



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 5 October 2010

Session 3

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PUBLIC PETITIONS COMMITTEE

14th Meeting 2010, Session 3

CONVENER

*Rhona Brankin (Midlothian) (Lab)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Robin Harper (Lothians) (Green)

*Anne McLaughlin (Glasgow) (SNP)

*Nanette Milne (North East Scotland) (Con)

*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Jamie Hepburn (Central Scotland) (SNP)

Jamie McGrigor (Highlands and Islands) (Con)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Dumbarton) (Lab)

Trish Godman (West Renfrewshire) (Lab)

Rhoda Grant (Highlands and Islands) (Lab)

Des McNulty (Clydebank and Milngavie) (Lab)

Gil Paterson (West of Scotland) (SNP)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Mary Scanlon (Highlands and Islands) (Con)

THE FOLLOWING GAVE EVIDENCE:

Chris Daly

Helen Holland

Henry McLeish (Scottish Football Review Committee)

Tom Minogue

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 5 October 2010

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

Current Petitions

Youth Football (PE1319)

The Convener (Rhona Brankin): I welcome everyone to the 14th meeting in 2010 of the Public Petitions Committee. We have received no apologies. I ask everyone to ensure that their various mobile phones and electronic devices are switched off, although if you have a pacemaker, you can keep it on.

Our first item is consideration of current petitions. The only petition under this heading, on which we will take oral evidence from Henry McLeish as chairman of the Scottish football review committee, is PE1319 by Scott Robertson and William Smith, which calls on the Scottish Parliament to urge the Scottish Government to investigate the legal status and appropriateness of professional Scottish Football Association clubs entering into contracts with children under 16 years; the audit process and accountability of all public funds distributed by the SFA to its member clubs; the social, educational and psychological effects and legality of SFA member clubs prohibiting such children from participating in extra-curricular activity; and the appropriateness of compensation payments between SFA member clubs for the transfer of young players under the age of 16 years. The petition also calls on the Parliament to urge the Government to increase the educational target for curricular physical activity from two to four hours per week and to develop a long-term plan to provide across all regions and for all ages quality artificial surfaces for training and playing football.

When the committee previously considered the petition on 29 June, it agreed to write again to the Scottish Amateur Football Association, the Scottish Trades Union Congress, the Scottish Child Law Centre, the KNVB, which is the royal Dutch football association, the City of Edinburgh Council, North Ayrshire Council and the Department for Business, Innovation and Skills seeking outstanding responses to our earlier letter. Despite reminders, no responses have been received from the Scottish Amateur Football Association, the Scottish Child Law Centre and North Ayrshire Council, but the KNVB has responded—members have a copy of its response—and, on 31 August, the clerk received

notification from the Department for Business, Innovation and Skills that the matters on which we wrote on 21 April are not within its responsibility. A letter was immediately sent to the Secretary of State for Education seeking a response. I understand that we have now received that response, which is included in the additional papers from the Department for Education.

The committee will wish to note that the petitioners have provided a series of questions to Mr McLeish, which has been set out in paper PE1319/M and forwarded by the clerk to Mr McLeish. I invite Mr McLeish to respond to each of the petitioners' questions, after which members will ask questions. I believe that Iain Gray MSP, Kenny MacAskill MSP and Trish Godman MSP will also be present for that discussion.

I thank Henry McLeish for giving evidence today. I am sure that members will reflect carefully on everything that will be discussed.

Henry McLeish (Scottish Football Review Committee): Thank you, convener. I know that I am greying, but I hope that your pacemaker remark was not specifically aimed at my good self.

First, I should make an apology. Because of how things are routed in SFA headquarters, your invitation to appear before the committee took six weeks to arrive, by which time I had missed the first round of evidence taking on the petition. I sincerely apologise for that, but I think that we have now caught up with things.

Secondly, I received the petition and the other representations that the committee received, but I am not sure that I received any specific questions. Could you clarify the position on that? I have some other stuff to say but, if you have a copy of the questions that you can give me, I will simply go through them.

The Convener: The questions were sent out last week.

Henry McLeish: As I say, if anyone has a copy of them, I will be delighted to go through them.

Robin Harper (Lothians) (Green): I can give the questions to Mr McLeish.

The Convener: Thank you very much, Robin. That is helpful.

Henry McLeish: I have to say that I did not get these questions. Anyway, I have them now.

The Convener: Obviously, there has been a mix-up somewhere. Perhaps if you can speak to the paper that Mr Harper has passed to you, we can between us ensure that the questions are covered.

Henry McLeish: As the questions largely appear to reflect what is set out in the petition, I

think—if it is okay with the committee—that I will go through the various elements in the petition. I am very happy to respond to other questions and discuss anything else that might arise.

The first point centres on the debate in the media and in your committee about, as the petition puts it,

“entering into contracts with children under 16 years”.

The area is complex and the terminology is quite important. There is a registration process for children under 16, but I do not think that the arrangement would in any sense be conceived of as being a contract between a club and a child under 16.

I realised early in my review of the grass-roots, recreation and youth development sides of the game that, although there were no serious problems, there were enough issues to justify including a paragraph and a recommendation on the subject in my report, which makes 53 recommendations. Recommendation 8 is:

“A ... review group should be set up to look in detail at a number of related issues facing children and young people in youth and talent development—the duty of care for children—their rights and proper protection; the role of families; the rights and responsibilities of the Professional Clubs; more transparency and proper oversight of the process; acknowledging there is a competitive market but with adequate safeguards and appropriate procedures.”

Our priority should be to ensure that there are adequate safeguards for children and young people. I said that that review group

“should also meet the need for a further and more in-depth look at the policies and procedures of regulating, compensating, nurturing, developing and financing children and young people in the youth development process, in particular the role of professional clubs and contact ages.”

There is more but, in essence, work is under way in the SFA. As recently as three or four weeks ago, I met the president, Mr George Peat, and reinforced the importance of the work, particularly in view of the representations to Scotland’s Commissioner for Children and Young People and the Public Petitions Committee.

It has been accepted that, although the process works, it is not necessarily perfect. I have tried to hint that there are a number of issues that we should be looking at, to ensure that we have a recreation and grass-roots programme that involves young people and children and acknowledges that the rights of children are paramount—we have to make that absolutely clear, as we do in every aspect of society—while giving commensurate consideration to the rights of parents.

When parents and young children are involved in a programme, we find that they look on it as a beacon. Children often want to go on to become

footballers. Although the parents must sign registration forms, I am not convinced that, when they do so, they always fully realise what might be involved. That is a key issue.

The review that the SFA will undertake will consider all the aspects that the committee has discussed and that I raised in my report. I like to think that we will build on the process and that we will be able to address genuine concerns that emerge. That involves not just the SFA but the Scottish Premier League and the Scottish Football League. I am confident that, as part of the overall review, most of the issues will be addressed.

The Convener: Thank you. I invite committee members to ask questions before I open the discussion to other members who are here.

Bill Butler (Glasgow Anniesland) (Lab): Mr McLeish, a main concern is, as you said, to do with contracts with children who are under 16. You said that there is a registration process but that there are not contracts per se. You then said that, although in your view there were no serious issues with regard to that, there were some concerns. You were good enough to read out your report’s recommendation that there should be a review group to look at issues such as the duty of care, rights and responsibilities, adequate safeguards and appropriate procedures regarding children and young people. Who is on the review group? Is it merely the SFA? Is it an in-house review? If it is, how resilient and probing do you feel it will be?

14:15

Henry McLeish: That was one of more than 50 recommendations. The SFA is proceeding with a significant number of them, and the Government is looking at some of the recommendations, too. The matter was raised with the SFA president. At that point, he was due to get in touch with the SPL chairman, and the review would flow from that. The review group has not yet been established but, as far as I am concerned, the recommendation is being pursued.

You make a valid point. When we are looking at a complex area, it is important not to be complacent. My judgment is that the protocols and current arrangements were maybe drawn up in a different era. There is now an urgency and immediacy in dealing with children and their vulnerability in many aspects of life, which is why the review group will deal with the issue. The group is not yet composed but, as far as I am concerned, it is a matter of not thinking that what we are doing is in every way correct and seeking to build improvements.

Bill Butler: I am grateful to Mr McLeish for that answer. Convener, when we are considering what to do next, we might be minded to write to the SFA

to ask when the review group will be established and what its composition and remit will be. I think that that would be fair.

I have another couple of questions. Henry, you have just been given a series of questions from the petitioners, but I will concentrate on a couple of them if that is okay.

Henry McLeish: That is fine, but let me just give my apologies. I went through only item 1 in the petition—I will come back to the other items and I am delighted to take questions on the wider front.

Bill Butler: Thank you for that.

I suppose that you have just about answered this question, but I want to get a definitive answer. Do you consider the current form of registration/contract to be a fair and balanced agreement between a young player and a professional club, or do you feel that it is concerning? It certainly concerns the petitioners.

Henry McLeish: I would respond by saying that there are a number of areas that concern me, so there are sufficient concerns to be discussed in the review group.

Registration is complex by itself because the SFA has certain powers, the SPL has certain powers and the parents sign a form that contains certain regulations that they sign up to. Although it is okay to say that the system is working well, there have been a few cases in which there have been some real issues and there is some anecdotal evidence of other concerns. The right and proper way to address your concerns—I do not know whether to call you Mr Butler MSP or Bill, so I will use Bill—

Bill Butler: I accept most things, Henry.

Henry McLeish: I know that you do.

The main concern is that we do not take anything for granted. That is why the review has to be comprehensive, not only picking up what is anecdotal and opinion but seeking hard evidence to ensure that we have the best system of registration to deal with the issues. I think that we currently have scope for improvements.

Bill Butler: Right—scope for improvement. I am grateful for that answer.

I have one last question. We have read some evidence, especially from the Commissioner for Children and Young People, which is very concerning. What is your view about the serious concerns that Mr Baillie has raised?

Henry McLeish: I have read some public comment from the commissioner. I come back to the point that these are complex issues. It is right that, as custodians of our culture and civic life in

Scotland, both the Government and the Parliament are involved in these issues. I am keen to cut through what I talked about earlier and focus on the evidence.

