

Current Petitions

School Bus Safety (PE1098 and PE1223)

15:33

The Deputy Convener: We will consider PE1098 and PE1223 together. PE1098, by Lynn Merrifield on behalf of Kingseat community council, and PE1223, by Ron Beaty, are both on school bus safety. Members have a note by the clerk.

Do members have questions or comments?

Nanette Milne: I do not want to let go of the petitions. We should keep them open. We should get back to the Scottish Government, which has been reviewing the guidance on school transport safety. I would like to know how that is going. I am not sure whether we have already asked the Scottish Government this, but if not, we should ask it to ensure that the signage issue for school buses is covered in the review. It has got lost in the seat belts issue, but Mr Beaty's petition in particular focuses on the need for adequate signage.

Mark McDonald: I declare an interest in that, as of this week, my son is being taken to his nursery by bus. I have been interested in this issue for a long time, even before being elected to Parliament, but it is of personal interest to me now. I commend Mr Beaty, who I believe appears at every meeting at which his petition is considered. He has commendable stamina in his pursuit of the matter.

It would be churlish not to say that some progress is being made. However, the pace of progress is the concern. Further, the focus appears to have fixed on seat belts and, although that issue is important, focusing on it ignores some of the wider aspects in the petition. Perhaps we could write to Transport Scotland and the Scottish Government to say that, although we are pleased that the issue is being taken forward and that we appreciate the focus on seat belts, we would like to know their views on those wider issues and whether they think that there is scope for some of them to be considered. Some of the issues in the petition are not caught up in the legislative guddle between Westminster and Holyrood that is causing delay with regard to seat belts and they could, therefore, be acted on more quickly.

We could also write to COSLA, given that local authorities implement their own policies around school transport.

The Deputy Convener: Do we agree to continue the petition and to act on the recommendations that have been made by

Nanette Milne and Mark McDonald and are in the paper that has been provided to us by the clerk?

John Wilson: Before we move on, I note that there is still an issue involving Transport Scotland, the Scottish Government and the United Kingdom Government and the devolution of the powers around school bus safety. As Ron Beaty quite rightly indicated in his submission, the issue is not just about seat belts or lap belts. The Association of Transport Coordinating Officers has addressed the issue of having a legal requirement that all buses that transport schoolchildren should be fitted with lap belts. We do not know whether that is happening yet.

In the previous session of Parliament, the Public Petitions Committee held an evidence-taking session in which we discussed the possibility of other powers around road transport safety for school buses being devolved. That would enable us to enact Scottish legislation that would encompass the wider issues around school transport, including road usage, road signage and other features that might be applicable in terms of the operation of school bus transport systems.

I suggest that we write once again to the Scottish Government and the UK Government to find out what progress has been made in that regard. I note that some of the timescales in the letter from Transport Scotland talk about 2018. It is six years since PE1098 was submitted. If we wait until 2018, it will have been 12 years since we received the petition, which will mean that we have been acting very slowly. If we had previously resolved some of the issues around seat belts and lap belts, we would have been wiping out any school bus contract that did not specify buses with properly fitted seat belts or lap belts.

The wider issues around transport that do not rest with the Scottish Government should be resolved as quickly as possible. I would like us to write to the UK Government and the Scottish Government to find out whether we will see any movement around the devolution of those powers prior to the referendum in 2014.

Nanette Milne: Looking through the papers, I noted the issue of local authorities being able to make it a condition that operators remove signage when school buses are not in use for pupils. Local authorities appear to think that they do not have the power to do that, but we heard—from Mike Penning, I think—that they have that power. We can get clarification from the Scottish Government. If local authorities have that power, we can ask how many local authorities are aware of that and whether they can be made aware of it by the Government.

The Deputy Convener: Absolutely. The recommendations in the clerk's note touch on that.

John Wilson talked about devolved powers, and we can ask whether the Scottish Government would want a quicker devolution of powers to enable it to act on the issue. I take on board what Nanette Milne says about the awareness of local authorities; we can raise that matter, too.

Does the committee agree to keep the petition open, to raise the issues that have been raised by members and to follow the recommendations in the clerk's note?

Members indicated agreement.

Acquired Brain Injury Services (PE1179)

The Deputy Convener: PE1179, in the name of Helen Moran, on behalf of the Brain Injury Awareness Campaign, is on acquired brain injury services. Members have a copy of the petition and a note, including recommendations, from the clerk.

The clerk's note mentions that the Scottish Government has committed to introducing legislation on the integration of adult health and social care services; the consultation on that will be published in May 2012. We may wish to suggest that the Scottish Government invites the petitioners to participate in that consultation. The note also draws our attention to the fact that the Scottish Government has confirmed that, over the next two years, an ABI sub-group will proceed with work that will help to move the ABI network from a clinical network to a care network. It seems that the petition has achieved something, so we might consider closing it.

John Wilson: I draw the committee's attention to the most recent submission from Helen Moran on the issue. She is in the public gallery today, and I commend her for the work that she has done not only on the petition, but in promoting the Public Petitions Committee system more widely.

The petitioner specifically requests that the petition remain open until other factors are in place. In particular, she says

"we see the Social Care side of treatment/support as lagging far behind"

and that she would like to see a support strategy coming forward before being satisfied that the petition should be closed.

There are a number of issues that we still need to consider. We must ensure that all the services are in place. It is okay to say that one part of the service, or the Scottish Government, recognises that something needs to be achieved, but there are other issues around the social care side of the treatment that need to be resolved. To satisfy the petitioner and those who support the petition, we need to ensure that they get a wider response than the narrow one that they have got at the moment. I respectfully request that the petition

remain open until we get responses on the issues that the petitioner has raised.

