

PUBLIC PETITIONS COMMITTEE

Tuesday 10 June 2008

Session 3

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PUBLIC PETITIONS COMMITTEE

11th Meeting 2008, Session 3

CONVENER

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Bashir Ahmad (Glasgow) (SNP)

*Claire Baker (Mid Scotland and Fife) (Lab)

*Angela Constance (Livingston) (SNP)

*Nigel Don (North East Scotland) (SNP)

*Rhoda Grant (Highlands and Islands) (Lab)

*Robin Harper (Lothians) (Green)

*Nanette Milne (North East Scotland) (Con)

COMMITTEE SUBSTITUTES

Jim Hume (South of Scotland) (LD)

Marilyn Livingstone (Kirkcaldy) (Lab)

John Scott (Ayr) (Con)

John Wilson (Central Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED :

Brian Adam (Aberdeen North) (SNP)

Richard Baker (North East Scotland) (Lab)

Malcolm Chisholm (Edinburgh North and Leith) (Lab)

Sally Ann Elfverson (Learning Disability Alliance Scotland)

Ian Hood (Learning Disability Alliance Scotland)

Kevin Hutchens (Aberdeen Trades Union Council)

Andrew Laing (Glencraft)

Councillor Gordon Leslie (Aberdeen City Council)

Lewis Macdonald (Aberdeen Central) (Lab)

Kevin McCahery (Future Choices)

Colin Menabney (Learning Disability Alliance Scotland)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

David Wemyss (Aberdeen Prison Visiting Committee)

CLERK TO THE COMMITTEE

Fergus Cochrane

ASSISTANT CLERKS

Franck David

Zoé Tough

LOCATION

Committee Room 2

Scottish Parliament

Public Petitions Committee

Tuesday 10 June 2008

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

New Petitions

Community Prisons (PE1150)

The Convener (Mr Frank McAveety): Good afternoon, everyone, and welcome to the 11th meeting in 2008 of the Scottish Parliament's Public Petitions Committee. Please ensure that all mobile phones and other electronic devices are switched off, because they get picked up by the broadcasting system. To date, I have received no apologies for today's meeting.

Before formal business, I extend a warm Scottish Parliament welcome to the three clerks from the Malawi National Assembly who are with us this afternoon. They are visiting our Parliament because of the relationship between Scotland and Malawi in recent years. They are due to have a series of meetings to develop thinking on undertaking committee inquiries and on the various other activities that clerks all over the world get excited about and want to share information on. We hope that they find this afternoon's proceedings of some interest and that they see some practices here that might be applicable in their Assembly.

Also present with us this afternoon are other elected members who are not committee members but have a particular interest in petitions that we will consider. In particular, I welcome Lewis Macdonald, to whom I will give an opportunity to speak at the appropriate time.

Agenda item 1 is new petitions. We have eight new petitions to consider this afternoon, so we have a full agenda, but we will do our best to get through them as well as possible. The first petition is petition PE1150, on behalf of Aberdeen prison visiting committee. I welcome David Wemyss—have I pronounced that right?

David Wemyss (Aberdeen Prison Visiting Committee): Yes, that is right.

The Convener: So I have got that right as a starter. Mr Wemyss is accompanied by Councillor Gordon Leslie.

PE1150 calls on the Scottish Parliament to urge the Scottish Government to consider whether large prisons that are remote from prisoners'

families offer the best way of rehabilitating offenders or whether, as an alternative, localised community prisons should be supported much more strongly to maintain genuinely easy access to family links and other community virtues.

Welcome, gentlemen. You have approximately three minutes for an opening statement, which I understand will be delivered by Mr Wemyss, following which committee members will ask questions. Good luck, Mr Wemyss.

David Wemyss: Thank you, convener.

Members will have seen our petition and the additional associated information that we lodged, as well as my letter to Mr Fergus Cochrane, in which I offered some further thoughts. It is perhaps difficult to say anything new at this stage.

However, when the Scottish Prison Service announced last week that the new HMP Grampian at Peterhead will provide around 500 prisoner places—roughly the current combined capacity of HMP Aberdeen and HMP Peterhead—to meet the demand for places in the northern community justice authority area, we could not help but note that the SPS was careful to emphasise that it

“proposes to work closely with the Northern CJA to create a community facing prison”.

That seemed to crystallise the problem. To suggest that a prison in Peterhead can be a community prison for Aberdeen is to drain the word “community” of real meaning and to fill it with artificial meanings that depend on strategies and plans that do not yet exist.

It is fair to say that we, like many ordinary people, think that some strategies and plans simply disguise misconceived policies. We are aware that the SPS is talking about virtual courtrooms to reduce the burden of travel to and from court in Aberdeen, but there is, we sincerely hope, no serious possibility of virtual visiting. Families and friends of prisoners will be forced to undertake dispiriting, costly and miserable journeys from Aberdeen to Peterhead and back, sometimes in winter.

We do not know what the equivalent of a virtual courtroom might be for the health agencies that work hard to support the physical and mental health of prisoners, such as drug agencies. We fear that the Government might again resort to talking about future strategies and plans to explain away what we cannot help but think are wasteful costs, logistical chaos and a tendency to pull the whole operation downmarket at a time when the academic consensus is that we should be taking it upmarket.

I will not repeat what we put in writing, so I conclude by saying that we want to encourage a Scotland-wide movement towards a distinctively

localised prison system. That is a long-term aspiration, which will not be easy to achieve, but a start could be made. Keeping a prison in Aberdeen would be the easiest first thing that the Government could do as part of a longer-term strategy that would take account of circumstances throughout the country. In having that aspiration, we have the full support of the Association of Visiting Committees for Scottish Penal Establishments.

We would like the Public Petitions Committee to refer the matter to the Justice Committee, if that is constitutionally appropriate. Perhaps the current commission on the future of prisons in Scotland should be asked to consider the issue, given that decisions are being made and the commission has not yet reported its findings.

I think that I have summarised our position, convener. I thank you and the committee for listening to us.

The Convener: Thank you. I invite questions from members.

Nanette Milne (North East Scotland) (Con): I am a member for North East Scotland and a former councillor in Aberdeen City Council, so I know Craiginches prison quite well and have visited it on a number of occasions. I have a great deal of sympathy with the petition.

I note that the new Peterhead prison will replace two prisons. Will it provide the number of places that Craiginches and Peterhead officially provide? It is well known that Craiginches has been significantly overoccupied for years. Will the new prison take care of that problem, even though it will not be a local prison?

David Wemyss: As I understand it, last week's announcement made clear that the new prison will offer roughly the combined capacity of the existing prisons, which I presume refers to the designed capacity of Aberdeen prison, which is always overcrowded nowadays.

Nanette Milne: Thank you I did not know the detail of that. I have not read the annual report of HM prisons inspectorate for Scotland, but I understand that it says that prisons that mirror the communities that they serve are a good thing. Do studies show that rehabilitation, particularly of minor offenders, is better served when offenders are in a local prison?

David Wemyss: Yes. We have had encouragement from a number of academics, all of whom participated at the recent Holyrood conference at Our Dynamic Earth, called "The Future of Prisons in Scotland". In particular, Professors Andrew Coyle and Alec Spencer were clear in their support for our way of looking at the issue. I do not profess to be a professor of prison

studies, but they drew significantly on evidenced material from Finland and Norway. A gentleman who was an academic in Finland and the director of the Norwegian prison service were both clear in their contributions to the conference. They could have given you more figures than I can. They believe that small prisons, with genuine connections with and agencies in the community, are a good thing.

Robin Harper (Lothians) (Green): Are you aware of the research that has been done in the United States and of the practice in one or two states in the US of administering justice locally, as well as having a local prison system? What has been done there would back up your argument.

David Wemyss: I am not aware of that research, although I imagine that some of the people who encouraged us at the Holyrood conference are aware of it.

Robin Harper: Well, I am glad that I brought it up.

Nigel Don (North East Scotland) (SNP): Good afternoon. Perhaps I should declare an interest, as a resident of Aberdeen. Could you give me a clue please, gentlemen, as to how many of the present inmates of Craiginches you would describe as local prisoners, in other words ones whose families are very close by? Do you have a figure for that?

Councillor Gordon Leslie (Aberdeen City Council): I do not have the actual percentage in front of me, but I can go on record as saying that about 80 per cent of the inmates in HMP Aberdeen are local.

Nigel Don: Thank you. The general argument that you have put forward seems sensible, although I claim no expertise in prison policy. I am conscious that the custody cells in the city of Aberdeen are under pressure. There is also the remand issue. I wonder whether it would be appropriate for somebody to calculate the required combination of remand, custody and local prison places. If you supplied that information, it might inform subsequent debate.

I have a few questions about Craiginches—I apologise for the fact that I have not yet been there, although I think that a visit has been arranged. Am I right in thinking that it is quite an old prison, and that a lot of money would need to be spent on it to bring it up to anything like modern standards? Is that fair?

Councillor Leslie: Yes, you are right that it is an old prison. As far as cost is concerned, we have been told that, if Craiginches was changed to a remand unit, the interior would need very little done to it.

Nigel Don: Right. But that does not alter the fact that you would really like Craiginches to continue to work as a local prison. Do we have any costings for what would be required if it was retained as a local prison?

David Wemyss: When we began our campaign, we often spoke about the possibility of Aberdeen retaining a remand unit if the proposals for Peterhead went ahead. Such a remand unit would at least build a bridge between the local pressure and the solution 40 miles away. Latterly, we stopped speaking about a remand unit quite as much. People kept asking, "Which of the two do you want?" We felt that, under pressure as we were to save the prison in the city, it was sensible to propose at least a remand unit as a possibility. If the research-based case can be made for a fully fledged community prison in Aberdeen, we obviously will be interested in that possibility. If we are forced back on to the defensive and are asked about a remand unit, our response is that we see the sense in having one.

14:15

Nigel Don: However, we are not in a negotiation at the committee, and perhaps we should not hold one in the public domain. I do not want to put words in your mouth, but is it fair to say that you want a unit that can handle custody, remand and local prisoners on one site?

David Wemyss: Yes.

Angela Constance (Livingston) (SNP): The petition is interesting and touches on several issues. I will not concentrate on Craiginches, if the petitioner does not mind; I will explore broader issues. I have no doubt that for short-term and long-term prisoners, family contact—when appropriate and when other circumstances do not apply—is humane and crucial to rehabilitation. It is usually the core of a wider package.

I am interested in focusing on the category of prisoners that you are talking about, which is short-term prisoners who have sentences of less than four years. We have talked about minor offences, but some people whose sentences are less than four years have committed rather risky and serious offences. However, the Government wants to keep minor offenders out of prison in the first place and to have tougher community sentencing, so on which prisoners are you focusing?

David Wemyss: We sympathise with the idea that some very short-term sentencing is unlikely to be doing much good. We take it for granted that in a city of Aberdeen's size, a core of necessary shortish sentencing will always exist. The reality is that a fairly significant intake from the city will always exist, and moving those prisoners to

Peterhead, which would force all the people who support them to make the difficult journeys to and from Peterhead that I outlined in my introduction, is a bad idea. We guess that that would inevitably involve a significant number of prisoners.

I am struggling a little to answer the question, because current policies might cause sentencing patterns to change, which makes it difficult for us to know how that would affect Aberdeen prison if it stayed open. It is difficult to know whether modernised sentencing policy would, for example, cure Aberdeen prison's overcrowding problem or mean that the prison was half empty. However, in a completely brute and concrete sense, we do not imagine that if Aberdeen prison stayed open it would be half empty.