The committee is right in the sense that we cannot have anything these days—whether it be football, rugby, culture or anything else in society—that does not have as its focus the welfare and wellbeing of the child or young person. To a large extent, the information that I have received so far is that there are very few serious issues in the system. However, that is not the same as saying that there are no issues in the system. I would, therefore, like to take a measured view of the children's commissioner's comments while agreeing with the thrust of your remarks. I think that it would be helpful if the committee, acknowledging that a review group is to be established on the basis of the report's recommendation, asked to be sent information and kept more than a watchful eye on the matter. I hope that that would reinforce the point that, as I have said, this is a serious issue that needs urgent attention.

Bill Butler: I am grateful for that.

Robin Harper: Issues have been raised about pressing children into a seriously competitive atmosphere and developing their talents far too early. I would have thought that the same—if not even more—talent would be brought through if children were given more freedom to play. If we are looking for children who play with flair and imagination, much more football should be played just for fun and a little bit less should be played under the ethos of winning at any cost. Some of that ethos goes much too far down the junior leagues. It is distasteful to watch a professional foul being committed by an 11-year-old.

Henry McLeish: You have touched on an issue that stretches throughout the youth development process. At grass-roots level, there is a debate about how early a child should be exposed to competition. The Spanish team, winners of the world cup and the European championship, are coming to Hampden Park on Tuesday. Spanish children and young people love the ball and play with great flair and imagination. They pirouette, and it is like watching poetry when they play. We, in Scotland, are far from that. There is now a huge pressure on children to be able to play and enjoy the game virtually from nursery and primary school right through, and there is always a debate about the point at which they should start to be more competitive. To be fair, competition is introduced at not too early an age, but there is always an argument about when that should happen.

I accept Robin Harper's point. There is a continuing debate about how we play football in Scotland and about how we can follow the way in

which the Spanish, the Dutch, the French and the Portuguese play. Part of that rests on that point, and the review makes a number of recommendations in that respect. Linked to that is the idea that many children and young people can be developed and can enjoy the game at the local level, without going to any of the big clubs. They can be involved at the grass-roots, recreational level or become part of the elite pathway and process. It is a huge issue.

I do not think that we have got the balance right. Nevertheless, the matter is addressed in a number of recommendations in the report and must be reviewed.

John Wilson (Central Scotland) (SNP): I welcome your report, Mr McLeish. There was some general discussion about the issues that the petitioners raised when we last looked at the petition. The correspondence that the committee sent you via the SFA took six weeks to get to you. You have now informed the committee that your review has gone to the SFA and that you have spoken to the president. How confident should the committee be that the SFA can deal with this issue quickly, given that it has taken it six weeks to pass correspondence to you? You have told us that the president of the SFA will meet representatives of the other leagues to discuss the issue. When will we get a resolution? Given what you have said and given some of what has happened, I do not see us getting an early resolution. We have to try to resolve the matter as quickly as possible—and not only for the young people. The majority of committee members are quite concerned about the state of Scottish football and we want it to develop, but there are clearly still some restrictive practices, particularly in youth development.

Henry McLeish: I do not agree with very much of what you said. The sentiment is solid in that everyone wants Scottish football to be improved and, if there are any concerns about or serious problems with registration, we want them to be addressed. However, I want to put this into context. I was honest enough to give you the reason why a letter took six weeks to get to me, but I do not think that that is illustrative of anything else. It is important to note that, reading between the lines—or even just reading the lines—the response from the SFA suggested that it was more than willing to take this matter seriously.

We are talking about one of 53 recommendations. We very much welcome the fact that the Public Petitions Committee has taken evidence. There is some press comment to take on board and it is clear that other issues will arise. I believe that we need much firmer evidence on the basis of which to take action. That is why it is important to have a review so that we look at all

the issues and come up with a plan to tackle some of these serious ones.

There is no dragging of feet here. At different stages, movement on the 53 recommendations is on track and I cannot believe that it will be any different with this one. To reassure John Wilson, it is important to say that I take a neutral position in dealing with football. That is why I am doing the review. I guarantee that this issue matters and that it will be taken forward as quickly as possible. One good reason for that is the involvement of the committee in keeping the pressure on the SFA.

John Wilson: Can you give us a timescale for resolving this issue? It is fine to carry out a review and it is fine for the SFA to say that it will take the issue forward, but the petitioners and the committee are looking for a timetable, so that we can say that we are working towards a resolution of these issues by such and such a date. That way, we can all move forward.

Henry McLeish: There is no indication of a date at this stage, partly because we are looking at a set of wider considerations, of which this issue is part. Without trying to be too difficult, I return to the point that we want to look at all the hard evidence that exists before we take matters forward. Given all the issues involved, there is a danger that we might get too transfixed on the terms of contracts, registration and compensation. My big concern is that we ensure that, in the process, a duty of care is being exercised so that nobody—whether an MSP, a member of the public, a parent or a child—is in any doubt that the duty of care issue is being developed to the maximum and taken as seriously as it can be. That is the issue on which the review will be focused. Issues to do with compensation and registration will be part of that, but a duty of care has to be exercised by somebody in the football world. That was my overriding objective when I suggested that a working group would be a good idea.

14:30

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I am absolutely certain that you want to encourage the SFA and the Scottish Youth Football Association to work closely together to promote and improve the chances and opportunities that young people have to participate in football. I am encouraged that you want to get a feel for how people at the grass roots feel about the game. How have you engaged with youth football clubs in our communities or schools? How do people feel about the way in which things operate? What have you learned and what recommendations can you make as a result of that engagement?

Henry McLeish: The first part of the review, which was completed at the start of the summer, was built on the back of an extensive consultation exercise. That exercise included the two league bodies and the SFA as well as individual meetings with clubs and a range of meetings with affiliates. We covered the youth game, schools, amateurs, juniors and the women's game. We also went out to different parts of Scotland to hear people's views. I received an extraordinary number of constructive and positive e-mails from fans and spectators who had something to say. On the back of that, I looked in depth at what is happening in Holland and I went to Sporting Club Lisbon to see what it is doing.

Two important points emerged. One is that the condition of the game is pushing people towards change. We have a great opportunity for change—it is going to happen and it is happening. The second point is that everyone to whom I spoke felt that the youth game and the game at the grass roots and recreation level could be much more effective and better. A report has suggested that nearly 370,000 children, young people and adults play football in Scotland every year. Part of the recommendation is to take that up to half a million people. The growth will come mainly from girls, young women and adult women. I project a situation in which maybe one in 10 of the Scottish population plays football.

Everybody has a desire to get people involved at the grass roots and for recreation, for reasons of fitness, health and wellbeing and building confidence. However, I hope that some people will also aspire to grace Hampden Park or some of our great clubs. There is a national dimension, a local dimension and a children's development dimension. There is a great outpouring of positive interest and a willingness to take the game forward.

We have touched on the idea of registration and the petition has the idea about a compensation payment. There are two other issues. One is about increasing the target for physical activity in the curriculum from two hours. The sad feature is that most children do not currently get two hours a week. If I was to be asked to give one single measure that could help sport—not only football—it would be to get every school and education authority in Scotland to take that seriously. Some schools and education authorities have done that and have excellent provision, but others cannot find two hours a week. That is at a time when obesity levels are rising and when the fitness, wellbeing, health and confidence of our children are paramount. One issue that is raised in the petition that I completely support is that far more must be done on that.

In some cases, we are not as good as schools in England and we fall way behind other countries in western Europe on sport in schools. England now wants to have five hours a week, although not necessarily as part of the curriculum. If we cannot get two hours a week within the curriculum, that isolates us. We are a sporting nation that talks a good game, but we cannot be proud of the fact that we cannot deliver two hours of physical activity a week in our schools.

My second point is one that people are concerned about. We fall badly behind most football nations in western Europe when it comes to facilities; our facilities are a national scandal. Although they are good in some areas, we have perhaps £0.5 billion of facility infrastructure to catch up on. We live in a time when neither Government nor the private sector can produce that; everybody is pushed and pressed. However, unless we can start to create that infrastructure over a 20-year period, we will find that we will not be doing enough physical education, health and sport studies in schools and we will not be doing enough to develop facilities. If we do not have those two foundations, we will not meet many of the objectives of the grass-roots youth development part of the game. We will simply carry on as we are, not gaining national success and continuing to turn out children who could be much fitter and better in their lives. I feel passionately about the matter and I am glad that the petition contains those two issues.

Trish Godman (West Renfrewshire) (Lab): A couple of things bother me. When I went to see Neil Doncaster and then Peter Lowell, I was told that the contract had become a registration form. Then it changed from being a registration form to what is now called a commitment form. When we read the information that we have received from different people, we see that the name changes. It seems that nobody knows what the arrangement is from a legal position. Tam Baillie, who is Scotland's Commissioner for Children and Young People as you know, has addressed that to a certain extent in his submission. That is important because if the people at the top who are asking young people to sign that contract or form do not know what it is called, it is difficult to work out what it is when the young people are signing it.

The other thing that I am worried about is the so-called 28 days opt-out, about which Neil Doncaster told me. If a young boy who is signing up to a club is told verbally about the opt-out—there is nothing in the contract, registration or commitment form that says, "You have a 28-day opt-out"—28 days is not long enough for them to decide that they are not going to play football. That is just wrong and it does not appear to be written down anywhere. If the young boy is told about it

verbally, I do not know how you would check that it had been said.

Another thing that bothers me is how we got to paying £3,000 a transfer. Has that figure been plucked out of the sky or is there a way of working out that a child is worth £3,000 after he has played for a year and is to be transferred somewhere else? I just do not understand that. It is a lot of money. We have heard about Kieran, whose second name I have forgotten, whose case was going to court, but at the last minute Hamilton Accies said that it would not go to court. I think that that was partly because of the so-called contract, which might not be legal in court.

Henry McLeish spoke about a review. My big worry is that it will be an internal review and I do not think that that should happen. At the very least, we must have Tam Baillie and others involved in the review. I accept that a lot of the evidence is anecdotal, but at the end of the day we are dealing with kids, some as young as 10, being signed up to so-called contracts or commitment forms or whatever they are calling it that week, and that is absolutely not right. I worry that we might not put the right people round the table to review the situation. It needs to be done soon and in public.