Nanette Milne: I agree. The petitioner makes a valid contribution in her most recent submission. Frankly, I would rather see work completed than work in progress before we close the petition.

Mark McDonald: I, too, support the suggestion that we keep the petition open. I am not entirely pleased with the response from the ADSW, which highlights only one local authority. West Dunbartonshire Council may be doing a very good job, but it is only one local authority out of 32. I wonder whether we should write directly to the local authorities rather than go through the ADSW, so that we can get their responses on the matter. If we approach the local authorities through the ADSW, we may receive a fairly selective reply.

15:45

The Deputy Convener: Thank you, Mark. We can write again to the local authorities. Obviously, that was one of the actions taken on the petition before you and I were members of the committee. Does the committee wish to continue the petition and keep it open for any further action?

Members indicated agreement.

The Deputy Convener: As I said, a public consultation will be published in May 2012 on the integration of adult health and social care services. I suggest that we ask the Scottish Government to invite the petitioners to participate in that consultation. Do members agree?

Members indicated agreement.

John Wilson: As well as writing to local authorities, I suggest that we write to the Scottish Government to ask whether its intention is to draw up guidelines or draft legislation that would help to deliver the social care element of the issues that the petitioner has identified. The Government has indicated that it wants to take the matter forward and that it hopes that local authorities will take it forward. However, we in the Parliament have experience of the Government's intentions not always being carried forward by local authorities. Guidelines may be needed, or measures may have to be put in place. We should ask the Scottish Government whether it intends to do that to ensure that we get a comprehensive support service throughout Scotland from all 32 local authorities.

The Deputy Convener: The Scottish Government has made it clear that that is its intention. Are you suggesting that the ABI subgroup should write guidelines as part of its work, if it has not already done that?

John Wilson: I am suggesting that we should ask the Scottish Government to consider drawing up guidelines.

The Deputy Convener: Is that the wish of the committee?

Members indicated agreement.

Victims of Crime (Support and Assistance) (PE1403)

The Deputy Convener: PE1403, in the name of Peter Morris, is on improving support and assistance to victims of crime and their families. Members have the clerk's paper and copies of the submissions. Do members have any comments?

Mark McDonald: As you are aware, I was involved in helping Mr Morris get the petition to Parliament. I was disappointed by the response from the Association of Chief Police Officers in Scotland. I thought that it was unhelpful—that is probably the charitable way to describe it.

We should keep the petition open. I suggest that we contact the Scottish Government about the timescales that it envisages for legislation on the issue. My view is that once the legislation is in process, the petition would be of value to the Justice Committee as part of its deliberations. However, we do not want to pass the petition to that committee just now, because we do not have a clear understanding of the timescales. We should get that information from the Government, then make our decision on the petition at our next meeting.

The Deputy Convener: I take it that everyone is in agreement with that. The words that ACPOS used—"aspirational and unrealistic"—are certainly not very helpful. I put that on the record, so that ACPOS knows that the committee is not very happy about its use of those words.

Are we happy to continue the petition and to ask the Government for an update on timescales?

Members indicated agreement.

Pernicious Anaemia and Vitamin B12 Deficiency (Understanding and Treatment) (PE1408)

The Deputy Convener: PE1408, in the name of Andrea MacArthur, is on the understanding and treatment of pernicious anaemia and vitamin B12 deficiency. Members will recollect the very good debate that we had in the Parliament on the issue, in which we all took part. I thank everyone very much for that.

Members have a note from the clerk on the petition and copies of the submissions. Do

members have any comments on what further action we should take?

Mark McDonald: May I just correct you? I was not able to take part in the debate—it was unfortunate that a clash meant that I could not do so. I want to put on record my apologies for not being able to speak in the debate. However, I read the *Official Report* and it seemed to be a very good debate. Members who were there will certainly have emerged with more information than they had when they went in, which is always good.

We should write to the minister to ask for confirmation that he has written to the Scottish intercollegiate guidelines network. We should ask him to provide the committee with any response, to help to inform our discussions. Standards in relation to diagnosis of B12 deficiency are to be published, and it might be worth waiting for them before we take further steps.

John Wilson: I participated in the debate; members are aware of my particular interest in the matter.

I agree with Mark McDonald that we should write to the Scottish Government to ask what action the minister has taken since the debate to follow up on the issue.

Can we also ask that person-centred treatment be considered? I was quite wrong when I talked about the SIGN guidance during the debate; there is no SIGN guidance, as we were advised. SIGN guidance must take account of the particular needs of patients. However, medical professionals clearly apply some kind of guidance or practice when they treat vitamin B12 deficiency. I referred to what I understood to be SIGN guidance because of my wife's experience with general practitioners and nursing staff in her local surgery, who have all indicated that the guidance that they had been given was that vitamin B12 injections could be given only every three months.

There is an issue to do with whether patients should be treated as individuals, rather than being told that treatment can be given only after a certain period of time has elapsed. It is clear from the debate and from the discussion that the committee had when we received the petition that people react differently to vitamin B12 deficiency, so solutions should be drawn up round the individual patient's needs and not to a timescale that it suits medical practitioners to determine on behalf of patients.

I remind members and others to have a look at the DVD that was provided in evidence to the committee, which shows the impact that vitamin B12 deficiency can have on individuals' lives.

The Deputy Convener: Thank you. Does the committee agree to continue its consideration of

the petition and to write to the minister, to seek confirmation that he has written to SIGN and ask him to provide us with the response that he receives? We can also ask him to consider person-centred treatment and ask for an update on the action that the Scottish Government is taking. We will also await publication of the British Committee for Standards in Haematology guidelines on the diagnosis of B12 and folate deficiency.

Members indicated agreement.

The Deputy Convener: Thank you.

Meeting closed at 15:54.

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