Angela Constance: Scotland is a small country. As we all know—it is stating the obvious—prisons are expensive to build and run. Have any studies been done on access? Do the Scottish Prison Service, local authorities and voluntary organisations have the will to improve transport? Sacro used to run bus services to some prisons. The Scottish Prison Service used to operate—I do not know whether it still does so—an assisted visits scheme whereby prisoners were taken to local jails to facilitate family contact.

David Wemyss: Excuse me for looking at papers while you were speaking—

Angela Constance: That is okay.

David Wemyss: Just over a year ago, research was done on the accessibility of prisons for families. It was carried out by an organisation called Families Outside, written by a gentleman called Malcolm Higgenbotham and sponsored by Standard Life. It supports what I said earlier, and it mentions the assisted prison visits scheme frequently, not least in saying that the report's author believes that prisoners' families completely miss the scheme's significance, because they are likely to be disoriented and concerned when they are visiting prisoners in penal institutions. Apparently, posters have been put up in prisons about the scheme, and the evidence is that they just pass everyone by. One of the report's recommendations was that the scheme should be promoted and publicised better.

Angela Constance: I am not unsympathetic to the direction of travel on the broader issues that the petition addresses, such as the rehabilitation of short-term offenders. However, I wonder whether there are quicker and cheaper ways of sorting that problem. Would it be better if we were more imaginative and committed to assisting prisoners' families to travel, and had appropriate schemes, as opposed to considering the capital costs of prisons?

David Wemyss: It is easy for me to sit here and say this, but I suspect that the ideal—which obviously is a long way off, given the situation in prisons all over Scotland, never mind Aberdeen and Peterhead—is that the family visits dad in prison by making a simple move that does not involve even a 10-mile bus journey. That might be idealistic, but I suspect that what you have said touches on the strategies and plans that I was a little bit sceptical about in my address. We can produce strategies and plans, and improve communication links and so on, but does that lack the immediacy of making it easy for a family that has been hit by a pretty significant blow to get to prison to visit father or mother or whomever?

The Convener: I will allow Lewis Macdonald to come in. I see that Brian Adam has also arrived. Feel free to come to the table, Brian.

Lewis Macdonald (Aberdeen Central) (Lab): I have a factual question on your point about last week's announcement. You said that the design capacity of the intended new prison in Peterhead is roughly equivalent to that of the existing prisons in Aberdeen and Peterhead. Does that mean that it is equivalent to the numbers of prisoners for which those prisons were designed or to the numbers that they hold?

David Wemyss: It is the design capacity, so I presume that it does not refer to overcrowded numbers. I assume that the references were to the design capacities of Aberdeen and Peterhead prisons.

Lewis Macdonald: So the new prison that is being designed might hold fewer prisoners than would be needed by combining the two existing prisons.

David Wemyss: Yes, although we are caught between the devil and the deep blue sea. If we believe that modernised policies will help, the prison population should go down. However, even at the recent conference at Our Dynamic Earth, it was interesting to hear academics whom one might have characterised as progressive and liberal in their thinking being quite pessimistic about whether prison populations would actually go down.

Lewis Macdonald: The initial proposal, which has now become a proposal to close Aberdeen prison, was made last year, but it arose out of a consultation that was set up by the previous Administration. Did the prison visiting committee respond to that consultation?

David Wemyss: Yes, we did.

Lewis Macdonald: Did you get an answer to your submission to the consultation before Mr MacAskill made the decision to close Aberdeen prison?

Councillor Leslie: No, we got no answer from this Government at all. The decision was made without any consultation.

Lewis Macdonald: Have you raised your concerns about that with ministers since the decision was announced? What response have you had from ministers?

Councillor Leslie: Yes, we wrote to the First Minister and to the Cabinet Secretary for Justice, and on each occasion we received no answer.

Lewis Macdonald: You raised questions with ministers and had no reply. Is that correct?

Councillor Leslie: That is correct.

Lewis Macdonald: How long ago was that?

David Wemyss: I wrote to the First Minister and the Cabinet Secretary for Justice on behalf of Aberdeen prison visiting committee on 4 October 2007. We sent a reminder to the First Minister on 12 November 2007, and the SPS sent us a letter on 7 December 2007. The SPS assumed responsibility for replying and apologised for the delay that had occurred.

Lewis Macdonald: What was the content of that reply?

David Wemyss: The letter was fairly short. It referred to our letters to the First Minister and the Cabinet Secretary for Justice and apologised for the delay in replying to them, which was due to an oversight by the SPS. It assured us that the views that we offered in the consultation were considered, but it did not explain what kind of consideration took place. It said that the cabinet secretary was fully cognisant of the fact that whatever decision was reached would be unlikely to enjoy unqualified support and that the SPS was aware of the difficulties that the relocation of any prison would create for some of those who use its services. It concluded by saying that contact was being established with Aberdeen City Council and Aberdeenshire Council to allow discussions to be held with them to facilitate a successful transfer to the new prison.

Lewis Macdonald: You mentioned a remand centre being a possible compromise if the Government proceeds with its intention of closing the existing prison in Aberdeen. I have raised that issue with Mr MacAskill in Parliament. Has the visiting committee raised such a possibility with ministers? Have ministers or the Scottish Prison Service addressed the issue?

David Wemyss: When we wrote to the First Minister and the Cabinet Secretary for Justice, we asked whether the prison could be a remand centre if it could not be a prison. We wondered whether that might be an alternative if a community prison was too much to hope for.

Lewis Macdonald: Did you ask to meet ministers to discuss the matter?

David Wemyss: Yes. We said that although we have always enjoyed a very good relationship with the SPS and have always had good, professional presentations from SPS executives, we did not want to talk to it on the occasion in question; rather, we wanted to talk to politicians about political will.

Lewis Macdonald: But you were not offered a meeting or even given a reply that explained why you were not offered a meeting.

David Wemyss: No.

Robin Harper: It is important for us to generalise. We should consider the particular problem in Aberdeen and what happens in the rest of Scotland.

I want to return to what was said initially. The immediate concern is the impact on children and families. We are getting away from the idea that the sins of the father should be visited on his children. We should do everything that we can to minimise the effects on children and families when fathers or mothers—we have only one women's prison in the country—are sent to prison.

A person would probably have to allow between an hour and a half and two hours in each direction to get from Aberdeen to Peterhead and back again by public transport, taking into account the timetables for getting a bus to the bus station in the centre of Aberdeen and getting another bus to Peterhead. That is about the same time that a person would have to allow to travel from Edinburgh to an area of Glasgow. Do you agree that the effect on the families and children involved would be exactly comparable to the effect of building a new wing at Barlinnie prison, closing Saughton prison and insisting that all the prisoners in Saughton were to be incarcerated in Barlinnie?

David Wemyss: I am slightly reticent about answering that question. A quite extended comparison has been given. I slightly fear that if I simply answer yes, someone will say, "Well, I don't know if that is strictly true." However, what Robin Harper said sounded broadly reasonable. We have asked Professor Alec Spencer of the University of Stirling about doing independent research on that kind of thing and working out the reality of setting out on and fulfilling such journeys.

The research that I mentioned earlier makes it clear that around a third of journeys to Scottish prisons are undertaken by public transport. I presume that the rest are undertaken by car or—perhaps in many cases—simply on foot. I think that that is the case with Craiginches prison, which is a local community prison. Many visitors travel to it from places that are close by.

14:30

Robin Harper: I will rephrase my question. Would the impact on the families and children involved be roughly comparable to the effect that there would be as a result of the actions that I described?

David Wemyss: Yes, I would say so.

Bashir Ahmad (Glasgow) (SNP): I am suffering from continuous hiccups, which have been terrible for the past four or five days. I apologise.

You mentioned that you wrote to the First Minister and the Cabinet Secretary for Justice in 2007.

David Wemyss: Yes.

Bashir Ahmad: Have you written to them again this year to remind them about that?

David Wemyss: We first wrote to the First Minister and the Cabinet Secretary for Justice in October 2007, and we sent a reminder in November 2007. We have not done so again, because the letter that the SPS sent in December 2007 was clearly meant to be in lieu of a ministerial reply. The SPS assumed responsibility for replying and apologised for the delay that had occurred. Therefore, we gave up at that point.

Bashir Ahmad: So you assumed that there would be no chance of getting a reply from the First Minister or the Cabinet Secretary for Justice.

David Wemyss: We thought that we should divert our attention towards more constructive things. We have had meetings with local MSPs, we have tried to win the support of the northern community justice authority, and we want independent research to be commissioned. I mentioned Professor Spencer of the University of Stirling. We have asked whether he could carry out independent research—members have asked about that. We have not tried to pursue a ministerial meeting in recent weeks, because we thought that we should get on with the business of keeping our ideas alive. That is why we are here.

Brian Adam (Aberdeen North) (SNP): Obviously, the visiting committee has an important role in making appropriate representations on behalf of prisoners and their families, but what representations have you received from the public in the north-east? Have you received any direct representations from the public about the proposed changes?

David Wemyss: No. It is not surprising that we have not received representations from the public, although I suggest that we might receive representations when the reality kicks in. I am talking about the reality not only for the families and friends of prisoners, but for social workers, drugs agencies and virtually everyone I can think

of who is involved in the logistics, except perhaps those with court involvement—the Government has suggested that there might be virtual courtrooms.

Brian Adam: You have received no representations from the public about the matter and I, as a local member, have received no representations from the public about it. In fact, the only representation that I have received was from the Aberdeen prison visiting committee.

You have referred to various agencies. Obviously, what has been proposed could have implications for the council and its social work department; indeed, various public agencies and voluntary sector organisations could make representations about it. What representations have you received from such bodies that support your proposals or express concerns about what the Government intends to do?

Councillor Leslie: We have received representations from council workers. Social workers have come to me and said that they dread going to and from Peterhead in the winter. We have also received representations from police officers, who have come to speak to me about going to and from Peterhead. They would certainly look forward to a remand centre in Aberdeen.

Other than that, the answer is none. Although there has been no official representation, there has been unofficial representation from certain members of staff in Craiginches who are strongly against going up to Peterhead.

Brian Adam: So you have had some informal contact with members of staff who are concerned about the implications of the change for the prison service, the police service and the social work department, but there have been no formal representations from the Prison Officers Association, any of the professional bodies or the organisations themselves.

Councillor Leslie: No, but I expect that once the message gets out loud and clear, we may well get representations from Craiginches.

Rhoda Grant (Highlands and Islands) (Lab): As a prison visiting committee, you would not necessarily be contacted by councils and the like—your locus is very much the prisoners and their relatives—but in your investigation of the issue, have you become aware of any estimations of the costs to public bodies that would have to travel from Aberdeen to Peterhead? Have any public bodies considered the cost? Obviously, there would be travel costs for staff such as the police and social workers.

David Wemyss: We have had unofficial information about that, but I did not make it part of my submission because the estimates were

informal and behind the scenes. I did not want to come before the committee and tell it that such and such is the case when we cannot prove it. However, informal indications from Aberdeen City Council social work department point to a possible £2 million for the social work burden. I stress that I cannot substantiate that, which is why I did not say it earlier.

Rhoda Grant: Do you know of any agencies that are considering the cost? I would not expect you to have that information.