Henry McLeish: On the point about the £3,000, you would have to have a committee with Albert Einstein and a few others on it to grasp how the figure is arrived at. I will address the point seriously. The situation is a product of evolution rather than anything else. Just to make it even more complicated, the reimbursement of costs, which is the correct term, is not a payment that goes to the parents or youngster; it is to reimburse the cost of training and development when a youth player has been offered a further period of registration with another club.

There are four categories. I will not go into detail, because the subject is mind-bogglingly complicated and in some respects it might not make a lot of sense. If a player goes into the youth initiative at performance level, the costs can rack up from age 12 to age 17, ranging from £3,000 to £9,000. If a player goes in at initiative level, the sum involved falls to a few hundred pounds: between £200 and £500. There are another two categories into which players may fall depending on whether they are playing in the higher leagues. Those are historical, and they have evolved over time: the SPL recently dropped the age from 11 to 10, for example. There is not a lot of science behind it—the sums of money involved have just developed over time, and it is immensely complex.

The second matter is the opt-out. The interesting point is that there are contracts for players who are over 16, but no contracts for players below that age. You are right to say,

“When is a contract not a contract? When it’s a registration.” I would like those issues to be clarified.

It is no use for people in the football world to tell the rest of us that they understand the concepts and that those are commonplace, when the heart of the matter is the wellbeing of children in the system. I would like that issue to be tackled. To make it even more complicated, for certain registrations a parent can just phone the SFA and it will cancel the contract overnight.

Like you, I am not a football expert, but the rest of the world is looking in and wants to be reassured that the terms that are used reflect something that has been well developed and that is entirely legal in the system. While the terms may conform with UEFA and FIFA regulations, we must be crystal clear that the duty of care for Scots children and young people is the best that we want it to be, on top of what has been laid down.

Trish Godman made a point about descriptions. I agree that terms have been bandied around, and one would need a glossary to explain parts of the relevant football authorities’ handbooks. That reinforces my central concern that although there has been some discussion and debate, some anecdote and, in some cases, hard evidence, all that must be brought together more professionally in the review that is taking place.

I have raised that issue with the president of the SFA on the back of the report’s recommendations, and it will proceed, but I believe that the authorities should be further notified of the issue so that they are in no doubt that the world is looking in and that the issues that Trish Godman and other committee members have raised today must be taken seriously. I cannot go any further at this point.

The Convener: Trish Godman asked about the status of the SFA review group. Is that purely an internal review, or is there an opportunity for someone such as the children’s commissioner to be part of it?

Henry McLeish: It is currently an internal review. I have done the first part of the review and produced my report, and I am now doing the second part, which is about the league structures and the structure and governance of the SFA. I have come before the committee today to explain what I have done, and I can go back and convey to the SFA the discussion that has taken place. I would like to think that although the review will be handled internally, it will be informed and inspired by other contributions. That is the position as I understand it, but it may develop further.

Trish Godman: When I spoke to Neil Doncaster he said that there is a 28-day opt-out, which is not very long. That caused mayhem when I came out and mentioned it, because some people did not

know about it. All the parents were surprised. You have now said that parents can make a phone call, and I think, "Oops! You didn't tell me that." You said that a parent can pick up the phone and say that they do not want the child there any more. That seems to be introducing something else.

I am not a member of the committee, as you know. I would not be happy about an internal investigation; at the very least, Tam Baillie must be involved from the beginning, because the welfare of the child is at the heart of everything that he does. I understand that other people must be round the table, but they do not talk to each other: it took them six weeks to get a letter to you. They are not doing the job in the way that they should.

14:45

Henry McLeish: First, I do not think that what has happened already justifies your concerns, but those must be allayed as part of the process. Secondly, I said that the SFA can make certain registrations effective with a phone call. Part of the problem is that the system is immensely complicated. Everyone has the right to think that, somewhere along the line, something is not right. I am saying that all the points that have been made today must be part of the process. It is for the SFA and the SPL, not for me, to widen their review. However, the points that have been made will be passed on to them in official form, by the committee, and informally, by me.

The Convener: I am conscious of the fact that a number of questions did not get to you. I would be grateful if you could reply to them in writing.

Henry McLeish: All of the issues that you have raised today and all of the questions are covered in the report, copies of which can be sent to every member. I am happy to provide any further information that the committee wants, but it would be of significant help for copies of the report, with appendices, to be sent to each member of the committee as a first step.

The Convener: It would be helpful if you would provide specific replies to our questions, as I do not think that all of them are covered by the report.

Bill Butler: Can we move to suggestions, convener?

The Convener: Yes. You are slightly ahead of me.

Bill Butler: I take my lead from the convener, as always. The petition is about improving youth football. It strikes me and, I think, colleagues that the system that is in place is not easy to understand and could be said to lack co-ordination. Many would claim that, in the end, it is ineffective. We could write to the SFA to say that

we recognise from Mr McLeish's evidence that it is setting up a review group and that we welcome that, because we think that in order to improve youth football the system must be simple, co-ordinated and effective. If that is the task and remit of the SFA review group, that is good and to the point.

We should ask the SFA to consider—we cannot instruct it—widening the membership of the review group, perhaps by including people who Trish Godman suggested such as Scotland's Commissioner for Children and Young People, Mr Tam Baillie. If that is not possible, it should at least widen the scope of the review so that evidence is taken in public from people such as Mr Baillie, the petitioners and others who have recorded an interest. That would be helpful. We do not want an internal review, because that would not be considered to be as productive as the review that people want.

I would like to record the disappointment that the petitioners expressed in their letter of 17 September this year about the failure of the Scottish Child Law Centre to reply. We should demand that it replies, especially in relation to the serious concerns that have been raised by Mr Tam Baillie, among others.

We should also suggest to the SFA that, in the review, it may wish to examine the current position and consider the introduction of a fairer system of registration and contractual obligations to allow players to give notice in the same way that clubs can. That very sensible suggestion comes from the Scottish Trades Union Congress.

The review group might also wish to look at the available facilities. Our briefing paper on this petition says:

"it may be that the issues raised by the petitioner in terms of facilities will be addressed by the Scottish Football Review Committee".

I believe that those issues should be addressed and that we should write to the SFA in those terms.

Finally, it might be an idea to write to the Government, asking whether it has any plans to review the current youth football initiative and to investigate the drop-out rates and the impact on those who do not make it. After all, that is one of the petitioners' major concerns. We might also ask the Government for its view on Mr McLeish's comment, which is now on the record, that facilities are in need of improvement and if it agrees, whether it has any strategies to effect such improvements and what the timescale for such improvements might be.

I said that that was my final suggestion, convener, but perhaps we should also ask the

SFA not only for the review group's remit but for the timeframe for producing its report.

The Convener: I suggest that as we are finding it difficult to get definitive advice about the surrounding legal framework, we contact Government lawyers on the matter. I also note that the Department for Education at Westminster has said that ministers are interested in reviewing the legislation on child performance and employment over the coming months, so we might want to keep in touch with the thinking that is going on down south in that respect.

Do members have any other suggestions?

Nigel Don (North East Scotland) (SNP): On children and contracts, I guess that we will find in any standard textbook what the Government is likely to tell us. If we are going to get serious advice on such matters, we will need to use someone's good offices to get copies of the actual agreements and contract forms. After all, it is only when we can look at the print that we will be able to decide what it really means.

I also wonder whether in all the letters that we write we can ask whether, in this case, it would be wiser to do less. We tend to believe that things are improved by doing more; however, it might well be—I stress that this is a purely hypothetical statement—that if we did not do anything at all until our youngsters were 13 we might get better footballers. I am not claiming any wisdom, but it has been argued that you can put systems in place too early in a child's life. There are arguments across Europe about the age at which children should start school—

The Convener: Don't go there!

Nigel Don: Maybe the same applies to football. Perhaps we just do too much.

Robin Harper: I agree with Nigel Don's final remarks.

With regard to the Scottish Child Law Centre, it might consider itself qualified to comment on children's rights but, as it is not expert on contract law, it might well not want to say anything about the legal intricacies in that respect. If we want to know about that, we should look elsewhere, perhaps to the Government's own advisers.

The Convener: We can also take advice from the Parliament's legal advisers on the best source of advice.

Bill Butler: I take Robin Harper's point but, given that the committee wrote to the Scottish Child Law Centre, it would have been nice to have received a reply from it saying that it was in such a difficulty. We simply do not know what its response is. As a committee of the Parliament of Scotland we should ask it as politely as possible

“Reply—and do so now.” We should be unequivocal about that.

The Convener: I get the message.

I thank Mr McLeish for attending the meeting. As you can see, members feel very strongly about the issue and are keen to pursue it.

Henry McLeish: Thank you for your courtesy. I guarantee that these matters will be reviewed. I realise that it is a bit tedious to read every page in each report that is published, but I hope that they cover most of the issues. In any case, this particular issue will be taken further.

The Convener: Thank you very much, Mr McLeish. I also thank Trish Godman for attending.

New Petitions

Suspicious Deaths (Investigation) (PE1332)

14:56

The Convener: This afternoon we will consider six new petitions, taking evidence on the first two. PE1332 from Guje Börjesson calls on the Scottish Parliament to urge the Scottish Government to ensure, first, that the Crown Office and Procurator Fiscal Service's new specialist deaths unit is able to investigate retrospective and current cases of suspicious death, including after a fatal accident inquiry has taken place, if the bereaved can reasonably demonstrate that the circumstances of the death were suspicious and, secondly, that there is a robust and open mechanism, which involves the families, for an independent review of such suspicious deaths.

Mrs Börjesson was due to make an oral statement to the committee but unfortunately she is unable to attend because of ill health. Instead, Tom Minogue will speak to the petition. Mr Minogue, I welcome you to the meeting and invite you to make an opening statement of no more than three minutes, after which members will have the opportunity to ask questions.

Tom Minogue: Guje Börjesson submitted this petition because she does not accept that her daughter Annie died accidentally or committed suicide. Instead, she believes that Annie might have been the victim of foul play because there was no evidence that she was contemplating or had committed suicide; in fact, the evidence suggests that just before her death she was threatened by an unidentified man. Although Mrs Börjesson cannot demand that the authorities solve the mystery of her daughter's death, she has every right to expect them to try and is convinced that they have not. Of course, if she lived in Scotland, she could raise her concerns with her elected representative just as the Harris family from Dundee did with John McAllion, a previous convener of the committee, who championed their cause because he, too, doubted the authorities' conclusion that the Harrises' son, who was found dead with serious head injuries, had died by accident.