David Wemyss: A report on the issue is going to the community health partnership in Aberdeen next week. I think that I mentioned in my submission that the Association of Visiting Committees for Scottish Penal Establishments, which is an important organisation, although little known to the public, has given us its full support in the campaign.

The Convener: Have there been any discussions at local authority level about the implications of the changeover to Peterhead?

Councillor Leslie: The council has taken into consideration the financial implications. The £2 million cost that has just been mentioned would have a disastrous effect. I am sure that everyone round the table is well aware of the situation in Aberdeen; adding another £2 million cost to that situation would be disastrous.

Lewis Macdonald: You have been unable to find any evidence of ministers having considered options other than closure, but presumably you have considered whether there is a credible alternative to closure of Aberdeen prison. Have you commissioned a study into what a remand centre might cost, for example, or into the cost of alternative community imprisonment facilities in the city? If you have, what sort of numbers are you coming up with?

David Wemyss: Very early on, it was suggested to us that a feasibility study or some sort of small-scale independent research that was manageably inexpensive would be necessary to put our intuitions on more of an evidence-led basis. We lost a bit of time because we approached the northern community justice authority, but it was reluctant to support the campaign at the time. We approached Professor Coyle at the international centre for prison studies at King's College London to ask whether he would do the work for us. Although he is sympathetic to the position that we have adopted, he did not think that his organisation could do such localised work. We hope that we will hear something positive from the University of Stirling and that we can build on some kind of feasibility study or independent research.

Lewis Macdonald: Does the prison visiting committee have access to funds that would allow it to pay for a feasibility study?

David Wemyss: No. We would have to consider some way of funding it. We do not have the resources to pay for even a small-scale study.

Lewis Macdonald: Would it help make the case—or, indeed, disprove the case—for a remand centre if ministers were to offer to support such a study?

David Wemyss: We would welcome that. We have said all along that if our intuitions about the decision being bad for Aberdeen can be undermined in some way and if people can show us that we are wrong and that our argument is unrealistic, we will have to live with that. We are calling for research that is genuinely independent; we would welcome seeing where such research gets us.

Lewis Macdonald: Would you welcome research that was commissioned by the Government, as long as it was transparent and you could understand its content?

David Wemyss: Absolutely.

The Convener: We have spent a fair amount of time on the petition. We must now determine what we want to do with it and make recommendations for what to do next. Whatever happens, the petition will come back before the committee. We will keep you informed and you can track what is happening. You can continue to make submissions to the committee as events unfold. If you wish to clarify anything or provide us with more information, you can liaise with the committee clerks.

I seek guidance from members of the committee about what we should do with the petition.

Nanette Milne: Apart from taking the obvious step of writing to the Government and the Scottish Prison Service, perhaps we could get some input from family organisations, such as Families Outside and Action for Prisoners' Families, about the likely implications of people having to travel a significant distance to visit their relatives.

The Convener: We can write to the Government and the SPS about options that can be considered. I might be wrong about this, but I picked up that there are existing premises in Aberdeen that could be used to provide an additional service to prisoners and families, so it would not be a case of starting from scratch. Option appraisals could be explored. It would be useful for the committee if we drew attention to the points that have been raised this afternoon, so that the Government and the SPS can respond to them and tell us what the resource base is and what would be the likely demand for the services.

Robin Harper: We could write to the Scottish Prisons Commission and the Commissioner for Children and Young People in Scotland.

Rhoda Grant: The petition refers to the Aberdeen community health partnership, so it would be useful to get its view.

Angela Constance: I suggest that we write to Sacro, because it is involved in transporting visitors to various establishments throughout the country. We should also write to the Association of Directors of Social Work, which has a criminal justice committee.

Nigel Don: We need to hear from both local authorities on the implications of what has been said. They have the ability to estimate things that we do not. Given that Mr Wemyss was able to answer positively that the bottom line would perhaps be a complete custody, remand and prison facility, I wonder whether Grampian Police might have some input into that as well.

14:45

The Convener: Do any other members who have expressed an interest in the issue have any views that might be useful?

Lewis Macdonald: I am interested to know, convener, your intentions with regard to seeking additional evidence. Nanette Milne referred to writing to ministers, and we have heard that ministers have not addressed the request for a meeting or for some consideration of options other than closure. Might you, as a committee, take a view on that at this stage or do you want to gather additional evidence first?

The Convener: We have had similar circumstances in which there have been words behind the scenes from a ferocious committee clerk—well done, Fergus. We have raised the matter, in relation to other petitions, of the frequency or inconsistency of responses. Some ministerial departments are good at getting their responses back, but others have been less so. The business manager and the Government have been made aware of that; we have had that discussion behind the scenes.

We are happy to do that again, but, to be fair, since we made that inquiry, the private secretaries have been willing to assist the ministers in responding to the committee so that we get the responses that we want. There have been two or three useful additional ideas from committee members, such as hearing from a wider range of people with an interest in the issue so that we get a measured view and we can try to address the matter.

It is right and proper that the elected members and those from the local authorities who are

present today will probably pursue some of the issues with vigour at a local level. We have a range of organisations at the moment that are of use to us. We can consider what we will do subsequently when we get further information. We will certainly keep the petitioners and those who are interested informed. If an elected member has expressed an interest in an issue, they can track it with the clerks.

I thank both petitioners for their contribution this afternoon. I hope that it has been a positive experience. We will continue to pursue the issues that you have raised.

Public and Voluntary Sector Services (Cuts) (PE1158)

The Convener: We move to PE1158, by Kevin Hutchens, on behalf of Aberdeen Trades Union Council, which calls on the Parliament to urge the Scottish Government to review whether it is making adequate and sufficient funding available to local authorities for the provision of public and voluntary sector services. I welcome Kevin Hutchens, Andrew Laing and Kevin McCahery. You have three minutes in which to introduce the petition; you saw the format with the previous petitioners.

The issue is of particular interest to members from Aberdeen and the north-east, a number of whom are present. I think we will rename the committee the north-east public petitions committee for this afternoon. Those of you from the central belt should not worry, because we will come south shortly.

Kevin Hutchens (Aberdeen Trades Union Council): I thank the committee for inviting us to speak to our petition on behalf of Aberdeen Trades Union Council, which is the representative body of the trade union movement in Aberdeen and the north-east of Scotland.

Today, Donald Trump is in Aberdeen. Even if he brought all his wealth to the north-east of Scotland, local authorities would still have a vital role to play in providing crucial services directly, and in partnership with the voluntary sector, to vulnerable groups such as people with physical disabilities, people with learning disabilities and carers and children. Many of those groups have been affected by the cuts in the city of Aberdeen. I have circulated to the committee a paper that goes into great detail on that, so I will not speak at length on it.

I want to make some introductory points to provide clarity on the petition. Although the petition's main emphasis is on Aberdeen, the issue is not just the impact on the north-east. It is important, too, to view the petition in the context of future cuts in Glasgow of £50 million over two

years, and the threat to services in Edinburgh, including a welfare rights service for people with disabilities. It is crucial for us that vulnerable groups in Aberdeen and elsewhere are not affected by cuts. While we accept the Accounts Commission report on Aberdeen, which gave an excellent insight into Aberdeen's financial situation, we feel that it included little on the human rights impact of the cuts and that the Public Petitions Committee could and should consider that in discussing our petition today. Our petition is not about ignoring Aberdeen City Council's responsibility for the financial situation; it is about asking the Public Petitions Committee to do all in its power to present the human rights case for a review of funding to ensure that vulnerable groups elsewhere are not hit by cuts in the same way as they have been in Aberdeen.

The Scottish Parliament information centre paper that all members have states that it is up to local authorities how they allocate funding. In our view, a funding review could do two things to examine how vulnerable groups could be protected. We know from recent announcements by the Cabinet Secretary for Finance and Sustainable Growth that the first option is unlikely to happen, but I will mention it anyway: it is to examine whether reserves can be made available at any time during the financial year. The second option is to consider whether capital funds could be vired to revenue in Aberdeen. We feel that there is an open door there that could be worked on, and we would ask the committee to lobby the minister to make that happen.

Thank you for listening. I look forward to your questions.

The Convener: Thank you, Kevin. As I said, the format will be questions from committee members and other interested parliamentarians. Any one of the three petitioners can respond when they think that it would be appropriate and useful for them to do so.

Nanette Milne: I declare an interest, in that my husband is the Conservative group leader in Aberdeen City Council.

Many people have been concerned about Aberdeen City Council's funding for a long time. Since I have been in Parliament, cross-party representations have been made to try to have something done about it. Aberdeen is in a difficult situation, having a decreasing population with an increasing age profile. However, do you know whether there is a pattern across Scotland of cuts being made in front-line services because of the council tax freeze?

Kevin Hutchens: We have not done detailed research on that, but we understand that cuts have had an impact elsewhere. For example, we

have had contact with Inverness Trades Union Council on cuts in Highland Council. We also know that there have been cuts in Edinburgh and that cuts are planned in Glasgow. However, we are clear that cuts elsewhere in Scotland are not as severe as the cuts in Aberdeen.

Nanette Milne: Do you think that the single outcome agreements in which councils will be engaged will have a specific impact on the provision of voluntary services in Aberdeen and elsewhere?

Kevin Hutchens: My understanding is that that is potentially part of the problem. Part of the solution would be to assess the impact of the single outcome agreements on people's human rights and on the vulnerable groups in the community that I mentioned earlier.

Angela Constance: As a constituency MSP, I would always defend the right of local people to speak up for their local patch, but I will play devil's advocate. You stated in your written and oral evidence that the concordat is part of the problem, and you therefore believe that part of the solution lies at the Government's door. Putting on my local hat, I would like to challenge that.

My local council is West Lothian Council. West Lothian has an increasing population—we have an increasing number of children as well as an increasing number of older people. West Lothian, like Aberdeen, is at the top of the table of figures for variation in funding per head in the SPICe paper. However, West Lothian has managed to use the concordat to work well. Why do you believe that the solution lies with the Government? A recent audit report contains an action plan for sorting out the situation locally. If an exception is made for Aberdeen, other councils might feel that they, too, should get an increasing slice of the cake, and councils that have navigated more successfully might feel that they are being penalised for their success. What is different about Aberdeen? I understand that, historically, spending there has been out of control for a number of years.

Kevin Hutchens: I suppose that what is different about Aberdeen is the size of the problem. I do not know of any other authority in Scotland that is carrying out £27 million of cuts in key services. Aberdeen Trades Union Council reflects on the fact that this is the first time we have marched alongside people with physical disabilities, people with learning disabilities and other vulnerable groups. We feel that we have to act on their behalf and try every possible avenue to get support for their cause. We want to save crucial services for vulnerable groups. We ask the Public Petitions Committee, the Parliament and the Government to examine the human rights impact of what is happening in order to ensure that

vital services are protected and that vulnerable groups do not suffer.

Angela Constance: Has there been any dialogue about planning for the future between Aberdeen City Council and the groups that you mentioned? Obviously, I am not involved in the intricacies of what goes on in Aberdeen or Aberdeen City Council. There must have been some dialogue.

15:00

Kevin McCahery (Future Choices): There was no dialogue between Aberdeen City Council and the disabled people of Aberdeen until we were told that the Choices day centre for the disabled, which is the only one of its kind, was to be closed. We closed our doors on Thursday 29 May, albeit that letters told us that we were supposed to remain open until 27 June and that the funding was still there.