Indeed, when I read John McAllion's speech in Parliament about the case, I was struck by the similarities between the Harris and Börjesson cases. Strathclyde Police called both deaths accidental. Both cases had no corroborating evidence to indicate accident or suicide. In fact, the opposite is true—both victims had unexplained injuries and other anomalies. Both bereaved families were refused fatal accident inquiries; had

their loved ones' bodies returned in shocking and distressing states; and spent fruitless years trying to prise information from the authorities before enlisting the help of investigative journalists. Both cases attracted widespread media attention. The Harris case, for example, spawned a television documentary and the Börjesson case is to be the subject of a similar film. Last but not least, both cases attracted an outpouring of public concern that ended in Parliament, the Harris case at Westminster and the Börjesson case, with a petition of more than 3,000 supporting signatures from 57 different countries, here at Holyrood.

15:00

Since Annie's death, Guje Börjesson has travelled to Scotland at least once a year and has acted as a sort of Swedish Miss Marple. She has tried to glean information from the authorities and to speak to people who knew her daughter in the hope that that can shed light on her death. That is a sad indictment of our country's reputation, and it must be detrimental to Mrs Börjesson's health, safety and sanity. Both cases—and the other two cases to which the petitioner has referred—endorse Elish Angiolini's call for a Crown counsel-led team of highly trained specialists to investigate complex deaths. Elish Angiolini has said that that

"will provide reassurance to the nearest relatives and the public that the circumstances of a death have been fully and timeously investigated."

The petition is evidence that such public confidence is currently lacking.

I stress that those are my observations on the Börjesson case and that I was asked to comment on the petition at the last minute.

The Convener: We are grateful to you for stepping in.

Tom Minogue: I will answer any questions that I am able to answer.

Anne McLaughlin (Glasgow) (SNP): I used to work for Aileen Campbell MSP and I have met Guje Börjesson a couple of times. It was clear that she has suffered greatly since her daughter's death.

I want to pick up on something in the petition. Guje Börjesson says:

"Questions with relevance to the investigation ... posed to ... Strathclyde Police, by MSP Aileen Campbell have not been replied to."

Aileen Campbell and I had a three-and-a-half-hour meeting with senior police officers in which every detail of the case was gone into, and the answers were passed on. I cannot say any more than that. Perhaps something has happened since then and further questions have arisen, but we were certainly satisfied that all the questions had been

answered. That said, the circumstances were particularly difficult, as Mrs Börjesson lives in Sweden and her daughter died here. She thought that the case had not been fully investigated. It must be incredibly difficult to come to terms with what happened to her daughter.

How much further should we take things? Is there a danger that, if there is a fatal accident inquiry, it will still be thought that more has to be explored? What would happen if it was thought in a further review that nothing more had to be explored? I am using the case as an example because it has gone on for years, and many MSPs, police officers and journalists have looked into it. Is there a danger that we will simply keep on reviewing?

Tom Minogue: There is that danger, of course, but Guje Börjesson has not got past the first hurdle of having a fatal accident inquiry. If the Lord Advocate, Mrs Angiolini, sees the need for a Crown counsel-led team of highly trained specialists to investigate such complex deaths, there is something in that idea. The Lord Advocate must also realise that the public do not have confidence that investigations are always done timeously and thoroughly. That is simply common sense. We have respect for the ordinary bobby on the beat, who has a difficult job, but the ordinary bobby on the beat is only an ordinary person with pressures of work. Perhaps they cannot identify things that a specialist team might be able to identify.

I drew the comparison with the Billy Harris case, which was taken up by a well-respected past convener of this committee, because in looking at the Börjesson case as an observer I get the impression that some people think that we are just talking about a grief-stricken, middle-aged mother who cannot see any wrong in her daughter or believe that she would have taken her own life. I do not think that that is the case; Guje Börjesson is an intelligent and resourceful woman and she will go on until she is satisfied that attempts, at least, are being made to find out what happened to her daughter. Right from the word go, she has not had that; she has come up against officialdom in Scotland. That is why I brought John McAllion into it—Mrs Börjesson can be dismissed easily as an emotive mother, but John McAllion found exactly the same thing, and worse, with the same police force in relation to one of his constituents. He was not related to Billy Harris. He was a dispassionate observer, but he came across exactly the same thing. I recommend that you read John McAllion's speech, which is in *Hansard*; he made it on 16 March 1993. He saw the grief that had been caused to a family.

It is not fanciful to say that some of what Mrs Börjesson says is true. We know for a fact that she

had to have a sit-down protest in Kilmarnock police station—if you have dealt with her, you will probably know that that is the case—to find out information about her daughter. It reflects badly on us as a nation that a foreigner who comes to this country when she has lost her daughter, who adopted this country, is treated in this manner. Mrs Börjesson speaks very highly, as you will probably also know, of the help, warmth and assistance she has received from ordinary people in this country, but she does not have much good to say about her experience of coming up against officialdom. I have made the judgment that she is not a neurotic mother who sees conspiracies and suchlike about her poor daughter; I think that she is a reasonable, intelligent woman. You asked, to get right back to your question, how long can the process go on? Examining it once would be a start, in this case.

Anne McLaughlin: I do not want to focus on Guje Börjesson as an individual. I understand that she did not get a fatal accident inquiry but, on the wider issue, there are people who will never accept, you know, and they will want another investigation and another investigation. I am asking you how many investigations it takes. I am not saying that I necessarily disagree with what you are saying; I am asking whether there is a danger that we keep on reviewing and reviewing.

Tom Minogue: One review would be a start in this case.

Anne McLaughlin: In this case—but in the wider context?

Tom Minogue: In the wider context, you should continue until you get to the truth. Of course there will be disingenuous people who, having been convicted of a crime, will want it re-examined and re-examined not because they did not commit the crime but because they might want to make capital out of that. The specialist team that Elish Angiolini envisages would surely have the wit and wisdom to sort the wheat from the chaff.

In Mrs Börjesson's case it is undeniable that she is not the chaff; she is the real McCoy. Her daughter's body was brought home to Sweden, with her waist-length hair hacked off, in a poor condition, but it was not as bad as in the case of the Harris family, whose son's body lay for 42 days at room temperature in the custody of Strathclyde Police and was then sent home in a disinfected body bag and the parents could not even look at it—they could not even see their son. That is why I brought John McAllion into it, to show you that this woman's grief and her experiences are not fanciful.

The Convener: Are there any other questions, before we decide what to do? As there are none, can I have suggestions about how we proceed with the petition?

Bill Butler: As is obvious, this is a disturbing case. In view of Mr Minogue's response to my colleague, Anne McLaughlin, what I am about to suggest may or may not give closure. Who can tell? At the bare minimum we should write to the Scottish Government and the Crown Office and Procurator Fiscal Service to ask a number of questions. First, what is their response to the petition? We should get that on the record. Secondly, will the new specialist deaths unit, as referred to in the petition, be able to investigate cases of suspicious deaths? If not, why not? Perhaps we could ask the Government when it will respond to the recommendations that Lord Cullen made in the report of his review of fatal accident inquiry legislation. I think that those are reasonable first steps to take on the petition.

The Convener: Do members agree with Bill Butler?

Tom Minogue: May I say something that relates to what Bill Butler said? I think that if we ask any group that self-regulates whether it has made a mistake and whether it has done enough, it will generally say that it has done everything. I think that Elish Angiolini sees that, too. A specialist unit would not necessarily have been involved in the original investigation and could look at the case differently. In the case that we are talking about, the people who have already said that they have done enough will say again, "Yes, we have done enough. We have looked at the case in all ways."

Bill Butler: You make a fair point. There is always a danger of that happening. However, I think that my suggested approach—if the committee agrees to take it—is correct, in that we will get responses and then do what we are paid to do, which is exercise our judgment and see what we think of the responses. Sometimes, when people say they did everything they could the way they say it leads to further questions. Do you agree?

Tom Minogue: Yes. If you read *Hansard* you will see that John McAllion mentioned that Strathclyde Police said that, in the year in which Billy Harris died, it had no unsolved murders. The implication is that the police are under pressure not to have murder cases on their hands, so it is sometimes easier to say, as Strathclyde Police said about Billy Harris, "This chap fell backwards five times, striking his head in the same place five times, getting up again each time, even though he was very drunk. It was an accident," rather than, "Someone beat Billy Harris about the head with an object, hitting him five times in the same place." There are pressures on the body that does the original investigation—that is undeniable.

Bill Butler: I hear what you say, but we will have a go nevertheless.

The Convener: Does the committee agree with the proposed approach?

Members indicated agreement.

The Convener: That means that we are opting to continue our consideration of the petition. I thank Mr Minogue for his evidence.

Institutional Child Abuse (Victims' Forum and Compensation) (PE1351)

The Convener: PE1351 was brought by Chris Daly and Helen Holland and calls on the Scottish Parliament to urge the Scottish Government to establish, for all victims of institutional child abuse, a time for all to be heard forum, incorporating a compensation scheme. I welcome Chris Daly and Helen Holland and invite one of you to make an opening statement of no more than three minutes, after which I will invite questions from members.

Chris Daly: I think that Helen and I will split our statement between us, if that is okay.

The Convener: Of course. Do whatever is easiest for you.

15:15

Chris Daly: Thank you, and thank you for inviting Helen Holland and me to present the petition.

The former Scottish Office had a duty of care to children placed in all residential child care institutions. Responsibility for what happened within those care placements falls on successive Governments. Successive Governments seem to have a disregard for human rights and dignities and for the rights of the child.

It is just over 60 years since the member states of the United Nations, including Britain, adopted the Universal Declaration of Human Rights. I ask the committee to consider article 5 of the declaration, which states:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

I also draw your attention to article 8, which says:

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

We are told by Government legal experts that survivors have recourse in the Scottish courts, but that is not true; the Scottish Legal Aid Board continues to reject every application of historical abuse survivors. The reasons that are given are the time bar and the limited prospects in the Scottish courts. That firmly blocks access to justice.