In response to your question, Aberdeen City Council took it upon itself to close Choices day services and sent us a letter telling us of its decision. However, it was not until we started legal proceedings to secure an interim interdict to keep the service open that the council sat up, took notice and thought, "Oh—we'd better do something here." Other than that, there was no correspondence between Aberdeen City Council and any member of Choices day services.

Kevin Hutchens: Amid all the consultation that has taken place, Aberdeen Trades Union Council was not consulted on these decisions. In fact, in our evidence to the Accounts Commission, we said that we felt that the key community and voluntary groups had not been consulted and that, in fact, the cuts had been rushed through. The human rights impact assessments that should have been carried out had not been.

Angela Constance: Did you agree with the Accounts Commission's report and recommendations?

Kevin Hutchens: Broadly and generally, yes. However, although the report is an excellent analysis not only of the financial situation and how it came about but of the council administration's responsibilities in the current situation, it does not take account of the wider issues as they impact on vulnerable groups. Not only should the present cuts not go ahead, but steps should be taken to ensure that vulnerable groups in Aberdeen are protected.

Andrew Laing (Glencraft): Our organisation was certainly not consulted. We found out about what was happening only through a friend of mine who knew the city leader at the time, and we have still received no official word about the withdrawal

of support. We are trying to work with the council on some solution to save Glencraft from closure.

Rhoda Grant: I am concerned about the impact of the cuts on services for vulnerable groups. Have they led, for example, to the council taking in-house any statutory provision that the voluntary service previously carried out on its behalf?

Kevin Hutchens: Key statutory provision is being affected in Aberdeen. In my book, the day care service provided by Choices is a statutory provision. Similarly, cuts are affecting children's services, which as part of the child care plan constitute a statutory provision. Cuts are also impacting on services to homeless people and, in particular, on Aberdeen Cyrenians, which is a major provider of day and residential services to those people in Aberdeen.

Rhoda Grant: Has the council provided any information on how it will provide those services if the voluntary groups in question find themselves unable to do so because of funding cuts?

Kevin Hutchens: The evidence suggests that homelessness offices are under great pressure to provide services. As a result, quite a few of the staff have gone off sick with work-related stress.

Rhoda Grant: You said that no impact assessment has been carried out.

Kevin Hutchens: To the best of my knowledge, there has been no human rights impact assessment; in fact, no assessment has been done with regard to the council's disability equality responsibilities. I believe that Kevin McCahery has some more information on that.

Kevin McCahery: I know for a fact that no such impact assessment was carried out, nor was there any assessment of the impact of phasing out services. If the council had carried out such a survey, it would have found that there was a need for this service in Aberdeen and would never have taken these decisions. The fact that only three months elapsed between the decision being taken and the closure of the service is testament to the amount of thought that went into the matter.

Rhoda Grant: With reference to the impact assessment, has any work been carried out to show the impact on other services? I gather that, if the services that we are talking about are cut, that will impact on other services—not necessarily council services.

Kevin McCahery: No such survey has been done so far. However, as a disabled person who used the Choices day service and knows others who did, I can tell you that NHS Grampian will soon start picking up the cost of Aberdeen City Council's cost cutting. One of our members has already ended up in hospital due to everything that is going on.

Claire Baker (Mid Scotland and Fife) (Lab): I want to ask about the impact of the removal of ring fencing on the services that you have described. Do you believe that ring fencing would have protected those services? What do you believe the relationship between national and local Government should be in these cases? The Government has spoken warmly of the Cyrenians in the chamber, but in your submission you point out that that organisation is facing severe funding cuts. What responsibility does the Government have in those instances?

Kevin Hutchens: The removal of ring fencing has had an impact on the situation—there is no doubt that it would have protected many of those services. However, it was my understanding that the spirit of the compact between the Convention of Scottish Local Authorities and the Scottish Government was that protection should be ensured for vulnerable groups. I think that that would have happened if there had been a human rights impact assessment of the compact and of what is happening in local authority areas such as Aberdeen. That could still happen.

National Government's responsibility is to provide local authorities with funding and direction, and to legislate on provision for homeless people. In Aberdeen, the reality is that local government will not comply with much of that legislation. We are also concerned about whether legislation on children's rights and people with disabilities will be complied with.

Kevin McCahery: Disability discrimination legislation has been trodden all over. I welcome the fact that we are able to come to the Scottish Parliament to beg you to take a look at what is happening in Aberdeen. I hope that you realise that things need to be sorted.

Nigel Don: I declare an interest as a local member. As people might be aware, I now live in Aberdeen.

I welcome Mr Hutchens. Although we have never met before, I note that, if there had been a few more votes for your party and a few less for mine, you might have been sitting in my chair at the moment and I in yours. However, this is how it turned out.

To go back to the absolute basics, do you accept that, over the years, Aberdeen City Council has been overspending? I assume that that is a given.

Kevin Hutchens: Yes. The council mismanaged the situation. If it had been talking to the trade unions and community and voluntary organisations, it might have found a way of dealing with the situation. That is part of the problem.

Nigel Don: Presumably, though, you accept that, logically, it is necessary to change the position from one in which there is overspending to one in which the books balance. I hope that that is not in dispute, but I would like to just check.

Kevin Hutchens: In broad and general terms, that is correct, but we do not want that to happen at the expense of vulnerable groups in the community. That is why we have come here today.

Nigel Don: Right, but I need to press the point, because it is crucial to determine whether you believe that the money that you think should be spent on services for vulnerable groups—I sympathise with your aim in that regard—should come from some other service that Aberdeen City Council is providing to some other group or groups, or that that money should come from outside the city.

Kevin Hutchens: There are several ways in which the finance could be made available in the present situation. It could come from the Scottish Government. It could have come from an increase in council tax, although we appreciate that a freeze in council tax is part of the concordat. It is important to note that, when asked, many of our members said that they would favour an increase in council tax if that would save key services.

Nigel Don: That is an independent political judgment. It would be wonderful if you could get money from the Scottish Government. I do not think that it will come, but if we can find a way of doing it, let us do it. You suggested that capital might be vired to revenue, which is not a new suggestion. I have heard the Cabinet Secretary for Finance and Sustainable Growth say that that is possible, at least in principle, if we can find a comparable council that is happy to vire money the other way—the cabinet secretary's hands are tied by the settlement from Westminster. Have you heard that argument before?

Kevin Hutchens: I understand the argument, but I also understand that viring could take place elsewhere in the Scottish Government budget, between the various services for which the Government is responsible. For example, money could come from Scottish Natural Heritage—although I am not saying that it should. Virement can take place as long as the overall capital and revenue budgets remain the same.

Nigel Don: Am I right in thinking that you are not suggesting how money could be removed from other parts of the council's spending, but that you are really looking for the committee to inquire of the Government whether other funds are available or whether there can be virement in the short term?

Kevin Hutchens: Those are the two options that we are asking the committee to put to the

Scottish Government. We have made no formal suggestions as to how Aberdeen City Council might reallocate its budget, but we will talk to the council about any proposals that it has. We hope that the unions will be involved in that process to the fullest extent possible, which has not been the case in the past.

Kevin McCahery: Choices was never given a choice—the plug was simply pulled on us and we were closed down. Unlike the other concerns that were affected, we were not given the option of having our budget cut in half. If Aberdeen City Council had told us what was happening and how it planned to proceed, we would have been willing to help. We would have done our best to subsidise some of the services that Choices offered. We were willing to cook our lunches, pay for our buses and so on, as long as the council retained our qualified, highly trained staff, about whom I cannot speak highly enough. The carers involved with the service got joy from it every day. It was brutal for the council to take it away, just like that.

Nigel Don: I understand.

The Convener: I am sorry about your staff. It is important that committee members should be able to pursue the issues.

Bashir Ahmad: My hiccups are better. My question relates to the growth in Aberdeen's population. Have you received more asylum seekers and refugees recently?

Kevin McCahery: Yes. Our city has more Polish residents now that it has had at any time in the past.

The Convener: Factually, that is true, but only one Scottish local authority—Glasgow City Council—is part of the national asylum seeker programme and has a deal with the National Asylum Support Service. By diverse routes—for example, economic migration—individuals may find themselves in other parts of Scotland, but at the moment the planned programme is limited to Glasgow.

15:15

Bashir Ahmad: As my colleague Nigel Don said, Aberdeen City Council has been overspending. The time has come to rectify previous mistakes. Kevin McCahery mentioned that people were willing to subsidise themselves if they could get a little help. People are willing to move forward together, so I am asking if the Government can help.

The Convener: Other members for the north-east are keen to contribute, so I will take contributions from that group and then pull together the points that have been made.

Richard Baker (North East Scotland) (Lab): It would be helpful if Kevin McCahery gave us a better idea of the impact of the closure of Choices on the people who benefited from its services. If we do not go beyond the figures, it is easy to lose sight of the impact on individuals.

Kevin McCahery: Choices has 52 members at the moment; originally there were 56. Two of them died, I am afraid; one is in hospital and one just had to leave.

Among the 52 members who are left, there have been anger, frustration, depression and suicidal tendencies. I do not know whether the committee has a copy of a letter that I sent, but I can easily give you one.

To those individuals, Choices day service was their life, livelihood and freedom; it got them away from their four walls for a day. I know that, because I have been there. I sat in my house for four years with no help, no friends and no one turning up. The next thing was that I was ready to commit suicide. I was lucky because I was married and my wife and daughter helped me to get in touch with a care manager, who then got me in touch with Choices day service, which I had never heard of before that day. What a difference that service made to me. Look at me. I am sitting here trying to prove the point to you. If I did not think that that service was worth it, I would not be here; that is how worth while I feel it is.

Richard Baker: This is a question for Kevin McCahery and Andrew Laing. Councils have a statutory duty to consult people with disabilities about the removal of services. Kevin, you have obviously decided that you have to take the council to court because you believe that the council has not lived up to its statutory duty. Presumably, the Scottish Government's role is to ensure that such duties are fulfilled. Did you feel as if you had no other option?

Kevin McCahery: That is right. I was given no option other than to take Aberdeen City Council to court. We applied for an interim interdict, but it did not work. There is no on-going case at the moment, although there could be. I hope that the Scottish Government can save me having to go to a court of law, but I am willing to go there, because the council has broken the Government's statutory laws under the disability discrimination legislation, not a law of court. I believe that the disability equalities legislation applies throughout Britain. If the council can get away with that in Aberdeen, people will try and get away with it in Glasgow, then in Edinburgh and then the next place. Then the question would be what the legislation was written for.

The way that I see the situation, as someone from the day service, Aberdeen City Council is

trying to drag us back into the 20th century, not move us forward in the 21st century.

Richard Baker: I have one final question. Ministers have said that they are concerned about the Social Work Inspection Agency report, which was critical of social work services in Aberdeen but praised Choices. Has the council been in touch to discuss how the service might be maintained? Has there been any movement as a result of that report?

Kevin McCahery: There has been slight movement. Last Friday past I had a doctor's appointment. I got a telephone call from Rhonda Domarackie, my secretary with Future Choices, who told me that she had received an e-mail from Helen McNeil in Aberdeen City Council asking me to attend a meeting, which was to be on that Friday. I am afraid that I could not attend the meeting at such short notice, but we have now agreed a time for a meeting with Helen McNeil on 24 June, after she comes back from her two weeks' holidays.

Brian Adam: The implication of what Mr Hutchens said is that vulnerable groups were virtually targeted as part of the significant cuts in the budget. Can you give us an idea of what percentage of the cuts affects that group? For example, is it 5, 10 or 80 per cent? As I understand the budget changes, there is to be a £24 million reduction in funding for services and £3 million has been set aside for transforming the council. Of the £24 million cut, exactly how much affects vulnerable groups?

Kevin Hutchens: I cannot give a detailed figure on that. The paper that I submitted to the committee includes detail on that, but it does not give the full picture. However, as I said, groups such as the Cyrenians and Choices are affected. I hope that Glencraft will reach an agreement on its future but, technically, it could still be cut. There are also cuts in services for children and for schools in vulnerable communities. I could list them, but I have not added them up or got a percentage figure for you.

Brian Adam: I would be delighted if that could be done, because, otherwise, we are discussing the issue in a vacuum. The individual circumstances of each project are important, especially to those who are directly affected, but to give us an idea of whether the council has made unreasonable choices, we need to know whether the cuts are falling disproportionately on the voluntary sector or the vulnerable in society.

Like Mr Hutchens, I hope that an agreement can be reached between all the folk who are involved in Glencraft, so that alternative provision can be made. In that regard, I ask Mr Laing and Mr Hutchens whether any other councils in Scotland

still support that type of service, so that we can judge whether the situation in Aberdeen is unusual. Are similar organisations elsewhere in Scotland still supported by council funds?

Andrew Laing: I can tell you only what I know. There are another four supported employment workshops in Scotland: in Glasgow, Edinburgh, Dundee and Inverness. I believe that all those organisations are being supported by their local authorities in some way or another. We have always agreed that our funding should gradually be reduced.

I believe that part of the agreement was that Aberdeen City Council brought in its own man, along with a new chairman of the board of governors, to help move Glencraft forward. They were given reassurances by the administration that they would be allowed to do that over the course of two to four years and they were half way through that process, having brought in new equipment, including information technology equipment and various other pieces of equipment.

Once all the new equipment was brought in, the biggest problem with Glencraft became the need to move from the premises on the current site in Wellington Road as they are far too big and cost too much to maintain—the building is more than 40 years old. We would need to move into either purpose-built premises or premises that could be modified to suit the needs of the blind and disabled people who work for Glencraft. Anthony Pratt, who was asked to come and turn Glencraft around and make it more sustainable so that it could operate from within its own resources, was assured—as was the new chairman, who came on board at the same time—that they would be given time to do that. It is frustrating to have the rug pulled from underneath them two years into the project, when they knew that it would probably take four to five years and that as part of the process they would reduce over time the funding support that we required from the city council.

Brian Adam: I understand that most other councils drastically reduced or withdrew their funding for similar projects up to a decade ago. Although I accept that the position is as you describe it in that the process was intended to last for two to four years, the substantial change is that Aberdeen City Council is in extremely difficult financial circumstances. Like other local members, I hope that an appropriate resolution to your situation can be reached.

Mr Hutchens suggested that revenue from capital might be, in the short term or otherwise, an appropriate fix for the council's financial position. Can you give us an idea of how much of the £24 million that the council has cut from various budgets could come from that source?

Kevin Hutchens: Although I do not have the exact figures with me, I understand that the cancellation of the Marischal college project would have a significant impact in respect of the revenue that was needed in the city of Aberdeen to meet the needs of vulnerable groups.

Brian Adam: I suspect that many people would be surprised at the suggestion that that would be a viable option, even just in terms of the finances. I do not think that that is the suggestion that was being made to the Cabinet Secretary for Finance and Sustainable Growth.

You indicated to my colleague Mr Don that you think that some moneys, whether internal or external, could be released. Can you give us some idea as to how much of the £24 million could come from capital? Bear in mind that the Accounts Commission said that the council had already released, from within its own overall resources, £70 million over a period of three years and the Government says £50 million over a period of five years from precisely that source, which is one of the reasons why the council is in so much financial trouble. How much more capital resource, either local or external, could go towards dealing with the £24 million or £27 million revenue problem?

15:30

Kevin Hutchens: I do not have the detailed figures to hand, but I have talked to colleagues in the trade union movement, and we understand that cancelling the Marischal college project would have a significant impact on the release of revenue. That revenue could be made available to meet the needs of vulnerable groups. I am afraid that that is all that I can tell you today.

Lewis Macdonald: Do you have a ballpark figure for the money that the council is committed to providing for the Marischal college project?

Kevin Hutchens: I do not have that detail with me.

Kevin McCahery: I do not have an exact figure but, according to Kevin Stewart, £40 million has already been spent on setting things up. I think that a minimum of a further £80 million will be needed to finish the project.

Lewis Macdonald: I want to ask Andrew Laing about Glencraft. Is it correct that Glencraft is wholly owned by the Royal Aberdeen Workshops for the Blind and Disabled?

Andrew Laing: Yes.

Lewis Macdonald: What are Glencraft's current sources of funding?

Andrew Laing: We receive financial support of £600,000 over the year, some £450,000 of which comes from Aberdeen City Council. I think that

£150,000 is central Government funding from the Department for Work and Pensions. We were subsidised on top of that £600,000 before our interim general manager, Anthony Pratt, came on board, but we have gradually reduced that amount so that we now use only the money that I mentioned. We do not ask for any extra money, which we did before Anthony Pratt came on board two years ago.

Lewis Macdonald: If the council presses ahead with its plan to remove its funding for Glencraft, what will happen to the United Kingdom Government support that is provided through the Department for Work and Pensions?

Andrew Laing: I am not sure about that. Every year, Aberdeen City Council signs an agreement with the Department for Work and Pensions that it will support blind and disabled people in employment, whether they are employed by Glencraft or some other mainstream employer. It provides funding of around £4,800 per person to get disabled people out into mainstream employment. It is ironic that, four days after the council decided to cut the funding, it signed an agreement with the Department for Work and Pensions to continue supporting Glencraft plus, I think, another 30 disabled people in employment in the council or in mainstream employment.

Lewis Macdonald: So unless the council puts in place another mechanism for securing the employment of the individuals who work in your workshop, that central Government funding will be lost. Is that correct?

Andrew Laing: Yes. As I said, a percentage of people who work in Glencraft may be able to work in mainstream employment, but the problem is that quite a few people who work in Glencraft have severe learning difficulties. The probable reason that some people have been working in Glencraft is that they previously worked in mainstream employment, but were bullied and harassed. That was why they came to work for the Royal Aberdeen Workshops for the Blind and Disabled.

The Convener: This is the final question.

Lewis Macdonald: My question is for Kevin McCahery. I understand that the people who used the Choices day service were referred to it by care managers or other social work staff. Am I right in thinking that, when its closure was announced, users of Choices were promised that they would be reassessed and that alternative services would be provided if they were required? Has that happened? Are people who used the Choices day centre, which has closed, being provided with alternative services?

Kevin McCahery: The simple and quick answer is no. We were referred to the Choices day service through care managers and other service bodies.

The simple answer to the question whether we have been reassessed and provided with other services is no. Some people have been told that they can go to old folks homes and others have been told to go home and vegetate. I am fortunate to be in a bit of a different position. I have been offered a few things—I do not know why. However, I am the only one to have been made offers. That is just the way it has been.

The Convener: I said that Lewis Macdonald had the final question, but that was for that side of the table. To show who has supremacy, I will give a committee member—Nigel Don—the final question.

Nigel Don: Thank you, convener. I have not a question, but a comment. I return to the virement of capital to revenue. I counsel against grasping at the biggest number that we can find. I understand that the Marischal college project must proceed. The idea of burying what has been spent and cancelling the project does not make sense in the context that offices need to be replaced. Important issues have been raised. Perhaps something can be achieved at the margins, but please let us not fool ourselves that cancelling that project would answer every question.

The Convener: Nigel Don's comment is useful. I chose not to ask questions, but I think that the solutions will be local. The local authority needs to engage with client groups and individuals in the city on baseline budgets, the priorities for spending its revenue and managing that process through difficult times. Everyone around the table has stories of how local authorities have responded or not responded in different years to budget difficulties. We are on different sides of the political fence, but I confess that I had to make substantial budget reductions when I was a local authority leader. My caution is that the stages that are gone through are as important as the final decisions on the budget. People are never happy with the budget, but what matters is how the process was managed.

Questions on the petition have shown the uncertainty about the situation. It would be welcome if the petitioners wished to provide more clarity on or to amplify issues that have been raised or if they wished to discuss further with their client organisations or the trades union council options for examination. Most of you are not paid professionals, whereas senior local authority members have the opportunity to have such discussions through the democratic process of accountability and scrutiny. The issue is worth deliberating.

We have spent much time on the petition, which will make time tight for the other major petition this afternoon. Several issues have been raised by the

petition and by members. How do committee members wish to proceed with the petition?

Angela Constance: Having heard the evidence, I think that we should put several points to Aberdeen City Council. We have heard the serious charge that the council is not fulfilling its statutory requirements. I cannot comment on the veracity of that, as I am not involved in the area, but we should give the council the opportunity at least to respond.

We should treat likewise the claims that the council is breaching disability discrimination legislation. In my experience, councils are usually very tetchy when there is any suggestion of their seriously breaching legislation.

Finally, it may be useful for the committee to ask about the progress that has been made on social work assessments to signpost people to other services. As a former social worker, I declare an interest. I would be absolutely gobsmacked if social work staff were telling young, physically disabled adults to go to an old folks home or to sit at home and twiddle their thumbs.

The committee needs to address those issues.

The Convener: Okay. We need to send the *Official Report* of this afternoon's proceedings to the key players and ask them to comment on the issues that we have highlighted in questions. We did not interrogate single outcome agreements in any detail, although that will be part of the wider debate that we will all have as elected members in the chamber. It would be useful, in communicating with COSLA, to ask about the principles behind that and how it will impact on Aberdeen.

Do members have any other suggestions for how we should take this forward?

Nanette Milne: One of the specific issues in the petition is the funding formula. We could perhaps ask the Government what its plans are for a review of the local government funding formula in general—whether there is a timescale for that and whether it is considering reviewing it.

Rhoda Grant: I suggest that we write to some disability groups that would be able to give us an insight into whether the council is in breach of disability discrimination legislation. We could also write to the councils for voluntary service network and the Scottish Council for Voluntary Organisations to get an idea of their feelings on the matter. The petition is about the wider voluntary sector and the like.

Brian Adam: There are key issues relating to the idea behind the petition, which is about the protection of vulnerable groups and how that relates to the council's responsibility. It might be useful to have the numbers that I—probably unfairly—asked Mr Hutchens whether he had. The

council ought to have those numbers. If the committee has that information before it, it will be able to see whether the tough decisions—which, as you rightly said, convener, must be made from time to time in the public sector—have been made fairly and whether there is any evidence of the cuts falling unfairly or disproportionately on vulnerable groups. We should be able to get that information from the council.

Lewis Macdonald: In addition to writing to the organisations that Rhoda Grant suggested, we should seek the views of the Equality and Human Rights Commission on whether Aberdeen City Council has complied with the law in its actions in relation to disabled people. I would have thought that the commission's views on that would be helpful to the committee in considering the petition.