We do not, therefore, have an opportunity to have our cases heard before a judge, who could use section 19A of the Prescription and Limitation (Scotland) Act 1973, which is on judicial discretion. Progressive law is seen in action in other jurisdictions, such as Ireland, where the statute of limitations has been changed to allow historical child abuse cases to be heard. Why cannot Scotland repeal the negative time bar?

If the Scottish Government were to work to the Scottish human rights acknowledgement and accountability framework, that would be effective in securing access to justice, reparation and accountability. The effective remedies and reparation that would be available within an acknowledgement and accountability forum should be open to all survivors of institutional child abuse without discrimination.

Helen Holland: The Scottish human rights commissioner was asked to draw up his draft proposals, at a cost of £500,000. While he was still working on it, the Scottish Government made a decision to go ahead with the time to be heard forum. All the consultation papers were on acknowledgement and accountability, but accountability was totally dropped behind closed doors. Alan Miller's report came out in March. The Scottish Government made its announcement on the time to be heard forum on 25 November last year.

Basically, we are saying that children—I will use the word "children"—in this country are being denied access to justice. At present, there is no lawyer who will take on a case of historical child abuse in an institution in Scotland because they cannot get legal aid. The only framework that covers everything is the one that is proposed in Alan Miller's report. Why spend £500,000 on a report, only to shelve it?

Let us look at the inquiries that have been carried out to date. The Shaw report came in at a cost of £295,578, the Kerelaw inquiry at a cost of £500,000 and the Scottish Human Rights Commission's report at a cost of £500,000. Open Secret was granted a £750,000 contract for 36 months. Quarriers Homes was granted £737,000, although I am not sure whether that was for an inquiry. Audit Scotland provided that information, so it will be able to tell you what that money was for.

Page 10 of Alan Miller's report refers to Kenny MacAskill's concerns about escalating costs, which, to me, are totally laughable, given what has happened with slopping out and the fact that the Government has set aside £67 million to address compensation for criminals. We are talking about innocent children who had no say in how they were brought up or in how the law would protect

them as children. Now, they have no say as adults either, because they have no access to justice.

I have watched the First Minister stick out his chest, put up his tail feathers and talk about how proud we should be of what Scotland has achieved, but institutional child abuse first came to light more than 10 years ago and in 10 years very little has been achieved; in fact, I would go as far as to say that, from a justice point of view, absolutely nothing has been achieved in 10 years.

The Convener: Thank you very much. Does anyone have any questions that they would like to ask?

Anne McLaughlin: Thank you for coming to the committee today. We met when you handed over the petition. As I said at the time, a constituent of mine suffered in the same way. I would like to pick up on the compensation aspect. It would be helpful to hear why compensation is necessary.

What insight I have is based on the case of my constituent. She held down a job, was married and had children, but then she gave evidence and it brought it all back—and her life changed. She became quite ill and had to give up her job. Her children have become carers and cannot go out and earn money for themselves. Their school work is also suffering.

The point of principle is absolutely clear, but it is important that people understand why financial compensation is important and the financial impact that the abuse can have. Compensation cannot change what has happened or provide recompense, but it can have a positive impact on people's lives. I can see clearly why it is necessary in the case of my constituent, but it might help us to have a wee bit more information about that.

Helen Holland: A lot of survivors need specialist care, but the national health service cannot be there for all survivors. The oldest survivor who was interviewed for the Shaw report, which was published on Friday, was aged 83. We are talking about people carrying the memories with them for years and years. That affects not just them, but their families as well. For some survivors, giving evidence brings back a lot of memories—they have flashbacks—and there is an effect on their partners, children and whole families.

To get access to specialist abuse care, survivors must go privately. The cost of private eye movement desensitisation and reprocessing is £65 for a 50-minute session. That is a lot of money, but survivors could use it for self-help. A lot of people might not want to go back to the church or the local authority, as there is a massive trust issue with survivors. So, where do they go for help? I am sure that many survivors would want to go privately, which would give them control over

the kind of help they got. Access to such treatment might also provide some form of justice. At the moment, people wonder why they should even speak about the abuse, as that achieves nothing—all that happens is that the abuse is brought to the surface and they are left suffering, with no help.

Chris Daly: There is the legacy of the abuse to consider. This is a historic abuse issue, but the survivors live with the legacy of the abuse every day. That impacts on their prospects, abilities and skills, and there is an issue about loss of earnings. Why should they not receive reparation given the complicity of the former Scottish Office, which had a responsibility and duty of care? It falls on the current Scottish Government to pick up that responsibility and duty of care.

Anne McLaughlin: Thank you. That was very helpful.

Robin Harper: Thank you for coming to the committee. You have made a powerful case. I am sure that the committee will be committed to pressing the petition to a successful conclusion, although that may take some time. Also, I cannot help observing that, if £2 million or more—I was trying to add up the figures in my head—has been spent—

Helen Holland: It is £2.8 million on reports.

Robin Harper: I passed the £2 million mark and then gave up. If that money had been devoted to one test case through legal aid, we might have been a lot further along the road than we are now. Has the Scottish Legal Aid Board been asked to fund one test case?

Helen Holland: It will not do any at all.

Chris Daly: Many survivors had difficulties when a solicitor who had more than 500 cases withdrew from acting because of a House of Lords ruling on a couple of test cases, which related to a time bar. We had difficulty getting any solicitor to touch the cases. The legal aid applications of those who managed that were refused. The reason that was given was about prospects in the Scottish courts because of the time bar.

Jackie Baillie (Dumbarton) (Lab): I am pleased to have supported Helen Holland as her constituency MSP through all of the 10 years that she mentioned. Perhaps the reason that the petitioners are asking for a time for all to be heard forum is because of the time bar that is in place, rather than anything else. I do not know how many other committee members remember this, but I remember that the Public Petitions Committee in the previous session of the Parliament considered a petition on the issue and had it debated in the chamber, which I think was unique for the committee at the time. I well remember the

minister at the time, Peter Peacock, making valuable commitments in respect of that petition.

Why has the process derailed slightly? Is it because of the compensation issues or is it because your voices have not been heard? It would be interesting for us to understand where the process has not worked quite as you wanted it to.

Chris Daly: Helen Holland and I are members of the reference group on childhood sexual abuse, which includes emotional and physical abuse, mainly in residential care settings. Sitting round the table at that Scottish Government reference group were lead professionals, academics, survivors and civil servants from the Scottish Government. We made decisions over many months regarding an acknowledgement and accountability forum that was to be set up in which survivors could tell of their experiences. We thought that we were discussing something that would be based on the model of the Irish redress scheme. It was to be a forum that was open to all without discrimination; it was to have an acknowledgement section and an accountability section; and, more than likely, there would be a compensation element, based on the Irish model.

On 25 November 2009, the Scottish Government's legal expert announced that there was to be a pilot forum. However, that pilot forum was not consulted on round the reference group table and we were told that it would be open only to 100 former Quarriers residents. It is a good idea to have a pilot forum, but the problem with the set-up is that it is getting a snapshot of what life was like only in the Quarriers village. It is not getting a snapshot of what life was like for survivors of abuse in Government-run institutions or in places that were run by independent religious orders.

The 100 or so former Quarriers residents have given their evidence. All that is happening is that people are getting a picture of what life was like in Quarriers; they cannot get a true picture of all the residential child care establishments in Scotland, because they were all run differently.

15:30

Helen Holland: I think that it fell apart even before that, to be honest. When all this came to light, Jack McConnell made his apology, but the matter was then dealt with in the health department and the education department. This is primarily a justice issue; is it not a health department issue or an education department issue. Children were abused. Abuse is a crime, so why did the matter end up in the health department and the education department? I do not understand that at all. It should have been lying in the hands of the justice department. As far

as I am concerned, the justice department has been tokenistic in all this. It gathers all the information and then kicks it into the long grass and that is the end of it. The whole thing has become muddled. The children are the ones who are forgotten in all this. The pain continues. They were told as children that nobody would listen to them. They are now adults, but they are still children speaking out, and they are still being told that nobody is listening to them. The words are coming out, but there is no action at the end of it. This should have been a justice department issue right from the beginning. The justice department should have taken down all the barriers that have been put in the way of survivors.

Jackie Baillie: I want to ask one final question to ensure that the committee is clear about what you want. I do not disagree with you, but irrespective of whether the matter sits with justice, education or health, surely it is the outcome that drives the petition. Is the call to the Government to take what it has learned from the pilot, albeit in one section, and apply it across the board so that the diversity of experience comes through and to look to the model in Ireland in doing that? Is that principally what you are after?

Chris Daly: The Government could adopt the Irish model, but it cannot get a true picture of all the institutions and their administrations—run by the Government, independent religious orders and Quarriers—just from the pilot, where the only evidence that was taken was from former Quarriers residents.

Jackie Baillie: That is why I am suggesting that the pilot should be rolled out to cover all victims of institutional child abuse, rather than just one section.

Chris Daly: Yes. It is like a house without foundations. Much of the meat is taken away when you take away the accountability element. The institutions have to be held to account for what happened, including the Government-run institutions. The Scottish Government has questions to answer about what happened in Government-run institutions throughout the decades. That goes for religious orders and places such as Quarriers, too. They all have questions to answer here.

Helen Holland: I do not think that it is so much about compensation, which rings a lot of alarm bells with a lot of people, because no amount of compensation in the world can give you back your childhood. The childhood is well and truly gone. Compensation might help people to provide a better state of living for themselves and their family. It might help people who were told that their mother had died or that they did not have any siblings but who are finding out, years later, through the Child Migrants Trust, that they have a

brother who was sent to America or a sister who was sent to Canada. A lot of survivors are now finding out that they have extended family, but they do not have the means to get to meet them. Compensation is not just of monetary value; it is of spiritual, lifestyle value for a lot of survivors. That must be taken into account.

Nigel Don: Thank you for coming to speak to us. It cannot be easy, and it probably gets harder as time goes by and you feel that you are not being listened to. I do not want to go back over things that others have mentioned, but I want to explore the justice issue that you mentioned, Helen. There is no time bar at all on a criminal prosecution.

Helen Holland: No, there is not, but people cannot get a lawyer to take a case to court because they cannot get legal aid.