The Convener: Okay. We will gather that information and the petitioners will be notified of the next occasion on which the petition will be before the committee. I am sure that elected members in the immediate area will track the progress of the petition. At that stage, depending on the responses that we have received, we will decide how to proceed with the petition.

I hope that that has been a useful opportunity for you to articulate the issues that you have raised in the petition. I wish you well in your endeavours, over the next few months, to get fairness for the client groups that you care most about.

We will take a brief break as the witnesses change over, and then go on to the next petition.

15:44

Meeting suspended.

15:51

On resuming—

National Concessionary Travel Scheme (PE1162)

The Convener: I reconvene the meeting, and I thank our next petitioners for their patience this afternoon. In all innocence, I suggested that we might get to you by 3 o'clock, and I apologise for the fact that it is now 50 minutes after that. As you know, there was extensive discussion on the previous two petitions.

The next petition is PE1162, by Sally Ann Elfverson, on behalf of Learning Disability Alliance Scotland. The petition calls on the Parliament to urge the Government to amend the national concessionary travel scheme to ensure that people receiving the lower rates of the mobility

and care components of disability living allowance are eligible for a national entitlement card.

I welcome Sally Ann Elfverson, Ian Hood and Colin Menabney to the meeting. The petitioners will have seen the format earlier. You have three minutes to make an opening statement—good luck.

Sally Ann Elfverson (Learning Disability Alliance Scotland): Thank you for giving me the chance to speak to you today. We lodged a petition because free travel on buses is very important to people with learning difficulties. We fought for a long time to get this, and we were pleased when the Scottish Government agreed to give us free travel.

Free bus travel is important to us because we need the bus to help us live our lives. Most people with learning difficulties will never drive. Most of us need some kind of special help to use public transport. Under the old rules, we could not use the bus before 9 o'clock, so we could not get to work, colleges or our centres on time. More of us live in the community now, and free travel on buses helps us have better lives.

Having a free bus card makes travel easy for us. The problem is that, when we have to renew our cards, the system is hard to understand. People who get low-rate mobility DLA are told that they cannot get a card, even if they have had one before.

There are other ways to get a card but the forms are hard to fill in, and some people cannot get help to do it. Some people just give up when they are told that they cannot renew their cards. More and more people are going to have a problem as their cards go out of date. If they cannot renew their cards, they will be worse off than before the new rules on free bus travel came in. We are asking the Parliament to change the rules so that everyone who gets disability living allowance can get a card, even if they are on the low rate. The disability living allowance is a benefit that lots of people can claim. It is a good way of knowing that someone has a disability. We think that that would not cost the Government much more money, yet it would help a lot of people. We do not think that the Government meant to stop people with a learning disability getting free bus travel when it made the new law. I hope that Parliament will do something about this issue. Thank you for listening to me.

The Convener: Well done, Sally Ann. That was fantastic. I have a quick question. Does someone in that group who got the old Strathclyde bus pass no longer qualify for any bus pass if their old pass is up for renewal?

Colin Menabney (Learning Disability Alliance Scotland): Sally has asked me to answer that. The problem arises when the person has to renew

their card for the first time. With the old Strathclyde pass, people were passported on automatically as a transitional arrangement. The problem is only really coming to light when people come to renew their card and are told that they cannot do so because they are on certain levels of benefit.

The Convener: So they lose all entitlement, even to a card that operates within their area.

Colin Menabney: Yes.

The Convener: They are trying to renew something that they have been used to, but which is no longer available unless there is a change in approach from Transport Scotland.

Colin Menabney: In fact, the rules say that the person can still apply for a card but that they have to fill in another form, the NCT002. The problem is that people are not being told that at the outset and are unable to get help to fill in the form. They take it as gospel that they cannot get a card.

The Convener: Are the people who exercise the right to apply being refused or accepted? Do you have any figures on that?

Ian Hood (Learning Disability Alliance Scotland): We asked local authorities what the current pattern is. Although local authorities decide whether people can renew their cards, they are not required to keep a count of how many they refuse. Many of them have kept no records on that. However, a few did and they have told us that in some areas, such as Fife and East Lothian, hundreds of people were refused cards because they did not qualify for them under the new rules. Some local authorities, such as Aberdeenshire Council, ran a special system whereby they told people how they could apply to get the cards. The council made a real effort to ensure that everybody who had a disability of any sort managed to get a pass one way or another. However, many local authorities had not dealt with the problem before and did not know what to do about it.

16:00

The Convener: I do not think that there is a lack of sympathy among members for your petition. We know that a review is being undertaken, which will be concluded by the autumn of 2008. I do not think that any member of the committee disagrees that there have been unintended consequences of the national concessionary travel scheme. The figures that we have show that there are just under 400 in Fife. If we take that as a snapshot of the population, it means that thousands of our most vulnerable residents throughout the country could be losing out dramatically. We need to pursue the matter with vigour.

Claire Baker: I want to ask a bit more about the form. You said that some local authorities have

refused to allow people to renew their cards. Have people who have filled in the form been refused, or were you talking about people who did not know about the form?

Ian Hood: We know that Clackmannanshire Council refused 12 people. The form, which I am holding, has to be countersigned by a care manager or commissioner of one sort or another. People who want to renew their pass have to be in a position to get someone to countersign their form. They have to give a reason why they should get the bus pass; they are not given it automatically. Falkirk Council has refused 16 people; Fife Council has refused four people; and Midlothian Council has refused four people. The councils do not keep records, but some of them just happen to know how many refusals there have been. We have spoken to people who made the refusals.

Claire Baker: Frank McAveety mentioned the 400 people in Fife. Does that number refer to people who are not aware of the form and have just dropped out of the system?

Ian Hood: The figure for Fife that we have is that 358 people with a lower level of DLA originally received a bus pass, but were subsequently refused a renewal, because they did not qualify for it. Fife made 1,800 refusals altogether, for reasons that are not completely clear. Some people phoned up and asked for a bus pass and were refused, but they were not sure what the reasons were for the refusal. The number of refusals is much higher than the number of people with a lower level of DLA who have been refused.

The Convener: So we are perhaps just scratching the surface of the reality in communities.

Robin Harper: I declare an interest as I am co-convener of the cross-party group on learning disability.

The Convener: And you qualify for a bus pass.

Robin Harper: I congratulate Sally Ann Elferson on her clear presentation.

The petition states:

"There are about 30,000 under the age of 60 who receive the lower levels of the DLA only. Many of these might already qualify for the scheme through other routes, such as having a blue badge. It would cost less than 3% of the existing bill to extend the scheme to cover these people."

Are you saying that your suggestion would raise the bill by just 3 per cent?

Ian Hood: That was our estimate.

Robin Harper: That is a relatively small amount.

Ian Hood: Yes. We might have overestimated it, because people are able to claim the bus pass if

they have a blue badge for example. Someone with limited vision might still qualify for the concessionary travel card. The cost might be lower; we are not completely sure.

Robin Harper: That is what I was trying to get at. The figure could be an underestimate rather than an overestimate.

Ian Hood: We tried to be fair.

Angela Constance: I should declare an interest in that I lodged a motion on the issue, which has certainly been live in my area. The SPICe paper said that Charlie Gordon MSP lodged a motion on 11 October last year. Mr Gordon might well have done so, but I know that I did, too, because the Parliament was in recess at the time and I was at home waiting patiently for the birth of my son.

As I understand it—I hope you can confirm this—the issue is that people with learning disabilities are being penalised. Although they do not have a physical disability and do not qualify for the higher rate of the mobility component of DLA, they receive the lower rate of the mobility component because they still need some assistance with travel. That means that a number of people lose out.

Furthermore, is it right that the form applies only to people who are in receipt of a statutory service?

Ian Hood: No.

Angela Constance: Any service?

Colin Menabney: This illustrates the issue and takes us back to the convener's point that we are scratching the surface.

In my experience—which is mainly from Glasgow—when someone with learning disability goes to renew their card, they are asked whether they receive the middle-rate care and mobility component of DLA. When they answer that they are on the low-rate care and mobility component, they are told that they cannot get a card. However, the rules actually state that if they fill in the NCT002 form, which requires the support of the professionals to whom Ian Hood referred, they can get a card. The problem is that people were not being made aware of that. Even if they receive the form, it is complicated, and if they do not have a support worker to help them fill it out, they tend not to understand the rules and so put the form in the drawer and think, "I can't get a card". In that sense, people with learning disability are particularly affected if they do not have someone who can help them to work their way through the rules.

Angela Constance: My memory is rather rusty, but you may have accurate information on this. There were a number of local schemes—including one in West Lothian and the Strathclyde scheme,

which was the biggest—prior to the introduction of the national scheme. I seem to remember that in a number of council areas, which geographically represented half of Scotland, the introduction of the national scheme was actually detrimental.

Ian Hood: That is right. We have petitions with us from all across the country, and we have another 2,100 signatures to add. Many people have signed from particular areas of Ayrshire, the Highlands and Glasgow—areas where people are losing out in large numbers and are concerned about that.

Angela Constance: Have you had any contact with Capability Scotland? I know that the estimate of people affected was 400 in West Lothian, but I remember—although my memory might be rusty—that Capability Scotland suggested that perhaps 10,000 people across the country could be affected.

Ian Hood: No, I have had no particular contact with Capability Scotland on the issue.

Angela Constance: Will the witnesses give a practical example of why access to free and affordable travel is so important to somebody with learning disabilities?

Colin Menabney: One of the core objectives of organisations such as the one that I work for, and a core aim in documents such as “The same as you? A review of services for people with learning disabilities”, is to get people with learning disability into employment. The fact that people can travel for free on buses can be a crucial part of that. First, it can make it financially worth their while to take a job rather than exist on benefits. Secondly, under the old system people could not travel on buses even for a reduced rate before 9 o’clock—when most jobs start—so in practice they could not use their concession cards.

Sally made the point that most people with learning disability will never be able to learn to drive and will need special help to use buses. That takes a significant part of their income, but the fact that they can travel on buses for free takes that problem away. If they are told, having become used to free travel for a year or so, that they cannot have any concession when the card is up for renewal, that has a disproportionate impact on their leading a normal life in the community. It also has a high financial impact.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good afternoon folks. I think that you made a brilliant presentation—it was well done. Has the concessionary travel card always been means tested for people with disabilities?

Ian Hood: As Angela Constance said, a range of schemes applied in different parts of Scotland,

which all had different ways of working out who was entitled to get concessionary travel. There was no standard method. In the biggest scheme, which operated in the Strathclyde Passenger Transport Executive area, it was much easier for people who had a learning disability and who attended a day centre to access the card. In many other parts of the country, people with learning disabilities did not have access to concessionary travel. The new scheme has meant a levelling down of entitlement—many people who used to get the card will lose out and many people with learning disabilities will have no chance of getting it.

We think that there is a good case for using disability living allowance as a passport benefit. “Means testing” is perhaps not the right phrase to use, but potential recipients receive a medical assessment to determine whether they have a disability. Undergoing that assessment should be enough to give someone a passport to a series of benefits and advantages.

John Farquhar Munro: I quite agree. That would be a fairer way of operating.

Is the card graded according to the level of disability allowance that someone receives? Does that alter the rate of concession to which the card entitles them?

Ian Hood: No. The card offers a flat rate of concession—it provides the holder with free access to the buses. People who require a much higher rate of care can get a C+ card, which allows them to have a companion travel with them.