Nigel Don: Right, but we have to distinguish between going to court in a civil process, for which you need legal aid, and a criminal process. As has already been said, abuse is abuse—it is criminal. For that, people do not need legal aid because in principle it is the police's job to pursue it. That has not been mentioned yet, so could you give a bit of the background? What has happened?

Chris Daly: There was a successful criminal prosecution of a nun in Aberdeen. We—the survivors—thought that the case would open things up because a nun had been successfully prosecuted. In fact, all the cases related to a home in Aberdeen were thereafter dropped by the Procurator Fiscal Service in Aberdeen. I believe that all the other cases from other institutions throughout Scotland were also dropped, but Helen may be able to tell you more about that.

Helen Holland: I can speak only on a personal level. I tried to go through the criminal courts, but after months of the procurator fiscal taking evidence from different people the answer that came back to me was that the person they were investigating was now too old and infirm. When that happened, she was not too old or that infirm. I knew where she was and I made a phone call to her—to be honest, I pretended to be my sister. She answered the phone and I asked her how she was. She knew exactly who I was and where I came from. When I asked how her health was, she said that she walked with a stick but apart from that she was absolutely fine.

I pretended that there was something wrong with the line, put the phone down and called the procurator fiscal. The answer from him was that he would have to tell the Crown Office what I had done, and I never heard anything else. It is not that survivors do not want to go through the criminal courts. Many do, but they cannot—they are told—because of the time that has elapsed.

Chris Daly: Criminal cases were dropped. Legal aid moneys are not being granted for civil cases because of the cases' prospects—that issue relates to the time bar.

Nigel Don: That sounds correct in legal terms. It is the wrong answer, but we can understand why people are saying it. There is therefore something that we would need to change.

Helen Holland: The legal officials in the Government department will tell you that compensation from the CICA is available, but that is for crimes committed after 1964. Many survivors were abused before 1964 so it is not available to them.

Nigel Don: Sorry, what is CICA?

Helen Holland: The Criminal Injuries Compensation Authority. The older survivors cannot get access to justice from it.

Chris Daly: The criminal injuries compensation awards do not reflect the severity and extent of the abuse that happened in the institutions. They are token awards, and they certainly would not be anywhere near the moneys awarded from a civil action.

Nigel Don: I understand that. Again, it is a general statement of how the law works. Thank you; your replies are helpful.

Cathie Craigie: Thank you for your evidence so far. The information that has been provided with the petition is very full, too. An awful lot of questions need to be asked, and we need direct answers to them. I presume that they will come up later when we decide what to do.

There is one thing that I have not found in the evidence. Have you any idea why the Government restricted the 100 participants to only Quarriers victims? Have you asked for and got a response from the Government about that?

Helen Holland: The Government said that it was a ministerial decision. It was asked that question categorically. After the three commissioners were appointed—Tom Shaw, Kathleen Marshall and Anne Carpenter—a meeting was held at the Apex hotel in Edinburgh. Survivors went along to it, and that very question was brought up: who made that decision? The answer came back that it was a ministerial decision.

Cathie Craigie: And there was no background information on why the minister reached that decision.

Helen Holland: No.

Chris Daly: It raises the question why we were sitting around the table at the Scottish Government's national reference group, making

decisions on an acknowledgement and accountability forum, when the Government had behind its back this pilot forum on which there had been no consultation at all, which was open to only 100 Quarriers survivors. Within that number were included those who were sick and elderly who were former residents of Quarriers; however, Helen Holland put it to the Government that it should also hear evidence from those who were terminally ill and the elderly who had been in other institutions. They might not have been in Quarriers homes but, if they had a terminal condition, they would not be around to give evidence by the time that the pilot was done and dusted, in any process that came after.

In his framework for an acknowledgement and accountability forum, however, Alan Miller points out that there is no indication by the Scottish Government that there is anything to come after the pilot forum. He asks the Government whether there will be something after the pilot forum, but we have heard no answer. Alan Miller has asked that question and now we are asking it.

Helen Holland: The answer that I received to that question was that it depends on how much money there is.

Cathie Craigie: When you were all sitting around the table in the reference group, was there an expectation that everything was going to come out on the table and that the process was going to be open and transparent? Was there a feeling that the pilot was a step backwards?

Chris Daly: Yes. There is absolutely no foundation to the pilot—the accountability element has been dropped. At the Scottish Government reference group meeting, there was a representative who works with the bishops conference sitting at the table. He said, "I would have thought that the organisation that, wearing my other hat, I represent"—the Catholic church—"would be held to account for what happened within its institutions." That was what we had been discussing for many months, but accountability—a key element of any such forum—has been dropped.

Helen Holland: The Scottish Human Rights Commission backs that up. Alan Miller's report was published in spring 2010, but the Government announced in November 2009 that it would proceed with the time to be heard forum. Why did the Government spend £500,000 of taxpayers' money asking the Scottish Human Rights Commission to come up with a forum for acknowledgement and accountability if the decision had already been made to go ahead with the time to be heard forum?

Cathie Craigie: One of the key points that you have made this afternoon concerns the time bar

and what happened in Ireland. Our law is different from Irish law. Have you undertaken any inquiries or sought legal advice about what we would have to do to change the time bar law in Scotland?

Chris Daly: It is about the statute of limitations in Ireland and the Prescription and Limitation (Scotland) Act 1973 in Scotland. I am not a legislator, so I do not know what would have to happen, but Ireland was able to introduce a progressive law and a forward way of thinking. The statute of limitations in Ireland was not changed in relation to all cases; it was changed specifically for historical cases of child abuse. The cases were then allowed to be heard in the Irish courts.

Helen Holland: That makes it all sound historical, but it is not. There were cases in May this year involving three people who were brought up in the Kerelaw residential school, and they were all flung out of court. We are talking not about something that happened 50, 60 or 70 years ago, but about current abuse. Children who are being brought up in state institutions are being denied the right to justice. That is the priority for me—that is the whole point. Alan Miller talks about that in his report.

I am an adult now, but I was a child under the care of the state. The state owed a responsibility to me as a child; it now owes a responsibility to me as an adult. It is all very well for it to say that it did not know about the abuse before, but with knowledge comes responsibility. We are asking the Government to acknowledge that responsibility and deal with the situation. All that we hear about are the problems—the time bar and this, that and the next thing. Let us forget all that. There is a problem that the Government must deal with, and it has the power to deal with it.

15:45

John Wilson: There are real concerns about the Quarriers pilot forum. Is there a fear that, once the pilot has been reported on, that will be the end of any investigation of the issue? Are you afraid that that will close the door to any future investigations or inquiries by the Government?

Helen Holland: That is a real fear for survivors. I was a member of the advisory group on the time to be heard forum. In front of all three commissioners, I categorically asked Sue Moody from the justice directorate whether she could guarantee that, at the end of the process, there would be a forum at which other survivors, regardless of where they were brought up, would be given the same dignity and the opportunity to talk about what had happened to them. The answer was that she could not, because she did

not know how much money would be available. Her exact words were:

“There may be nothing at the end of this.”

That is where much of the fear has come from. If you look at only one institution, there is no equality.

John Wilson: I understand and welcome that response. We are trying to get justice for what happened to many people who were in institutional care. It is difficult when a Government official indicates that whether investigations into institutionalised abuse that took place in care homes in various sectors of society continue may be down to the availability of money. As you said, state, local authority, church and other organisations provided care for children, and a range of forms of abuse took place.

I share your concern that it is difficult to say to a large number of people in society today that the situation in which they found themselves through no fault of their own will not be fully investigated and taken through due process because the Government has failed to provide the resources to allow that to happen. You cited the Irish situation. The Irish Government has made it clear that it will investigate these matters fully. I hope that, as part of the committee's work, we can get some answers and assurances from the Scottish Government on how we can proceed to ensure that there is fairness and justice for all who suffered abuse as children, regardless of the institution in which that abuse took place.

Chris Daly: We were under the supervision of various institutions that were administered by various people; some were run privately by independent religious orders and so on. However, ultimately, we were in the care of the state, which was at the top of the ladder, so responsibility falls on the state. Our placements were dealt with by the local area teams of social work departments throughout Scotland.

Bill Butler: In essence, are you saying that the time to be heard forum is fatally flawed and unrepresentative and that you seek the implementation of something similar to the Irish Residential Institutions Redress Board?

Chris Daly: Yes.

Bill Butler: Are you saying that it is time for action now?

Chris Daly: Yes. Helen Holland and I are getting tired. I recognise only one face on the Public Petitions Committee from the time when I submitted my previous petitions. It has been a long, hard battle to get anywhere on these issues. Although we are tired, we want to see action now for all those former residents of all the institutions.

Helen Holland: One of the other reasons that the time to be heard forum is flawed is that it has absolutely no power. Regardless of what the forum members are told in that room, they have no power to do anything about it. We then have a situation where survivors are reliving their experiences as a child, but when they walk out the door there is no outcome at the end of it. In my humble opinion, if you are going to listen to survivors surely it should be with the condition that you will act on what you hear. If somebody comes forward and says, "As a child I was raped, as a child I was abused, as a child I was battered til I bled" and so on, the person listening to that has a responsibility to do something about it with the information that they have. Right now, the time to be heard forum cannot do that. Alan Miller speaks about it in his report where he says that the forum has no power to do anything about what it hears. Why did not the Government wait until Alan Miller's report came out? That is the whole point. Why ask him to look at an acknowledgement and accountability forum and then not even wait until the report was submitted before acting? Everything that survivors are looking for is in the scope of that forum—restoration, reparation, compensation and justice—but all that is being ignored.

Bill Butler: Alan Miller's report was published in March this year and nothing has happened since.

Helen Holland: The report came out in March this year. The Government announced the time to be heard forum in November last year.

Bill Butler: Both of you wish that report's findings to be implemented, but it is sitting on a shelf.

Helen Holland: Yes. It describes a fairer way of dealing with the matter.

Chris Daly: If the Government uses the framework in the report, it cannot go wrong.

Cathie Craigie: Just to be clear—

The Convener: I am conscious of the time; we have a lot of petitions to get through. This is a hugely important one and I do not wish to constrain people too much, but if any issue has not been raised, I invite people to do that now.

John Wilson: Helen Holland said that many people who go to give evidence to the time to be heard forum will relive the trauma of their childhood. You said earlier that it costs up to £65 for a 50-minute counselling session. Have any support services been put in place for those people?