John Farquhar Munro: The situation is quite unfair because with the pensioners travel scheme, which I think Robin Harper mentioned, everyone who reaches a particular age qualifies for a free travel pass—no distinction is made. Why should the same not apply for people who have a disability?

Ian Hood: I must apologise; my explanation was not clear enough. When I said that the card offers a flat rate of concession, I meant that everyone who has one gets free travel. There is no difference in entitlement according to the level of a person’s disability.

John Farquhar Munro: Yes, but a pensioner who applies for a card does not have to produce a document that shows that they have been means tested in order to be eligible, so people with disabilities are being discriminated against.

Claire Baker: When the changes were made, transitional arrangements were put in place. It is the fact that they are coming to an end that is creating the problem. Although all members of the committee will welcome the fact that the Scottish Government is to review the eligibility criteria in

the autumn, a gap has been created. With a bit more foresight, the ending of the transitional arrangements could have been timed to coincide with a review and a gap would have been avoided.

You estimated that the extension of the scheme to match the higher level of entitlement that used to be available locally would cost less than 3 per cent of the existing bill. Conversely, if your proposal was not adopted, there would be a saving. Do you have any idea of what that saving would be?

Colin Menabney: I am sorry, convener, but we have not calculated that because we are not yet sure of the scale of the issue. It is coming to light as people's cards come up for renewal. The transitional arrangement was that anyone who had a local authority card could automatically get the new national entitlement card. Our experience in the west of Scotland tells us that those cards could last for one, two, three or four years. We do not think that many people have been affected yet. Learning Disability Alliance Scotland will be able to help most of the people our organisations work with to get the card eventually, but we can do that only if they come to us and do not take it as gospel that just because they are on low-rate mobility DLA or low-rate care DLA they cannot get a card. That aspect is difficult to calculate.

We think that it was never the intention of the legislation to debar people who have a learning disability from accessing the scheme, and we do not think that it would cost a great deal to put things right.

16:15

The Convener: That is a positive contribution to conclude on. The laudable objective of introducing a national concessionary scheme has had unintended consequences, one of which comes from a lack of knowledge about local and regional differentials. The downside is that individuals in the circumstances that Sally Ann Elfverson and others are in are unfortunately discriminated against—doubly so, because they were used to getting something that has now been withdrawn. In addition, newcomers find that they are no longer entitled to a concession.

We need to explore the situation. We will take on board the points that were raised in the discussion. I recommend that we draw the petition to the attention of Government ministers with responsibility for the concessionary scheme and ministers with responsibility for equalities—I do not see why the matter should not be drawn to their attention, too, so that we can ascertain whether there can be co-operative work across the Government on the issue.

We do not underestimate what is involved, because the suggested option is not inexpensive.

However, given that we are trying to get people back into employment and minimise barriers to wider participation in society, it strikes me that we must explore the issue. We can as a minimum ensure that those who already have a system, such as the one in Aberdeenshire, can continue to use it. We can then try to bring on stream other parts of Scotland that will not necessarily have that system. Do members have any further recommendations on how we should tackle the petition?

Angela Constance: I suppose that we should also contact organisations such as Enable Scotland and Capability Scotland.

John Farquhar Munro: We should write to the Equality and Human Rights Commission because one section of society is being discriminated against in comparison with another.

The Convener: Are any individuals in the petitioners' organisations involved in the review process with the Government?

Ian Hood: No.

Colin Menabney: Not directly. However, I work for Enable Scotland, which was referred to earlier, and we are trying to influence the review nationally. We have sent a lot of information to our members on how they can avoid the problem personally and how they can raise awareness of it nationally.

The Convener: I suggest that, although we are waiting for the outcome of the review, it might be worth drawing the Government's attention to the issues that have been raised. We could ask whether there is any chance of guidance being issued that would at least encourage local authorities to run information campaigns that would be consistent across the country. For example, Aberdeenshire Council has a helpful initiative, but other local authority areas have not got round to doing something similar. It is understandable that they might not have done so because they have other priorities or pressures.

However, I do not see why we cannot ask whether anything can be put in situ at the moment so that people can claim for what they are currently entitled to. A substantial group of individuals would still be excluded, unless there was a major injection of cash into the overall programme to try to deal with that group. However, there might be anomalous areas in which a wee bit of information exchange would assist more people than are being assisted just now. We can draw that to ministers' attention as part of our response to the petition.

As we said to the previous petitioners, we go through a process that involves dealing with responses. As petitioners, you will be kept fully

informed of the issues that have been raised. You can certainly continue to raise the issues raised in the petition with elected members across the country, where appropriate. I acknowledge what Angela Constance and Charlie Gordon have been doing at a local level and through the Parliament to draw attention to the general issue.

I hope that the discussion on the petition has been helpful to the petitioners. Again, I apologise for the delay in taking you this afternoon. However, you did very well, and I thank you.

Ian Hood: Can we leave you our documents?

The Convener: Yes.

Fiscal Autonomy (Referendum) (PE1160)

The Convener: We must press ahead because we have many issues to get through.

PE1160, from John Swinburne, calls on the Parliament to urge the Government to hold a referendum of the people of Scotland to determine whether they wish the UK Government to devolve full fiscal autonomy to the Scottish Parliament. Do members have any observations on the petition? The issue of referendums can sometimes animate many of us around the table.

Nanette Milne: The Government has said when it proposes to hold a referendum and the Calman commission is looking into the same issue. I do not think that the committee can take things further forward, so I would leave the petition where it sits.

The Convener: Is that the committee's view?

Given that two major existing projects will address the issue of powers, including fiscal powers, let us accept that, on the subject matter of the petition, both the Government and the other parliamentary parties have established processes by which the issues will be ventilated to a substantial degree. Therefore, I recommend that we note or close the petition.

John Farquhar Munro: Should we close it?

The Convener: I recommend that we close the petition on the ground that I have given.

John Farquhar Munro: Okay then.

The Convener: As a federalist, you are not that desperate on these issues, surely.

Do we agree to close the petition?

Members indicated agreement.

Court Proceedings (Audio Recording) (PE1161)

The Convener: PE1161, from William Smith, calls on the Scottish Parliament to urge the Scottish Executive to make mandatory the

provision of an audio recording of civil court proceedings to those parties with additional support needs such as dyslexia. Do members have any views on how we should deal with the petition?

Angela Constance: As a committee, we should remain consistent with our previous view on the issue, which has been dealt with on a number of occasions.

The Convener: Do you recommend that we close the petition on the ground that we have previously addressed the issue?

Angela Constance: Yes.

The Convener: Is any committee member otherwise minded?

Are we agreed that we should close the petition?

Members indicated agreement.

Scottish Public Services Ombudsman (Audit) (PE1163)

The Convener: PE1163, from Gregor Hamilton, calls on the Scottish Parliament to invite Audit Scotland to conduct, without delay, an economy, efficiency and effectiveness audit of the office of the Scottish Public Services Ombudsman.

Do members have any suggestions on how we should deal with the petition? As the petition seems fairly straightforward, I suggest that we seek the views of the appropriate agencies. On efficiency, we can ask the SPSO how it will address that issue and we can also contact Audit Scotland. Given the commitment of the Cabinet Secretary for Finance and Sustainable Growth to find efficiency savings, we can seek the Scottish Government's view on how it will drive that forward.

Robin Harper: It is important to keep it in mind that, by the time a complaint comes to the Scottish Public Services Ombudsman, the complainer will have gone through one or two or more complaints procedures. Clearly, it would be unreasonable to expect the ombudsman always to come to a decision that will please all those who present a complaint. I think that that is a fair observation.

The Convener: Fair enough.

Angela Constance: To be fair, the petition also talks about processes. In addition, the background paper refers to a complainant satisfaction survey. As a constituency member, I have certainly received complaints about the SPSO's processes. Although we cannot get into detailed levels of audit or complaint investigation, I think that the petition raises a valid issue that we should pursue.

The Convener: With those observations, I think that we now have clarity on how we wish to proceed with the petition to the next stage.

Live and Hybrid Embryos (PE1164)

The Convener: PE1164, from Lydia Reid, on behalf of Justice for the Innocents, calls on the Scottish Parliament to urge the Scottish Government to make representations to the UK Government to ensure that the Human Fertilisation and Embryology Bill prohibits the use of live embryos and the creation of hybrid human-animal embryos for research in Scotland. Do members have any views on the petition?

Nanette Milne: I wonder whether we can do anything about the issue, as it is clearly reserved to the UK Government. The bill has recently been voted on at Westminster, so I do not think that we could influence the matter even if we proceeded with the petition. Therefore, I suggest that we close the petition.

The Convener: Is any committee member otherwise minded?

Nigel Don: I support Nanette Milne's suggestion. A number of us have a lot of sympathy with the petitioner's point but, unfortunately, the issue is reserved to another place, which has recently considered the issue. We just have to close the petition, I am afraid.

The Convener: Do members accept that recommendation?

Members indicated agreement.

Biological Fathers' Rights (PE1165)

The Convener: PE1165 is also from Lydia Reid. It is on behalf of Grandparents Apart and it calls on the Parliament to urge the Government—given its responsibilities for family law, registration of births and other policy areas—to make representation to the UK Government to ensure that the Human Fertilisation and Embryology Bill creates a right for biological fathers to have their names on the birth certificates of their children born through in vitro fertilisation procedures.

The issues raised by PE1165 are similar to those raised by PE1164. As with that petition, are members minded to close PE1165 on the ground that it has already been discussed and the responsibilities lie elsewhere, with such matters being determined at Westminster?

Members indicated agreement.

Current Petitions

A90 Deceleration Lane (PE1020)

16:25

The Convener: Item 2 is consideration of current petitions. PE1020 is from Councillor Paul Melling, on behalf of the constituents of Portlethen South, which is ward 60 of Aberdeenshire Council, and it calls on the Scottish Parliament to consider and debate the safety issues for the requirement to construct a deceleration lane for access to the Bruntland Road junction from off the A90.

Interest has been expressed by Mike Rumbles, who is the constituency member who covers the area. Welcome to the committee, Mike.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I have read carefully the letter to the committee from Malcolm Reed of Transport Scotland. He accepts that the petitioner is justified in his concerns. The junction is extremely dangerous.

One or two committee members will know the junction, but others will not. When you come south from Aberdeen and go to Portlethen, you would turn left off the A90. It is a very sharp turn and there is no deceleration lane. People often have to slow right down to 20mph while, behind them, people are powering down the dual carriageway at 70mph—well, let us just call it 70mph.

The letter from Malcolm Reed says that it would be right to have a deceleration lane at that junction, but it also says that the junction ranks 13th out of 18 along the whole stretch of the A90. I do not find the letter satisfactory. It seems to say, "Yes, we accept there's a problem—it is a dangerous junction. We know we have to do the work, but the junction is ranked 13th out of 18." No timescale is given.

I would hate to think that, at the end of this process, we would simply say, "Well, okay, isn't it good that we've recognised that the work needs to be done?" Something more concrete should come out of the process. We should be able to say to Transport Scotland, "Okay, we accept that there has to be an order in which things are done, but the people of Portlethen should be told when Transport Scotland will get round to doing the work."

Nanette Milne: I know the junction well and I agree with Mike Rumbles that something needs to be done. Everyone who uses the road would agree.

Transport Scotland has confirmed that there is a problem, so we should write to Transport Scotland

to ask what being 13th out of 18 means in terms of the timescale.