Helen Holland: A booklet was sent out to every individual that told them that they could use the in care survivor service that the Government set up two years ago. A lot of people live with the shame

of being brought up in care; they should not have to because it was not their fault, but a lot of them do and they do not want to draw attention to themselves. I have had phone calls from people who have been to the time to be heard forum. They say, "I want to talk to you because you know what I'm speaking about." It is difficult to go to an agency counsellor who has not lived through such abuse and who might not be able to empathise as much. In answer to your question, a counselling service of sorts was set up through the in care survivor service, but I do not think that many people used it.

Chris Daly: The problem was that although a freephone number was available to people who gave evidence to the time to be heard forum, there were constraints on the budget and the manager of the in care survivor service said that she was concerned that she might not be able to meet people's needs with the out-of-hours freephone number on her existing budget. The Scottish Government's answer to that as it sat round the table with the reference group was that no more moneys would be made available for the freephone number during the time to be heard forum period.

Robin Harper: According to the committee's information, the report from the chair of the forum should be available to ministers in spring next year. In effect, that means that it will be our successor Public Petitions Committee in the new session of the Parliament that takes up the cudgel, perhaps when it meets in June. Is there any merit in pressing the forum to produce an interim report in response to the Miller report?

Chris Daly: There should be a response to a key question that Miller asked of the Scottish Government. He said:

"The Commission calls on the Scottish Government to clarify that the Pilot Forum is a stage in scoping the needs of survivors and commit to taking a comprehensive human rights based approach to securing effective access to justice, effective remedies and reparation for survivors of childhood abuse."

Miller is basically asking what will come after the time to be heard forum. If the Government follows the Scottish Human Rights Commission's framework, it cannot go wrong.

Bill Butler: This is a very serious issue that has dragged on for many years, and there is a real need for action and a sense of urgency—I presume that members agree.

I suggest that we write to the Government and ask, first, what its reaction is to the petition; secondly, whether it intends to implement in full the recommendations of Alan Miller's report of February 2010 and, if so, when; thirdly, what its answer is to the petitioners' point that the time to

be heard forum is discriminatory and selective; and fourthly, whether it agrees that victims of institutional abuse should receive financial compensation and whether it will introduce a compensation element, in line with Ireland's Residential Institutions Redress Board. That would be a fair start.

The Convener: The committee might want to invite Scottish Government ministers to answer questions on the issue. I do not know what the timescale would be for that—the clerk is advising me that that might happen at a meeting in November.

Bill Butler: If members agree to ask the questions that I set out—there will be other questions—and we receive written responses, we will be able to interrogate Government ministers on those answers.

The Convener: Do members agree?

Cathie Craigie: Chris Daly rightly pointed out that the Parliament is the legislator. May I ask for a briefing paper on the Prescription and Limitation (Scotland) Act 1974—

Chris Daly: 1973.

Cathie Craigie: Sorry, 1973. It would be useful to know how easy or difficult it would be to amend the 1973 act.

John Wilson: We should ask the Scottish Government whether it will consider making additional financial resources available to the time to be heard forum, to ensure that adequate support services are put in place for all people who want to participate in the inquiry. We should also ask whether the Government has considered making further financial resources available to widen the scope of the inquiry to include all people who suffered institutional abuse in Scotland.

Anne McLaughlin: We should ask the Scottish Government what the thinking was behind making the forum open only to people from Quarriers. There might be a good reason, but I cannot think what it might be. Also, we should ask why the Government instructed a report from Alan Miller but went ahead before the report came out. I am intrigued to know the answers to those questions, and it would be helpful to the committee to ask them.

The Convener: I thank Chris Daly and Helen Holland for giving evidence to yet another Public Petitions Committee and I look forward to continuing the work on your behalf.

Helen Holland: I just want to add that much of the information in the pack that we provided to the committee was provided by *The Sunday Times*. I want to thank the paper for the help that it has given us during the past year.

The Convener: Okay. Thank you. We will have a short break.

16:00

Meeting suspended.

16:10

On resuming—

Young Homeless People (Quarriers Charter) (PE1356)

The Convener: I suggest that we make progress with the rest of what is an extremely long agenda this afternoon.

PE1356, by Rebecca Doherty, calls on the Scottish Parliament to urge the Scottish Government to take practical actions with all relevant stakeholders to support and implement our charter—the Quarriers charter for young homeless people. I very much welcome the young people who are in the public gallery this afternoon and pay tribute to them for their work on homelessness issues. It is important that young people's voices are heard. However, as we have a huge agenda this afternoon, we will not be able to take evidence from you. We are, though, very keen to discuss the petition. Do members have any suggestions on how we might deal with it?

Bill Butler: I echo the convener's welcome to the young people in the public gallery. I certainly think that the petition needs to be taken forward and that, as a first step, we should write to the Scottish Government, seeking its response to it and asking whether it will take the actions that the petitioner has requested, including making representations to the Department for Work and Pensions to support and implement the Quarriers charter for young homeless people.

We should also ask the Government to tell us whether the Housing (Scotland) Bill will cover the need for local authorities to take into consideration a range of support needs, from help with furnishing a property to assistance with drug or alcohol problems, in every case in which a person becomes homeless. I think that those are two reasonable suggestions to begin with.

Anne McLaughlin: I, too, welcome the young people in the public gallery and thank them for having sat through the meeting. I know how lengthy the proceedings can feel when your own petition is not being discussed.

We should ask Shelter Scotland, Scotland's Commissioner for Children and Young People, One Parent Families Scotland and other such organisations for their response to the petition; find out what actions they intend to take to support the

charter; and find out the statutory obligations on local authorities to provide a support system for people who become homeless, whether such a system is available across all local authorities and how consistent it is.

John Wilson: I, too, welcome the petition. As well as following Bill Butler's suggestion that we write to the Scottish Government, we should also ask the United Kingdom Government for its views on the charter. There are fears over proposed changes in benefits, especially housing benefit, and any such moves will seriously affect young people's efforts to manage and maintain tenancies, particularly in respect of the crossover between furnished and unfurnished tenancies and the charges that landlords can make in that regard. We should also write to a range of organisations including Shelter Scotland, Scotland's Commissioner for Children and Young People, Barnardo's Scotland, One Parent Families Scotland and Scottish churches housing action, asking for their views on the petition; on how we might take it forward; and on the statutory obligations that should be placed on local authorities to deliver housing for young people coming out of care.

16:15

Cathie Craigie: I suppose that I support members' comments and suggestions. However, if we look at the charter, which Quarriers was good enough to send us—I imagine that it sends everyone a copy—we will see that what the young people are asking for is very reasonable. For example, the charter says:

"I will be informed of the rules ... I will be given a tenancy agreement ... I will get a step-by-step guide to the things I need to know ... I will get a local information plan."

I am not going to read out everything in the charter but it also asks for houses that are "not damp", that are "clean" and "painted" and that

"have working electricity ... a working toilet and hot and cold water".

All those things are very reasonable—indeed, they are what one would expect—and the rest of the charter is exactly the same. As I see nothing in it that requires a change in legislation, I hope that we will get word back from the Government that it is able to take action on the petitioner's requests.

I hope that we get a very positive response from the Government given that we are working towards the 2012 homelessness targets that the whole Parliament agreed to in the previous session. I do not want people to think that the committee does not accept and indeed value the charter, which has been devised and developed by young people themselves, but I am not sure whether it is all that necessary to ask the other

organisations that have been mentioned for their thoughts and whether they support the charter. I am sure that they do. As far as I can see, it complies with all the existing legislation and, indeed, is about ensuring that those provisions are implemented.

Nigel Don: I, too, welcome the young people in the gallery, who have produced a very reasonable view of the world. We certainly need to talk to the Convention of Scottish Local Authorities because the question that the petition raises and which we should ask the Government is not whether these things are right—we know that they are already—but how we make them happen and ensure that all the mechanisms in and housing activities of local and central Government work together. In that respect, I echo Cathie Craigie's comments. We should also, of course, recognise that some of the issues, particularly the benefits system, are still in Westminster's hands. We can have a political debate about that, but that is the way it is and, in any letter that we send, we must emphasise that that system needs to work well.

Nanette Milne (North East Scotland) (Con): I agree with Nigel Don that we should write to COSLA.

Anne McLaughlin: In response to Cathie Craigie, I think that the point of writing to various organisations that work in the field is to ask them what they can do to support the charter. Even if we were to write to them seeking their support, the expression of such support would only strengthen the petitioner's case, so I would still want to do it.

The Convener: So the committee agrees to continue the petition and write to the various organisations involved. When we receive the responses, we will continue our consideration. I thank the young people in the public gallery for coming here this afternoon and wish them well with their charter.

Tasers (PE1339)

The Convener: PE1339, by John Watson, calls on the Scottish Parliament to urge the Scottish Government to clarify whether it is required to give written authorisation to police forces before any new schemes to arm police officers with Taser weapons can take place and its legislative obligations to provide and implement a legal and administrative framework governing the use of Tasers and other firearms. Do members have any suggestions on how to deal with the petition?

Bill Butler: Although we should continue the petition, I am not sure whether there is any point in continuing the part of it about Government authorisation of the use of Tasers. The Government has made it clear that

“the police do not need any authorisation from Scottish ministers to use Tasers”.

However, we should ask the Scottish Government for a response on the second issue that the petition raises, which is what the Government’s legislative obligations are to provide and implement a legal and administrative framework governing the use of Tasers and other firearms. That point has not been adequately answered, and we have a duty to press the Government on it.

The Convener: The committee has agreed, so we will continue with the petition and contact the Government on the point to which Bill Butler referred.

Multiple Sclerosis Treatment (PE1353)

The Convener: PE1353, by Audrey Barnett, calls on the Scottish Parliament to urge the Scottish Government to carry out or encourage urgent research into chronic cerebrospinal venous insufficiency liberation treatment for multiple sclerosis and make it available to sufferers as soon as possible. Rhoda Grant is with us today in support of the petition.

Rhoda Grant (Highlands and Islands) (Lab): Thank you. I am sorry for rushing in; I had two previous committee meetings to attend so I was not sure whether I was going to make it here. I am glad that you are having a long meeting, as that has allowed me to come along in support of the petition.