Nigel Don: I, too, know the junction well. I drove past it yesterday evening in relatively heavy traffic and, as I passed vehicles that were slowing down and turning left, it was entirely clear to me that the junction is a problem. As it happened, the junction was well negotiated by the drivers, but the traffic was not heavy enough to cause a real problem.

I agree with Mike Rumbles. I accept, as we all would, that if there are other priorities, we have to wait to take our turn. However, it would be useful to know the timescale.

I cannot let this opportunity pass without noting that traffic going north is allowed to turn right across the A90 at this junction. That manoeuvre would not be allowed further down the same road at the Carse of Gowrie. We should highlight the issue, because such a manoeuvre is far more dangerous and would cause a much bigger mess if it went wrong. I am not inclined to let the petition go. We should seek a timescale and—if we are allowed to broaden the discussion—ask about traffic crossing the junction. Perhaps there should be no crossing at that point, given that there is a grade-separated junction only 2 or 3 miles up the road.

16:30

The Convener: Members have indicated that they wish to pursue issues raised in the response that we have received. We will ensure that we make those inquiries. I thank the elected member for continuing to pursue the issue.

Hairdressing Training (Funding) (PE1045)

The Convener: PE1045, from Tom Miller, on behalf of the Indigo Group, calls on the Parliament to consider and debate concerns that have been raised about employers and work-based training providers in the hairdressing industry following a change in policy by Scottish Enterprise that has led to a severe reduction in the number of young people who are funded for hairdressing training in Scotland. In my constituency, people have expressed concerns about access to skills and training under the new criteria. Can the issue be addressed through other agencies such as the sector skills body? In light of the information that we have received, how do members wish to deal with the petition?

Robin Harper: We should close it on the basis of the information that has been supplied.

The Convener: Do members accept the recommendation to close the petition?

Members indicated agreement.

The Convener: The issues that it raises are a matter for the industry, the sector skills body and the modern apprenticeship group.

Unadopted Open Spaces (Maintenance) (PE1049)

The Convener: PE1049, from Karen Shirron, calls on the Parliament to urge the Executive to take responsibility for the maintenance of unadopted open spaces, including footpaths, lanes, kerbs, car parks and roads, in Aberdeen, where responsibility for the maintenance of such spaces was previously a matter for Government agencies. We have considered the petition previously. Do members have strong views on how we should deal with it?

Nanette Milne: The petition relates to an important issue for Aberdeen that has caused grief to many residents whom it has affected. It is clear from the response that we have received that the Government sees this as a local problem. I am not sure that the committee, as a parliamentary body, is in a position to take the petition further. We should close it and refer the matter back to the area concerned.

Nigel Don: I agree with Nanette Milne, not for the first time in this Aberdeen edition of the Public Petitions Committee. I am aware that the problem causes grief across the country, but it happens to be particularly common in Aberdeenshire. I do not know what we can do to address the general problem of how open land in new-build schemes is dealt with, but I suggest that we close the petition.

The Convener: Are members minded to close the petition on the grounds that have been set out?

Members indicated agreement.

Education Maintenance Allowance (PE1079)

The Convener: PE1079, from Laura Long, calls on the Parliament to urge the Government to review the eligibility conditions for educational maintenance allowances, to take account of the number of children in a household who are between the ages of 16 and 19 and in full-time education. Would members like to comment on the petition?

Claire Baker: I am inclined to keep the petition open. The Government is looking to change the arrangements for means testing so that they are in line with changes to further and higher education. Recently, there have been problems with that transition, mainly because current students were not aware that changes were being made. We should ask the Government to provide us with an update once the review has taken place and to

give an indication of the timescale. We should seek reassurance that young people and parents will be made aware of the fact that changes are to be introduced and of the nature of those changes, as that was a problem with the recent changes to higher education.

The Convener: That is a reasonable request. EMAs affect all of us in our constituency work. Although the system might throw up issues, for the beneficiaries it has made a real difference to access to further education. Do members agree to Claire Baker's recommendation on how we pursue that matter?

Members indicated agreement.

Local Museums (PE1083)

The Convener: The next petition is PE1083. Malcolm Chisholm MSP has joined us for our consideration of the petition. I thank him for his patience—I first told him that we would consider the petition at about 3 o'clock, then I said 4 o'clock, and then we were haggling about whether it would be half past 4 or quarter to 5. He has pitched up at 4.35, which shows a commitment to the issue and a willingness to pursue it. If he had not done that, he might eventually have ended up as a trophy in Leith museum.

Petition PE1083, by John Arthur, calls on the Parliament to urge the Executive to support the creation of local museums, such as the proposed Leith museum. Malcolm Chisholm has previously commented to the committee on the petition. Members probably do not contest the issue, but I ask Malcolm Chisholm to add any comments.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): The situation has moved on a bit since the previous time that the petition was considered. We have had a positive response from the City of Edinburgh Council on support. To be fair, the Government is waiting until a proposal is produced, so I have no criticisms of Linda Fabiani's response. However, I hope that National Museums Scotland will co-operate fully with the planned feasibility study. The Leith museum group recognises that the study is the next step forward and I believe that the group has people lined up to do it.

Obviously, National Museums Scotland has a general interest in museums but, more specifically, it is relevant because of the Leith museum group's interest in the customs house in Leith, which National Museums Scotland uses for storage. I hope that the Government will encourage National Museums Scotland to get involved and to listen positively to any proposals. That is the way ahead. I hope that the committee is willing to support that approach and will use its influence to try to

persuade National Museums Scotland and the Government to respond in that way.

Robin Harper: Again, I declare an interest as an Edinburgh list member and as a known supporter of the idea of a Leith museum. I support the suggestion of keeping the petition alive and writing to the Government, National Museums Scotland and Museums Galleries Scotland to find out how all the stakeholders can get together and take the project as far as possible and, I hope, to completion at some point.

The Convener: There is not much disagreement. We want as many of the key players nationally and locally and in the local authority to pull together to consider whether an application could be made. Do members support Robin Harper's recommendation and the constituency member's suggestions?

Members indicated agreement.

The Convener: I thank Mr Chisholm for his patience.

Further Education Lecturers (Pay and Conditions) (PE1088)

The Convener: The next petition is PE1088, by Dr Robert Leslie, on behalf of the Educational Institute of Scotland's North Glasgow College branch, which calls on the Parliament to conduct an inquiry into the salary levels and conditions of further education lecturing staff, who at present are seriously disadvantaged when compared with university lecturers and school teachers. The Parliament is not undertaking any review process. Do members have any views or comments on the petition? The matter is for colleges and their staff, perhaps in discussion with the relevant Government minister on the outlines. Is it appropriate to keep the petition alive, given that that is the best way to address the issues?

Robin, is that a quizzical look on your face or is it just age?

Robin Harper: Perhaps we should keep the petition alive for just one more letter.

The Convener: Who would you propose sending it to—the Queen?

Robin Harper: We could get another update from the Scottish Government—no?

The Convener: Are members happy with that suggestion? The other option is simply to close the petition.

Nanette Milne: I am not sure what we would gain by keeping it open.

Angela Constance: If Robin Harper feels that strongly about it, I am happy to seek an update from the Government.

Robin Harper: I do not want to give the Parliament—or, rather, the Government—too much to do. Given that a sub-group is examining the issue, I am happy to close the petition.

Claire Baker: Unlike the situation in higher education, the further education colleges do not have a central negotiating body. After reading the letter from Howard McKenzie, which refers to meetings between the Association of Scotland's Colleges and the Scottish Trades Union Congress, I wonder whether it is worth keeping the petition open and contacting the association about the issues. I really do not think that the Government will give us anything that will be of any use to us.

The Convener: I should declare an interest as a member of the EIS, although I belong to the secondary school section, not the FE section. That union and other associated unions have the capacity to raise and negotiate salary issues with key employers through whatever the negotiating structure is. In this case, we are talking about autonomous boards, the structure of which might change over the next five or 10 years. In any case, that is at least an avenue to explore.

Given that the issues can be dealt with through traditional trade union negotiations, I see no reason for keeping the petition open. It is not that I am unsympathetic to FE lecturers—having seen their salary scales, of course I am sympathetic to their situation—it is simply that I am concerned about the process, and that a mechanism exists to address the various salary and remuneration issues. As a result, I recommend that we close the petition, unless members feel otherwise inclined.

Robin Harper: Having listened to your arguments, convener, I think that we should close the petition.

The Convener: Are members agreed?

Members *indicated agreement.*

The Convener: I wish that I could be as compelling in the chamber as I have been in the past two and a half minutes.

National Proof-of-age Card (PE1090)

The Convener: Our final petition, PE1090, is by John Drummond, on behalf of the Scottish Grocers Federation, and it calls on the Parliament to urge the Government to introduce a free national proof-of-age card for all 12 to 26-year-olds. Mr Drummond has been waiting patiently in the public gallery.

Do members have any strong views on how to deal with this issue? I think that the matter remains unresolved. Indeed, I realise that I might be abusing my position as committee convener, but I must point out that issues of enforcement and the

role of local shop staff in dealing with uncertainties over age profiles are very much current in my constituency. They are also part of the wider debate about the Minister for Public Health's recent proposals on access to cigarettes at point of sale and the arguments that the Cabinet Secretary for Justice has continued to make about access to alcohol, both of which will have good and bad implications for grocers and shopkeepers in our constituencies.

As I say, I think that we need to pursue a number of issues that are raised in the petition. Do members have any other suggestions?

Nanette Milne: I am quite happy with your suggestion. I presume that we will seek an update from the Government on the progress that it is making.

I am very encouraged by the response to date and to learn about the discussions on devising a strategy for taking forward the Young Scot card. That seems to be the way ahead. There is no harm in waiting to see how it is progressed.

The Convener: We have a note that states that the head of tobacco and sexual health policy and Young Scot are to devise a strategy to take the proof-of-age element forward. We should keep the petition open and track the progress of that work to see whether we can arrive at a consensus in the sector. A lot of small shopkeepers feel that the burden is consistently placed on them, but they do not have the resource base or staff time to deal with the matter as easily as we in the Parliament would like.

16:45

Nigel Don: We should keep up the pressure. As a committee, half of our job is to take problems and give them to somebody else, but in this case there is a clear solution. Although I am not in favour of identity cards, a proof-of-age card is a different matter. Such a card already exists, and we are clear that it could solve a number of problems for people—not just grocers, but others. We should express enthusiasm for it and give it as much support as we can muster, because we can actually achieve something.

The Convener: I keep telling people that I am under 40, but they do not believe me, so the card could be useful.

Robin Harper: I would like to—

The Convener: Get a card like that as well? [*Laughter.*]

Robin Harper: I support what Nigel Don said, but I also repeat my concern about the amount of information that could be held on the card. That must be monitored.

The Convener: That is on the record. Robin Harper has taken that position consistently.

I thank members for their time, and I thank the petitioners who are in the public gallery for their patience.

New Petitions (Notification)

16:46

The Convener: Agenda item 3 is notification of new petitions. A paper is available for members' consideration. Do members have any comments?

Members: No.

The Convener: Does the committee simply wish to note the new petitions?

Members *indicated agreement.*

The Convener: The committee will go into private session for agenda item 4, which is consideration of a draft report on our inquiry into the availability of cancer treatment drugs on the national health service.

I thank the members of the public for their attendance this afternoon.

16:47

Meeting continued in private until 16:55.

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