Audrey Barnett has had to raise money herself to have this treatment in Poland, which is a very difficult thing for someone to have to do. My understanding is that the treatment is used for other conditions in the UK, but its effectiveness as a treatment for MS is to some extent unknown. It is used to treat the condition in other countries and reports say that it is quite effective, but more research needs to be carried out quite quickly.

If the treatment cures the condition, or at least alleviates a lot of the symptoms, it is important that those who suffer from MS get it. I am keen for the committee to write to the Government and ask it to carry out further research—perhaps clinical trials—to find out how the treatment affects people and whether it will alleviate symptoms. If it is shown to work, it should be made available to people on the NHS.

As members all know, MS is a degenerative disease and impacts not only on a person’s life but on the state, as more and more intervention is needed. An early intervention that could help to prevent the disease from progressing would be cost effective. In the past Scotland has taken the lead in piloting new medicines and research, and I

urge the committee to urge the Government to ensure that that happens in this case.

The Convener: Thank you. Are there any comments or questions from members?

Nanette Milne: I confess that I had not heard of the treatment at all until I read the petition today, but anything that may help us to understand—and ideally treat—MS must be examined further. I agree with Rhoda Grant’s suggestion that we write to the Scottish Government. We should perhaps also contact the Medical Research Council, the Scottish Medicines Consortium and the people who produce the Scottish intercollegiate guidelines network—SIGN—guidelines to ask some questions about the treatment. I know nothing about it, but we should probably explore it a bit further.

The Convener: Okay. Are there any other points?

Nanette Milne: We should probably write to the Multiple Sclerosis Society too; it might know more about the treatment.

The Convener: Is the committee content that we continue on that basis?

Members *indicated agreement.*

Renewable Energy Stations (Consent) (PE1357)

The Convener: The final new petition today is PE1357, by Tessa Packard, on behalf of Black Mountain Farms, Facombe Estates, Horseupcleugh Estate—I thank the clerk for helping me with that one—Burncastle Estate and Cranshaws and Longformacus community council. It calls on the Scottish Parliament to urge the Scottish Government to convene an inquiry to consider the process for consenting to onshore and offshore renewable energy generating stations; whether that process achieves an adequate cost-benefit and planning developments/environment balance, particularly for people in rural communities; and whether the Government’s energy and planning policies compete against local communities’ priorities for land and landscape conservation, tourism and public recreation.

Before we commence our discussion, I will respond to the e-mails that were sent to members, the clerk and me about the decision not to invite the petitioner to make an oral presentation. The decision whether to invite someone to make an oral presentation is taken after careful consideration of all new petitions. It simply is not possible to hear from every petitioner, given the volume of petitions that we consider at meetings. I very much understand that it is disappointing for petitioners not to be invited to speak, but I ask

people to understand that if we invited everyone we would not be able to get through as many petitions. It is about getting a balance.

I also clarify that we are concerned with matters of national public policy. We have no role to play in local planning applications—in this case for a wind farm development. That is made clear to all petitioners. However, we are able to consider PE1357. I invite members' views on how to deal with it.

Nigel Don: I preface my remarks by saying that the committee is not in a position to review local or national decisions on planning issues. We are not a court of appeal and we will not be tempted to become one.

The petition is carefully constructed—I am sure that the clerks are to be commended for that—and gets to the nub of the problem of objectors feeling that their objections have not been given enough weight. We all understand the situation, because it can happen in our own backyards. Nobody wants a development in their own back yard. Elected representatives understand that, and those of us who were local authority elected representatives perhaps understand it even better, because we covered small areas.

I am not sure whether there would be value in the inquiry for which the petitioner is calling, which it seems to me would be asking the Government what its policy is. Governments are entitled to have policies. Government policy is what we vote for, and Governments act accordingly.

However, it might be that there is scope for such an inquiry. That might be fair—I do not want to be cynical about the matter. The inquiry would have to be very wide ranging and would have to consider all the issues involved and allow the Government to consider whether all the factors—we know them fine well—are properly balanced in the decision-making process. I suspect that we would come back to the position that as long as all the factors are considered, the balance is a decision for Government ministers, because that is what ministers do. Therefore, I am not sure that there is anything to be gained by having an inquiry—I hope that my colleagues can decide whether there is.

Bill Butler: In relation to what Nigel Don said, I am agnostic—I will not say yea or nay. However, we should, as a minimum, ask the Scottish Government whether it will convene an inquiry in the terms that the petitioner has outlined, and if not, why not. In that way, we will be able to get a definitive, detailed response from the Scottish Government, which might or might not echo what Nigel Don said. We should at least continue consideration of the petition on that basis.

16:30

Nanette Milne: If we are going to write to the Government, we should ask for an assurance to be given to the petitioner and others that their objections to wind farm projects are properly taken into account in the planning process and that local people are not simply given a *fait accompli*. We could get proof of that.

The Convener: It would be interesting to get feedback from the Government on the number of sites with some form of designation that have been used for wind farm development and to get its views on that matter, because I know that people are concerned about that.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): There was a protracted inquiry on the Beaulieu to Denny line, which was approved. Therefore, I do not think that there would be much advantage in raising the issue again with the Government. I do not know whether it overrules local opinion, but it certainly seems to carry on regardless.

The Convener: From what members have said, my understanding is that they think that we should ask a broader question about how the Government demonstrates that people's objections and concerns have been considered, and that we should get evidence from it on what is happening in practice with respect to consents that have been granted and which relate to sites with specific protection.

John Wilson: It is important that we try to get a response to the petition from the Scottish Government, particularly in light of the recent announcement on Scottish Power's new Beaulieu to Denny line. The Government asked for mitigation in certain areas to be taken into account in planning that line, but Scottish Power seems to have said that it has not taken account even of what the Scottish Government recommended. We should try to get answers from the Scottish Government on how we can ensure that the views of communities and others are taken on board when planning consents for the siting of such projects are being considered.

The Convener: The committee has decided to continue the petition and to seek the information that members have discussed.

Current Petitions

St Margaret of Scotland Hospice (PE1105)

16:32

The Convener: Agenda item 3 is consideration of current petitions. We have 20 current petitions to consider, the first of which is PE1105, by Marjorie McCance, on behalf of the St Margaret of Scotland Hospice. The petition calls on the Scottish Parliament to urge the Scottish Government to guarantee retention of continuing care provision for patients who require on-going complex medical and nursing care, such as that provided at the 30-bed unit at the St Margaret of Scotland Hospice, and to investigate whether arrangements for funding palliative care provision at hospices in the context of the Scottish Executive's Health Department letter HDL(2003)18 are fair and reasonable.

Des McNulty and Gil Paterson are here to speak to the petition.

Des McNulty (Clydebank and Milngavie) (Lab): I think that every member of the committee apart from the convener has heard me speak to the petition at length. I will not repeat too much of what I have said in the past. I simply re-emphasise that there are strong feelings about how the health board has treated the St Margaret of Scotland Hospice. There are strong feelings about how decisions that affect the hospice were made. We have looked for constructive dialogue between the health board and the hospice, but that has not happened yet, although I understand that the health board has asked to meet the chair of the hospice's board later this month, so perhaps there is a tiny light at the end of the tunnel. However, we will not be satisfied until further progress is made on the issue. There needs to be a solution because what has happened to the hospice is entirely unfair.

I emphasise that St Margaret's received outstanding results, on every count, in a recent inspection by the Scottish Commission for the Regulation of Care. The facility is well supported by everybody in the part of Scotland that I represent and the surrounding area, but it is not being well supported by Greater Glasgow and Clyde NHS Board, and we want that to change. Besides the petition, there have been two debates in the Parliament on the issue. We will continue to press until we get a more satisfactory outcome.

As well as the immediate issue about the funding of the hospice and what the health board funds the hospice to provide, the petition raises a second issue about the future funding of adult hospices and the mechanism through which

funding is distributed. Members might recall that the Cabinet Secretary for Health and Wellbeing, Nicola Sturgeon, announced that there would be a working group to look into the issue, which was to report by Christmas. I understand that the cabinet secretary has received the report, but it has not been made public. It has been said that the cabinet secretary will discuss the working group's report with the working group. That is not satisfactory. If a report has been produced, it should be made public and we should all have an opportunity to look at what it says and what the recommendations are.

Given that neither of those matters has been resolved, I hope that the petition will be kept open and that the committee will continue to pursue the issue.

Gil Paterson (West of Scotland) (SNP): I will start where Des McNulty finished. There is a need for the committee to keep the petition live for the reasons that he gave. He said that a meeting is scheduled and that this time—for one of the first times that I can remember—the initiative has been taken by the health board rather than the hospice. It is refreshing that the board has called a meeting rather than being asked to call one. However, there are outstanding issues. I ask the committee to hold back until we find out exactly what happens at that meeting.

The petition is also about funding for hospices in general. One of the questions from St Margaret's is on that very subject. It is clear that there is a question about the amount of money that is available to St Margaret's compared with the amounts that are available to other hospices. I would be grateful if the committee would consider continuing the petition.

Bill Butler: I point out that the committee has considered the petition, which is on a serious issue, 10 times. We have considered 37 submissions and we have heard from local members on no fewer than eight occasions—we are delighted to hear from them again, on a ninth occasion. We have also had a members' business debate in the Parliament. The focus of the petition has for some time centred mainly on a dispute about funding between the St Margaret of Scotland Hospice and Greater Glasgow and Clyde NHS Board. As members will know, the committee has no locus in that.

However, having listened to Des McNulty and Gil Paterson, I think that there are two further things that we could—and I suggest should—do. First, we should write to the health board chief executive, Mr Robert Calderwood, asking him to report back to the committee on the result of the meeting that is to take place later this month between him, or one of his senior staff, and the chair of the hospice board. We would be

interested to know whether agreement has at long last broken out given that, as Des McNulty said, the health board initiated that meeting. Perhaps—just perhaps—there is some light at the end of what has been a very long tunnel.

Secondly, we should write to the Scottish Government, asking the Cabinet Secretary for Health and Wellbeing whether she will make public the recommendations of the working group that has been looking at the funding of adult hospices. If she does so, we should ask whether we can have a look at the recommendations for further discussion; if she refuses, we should ask why. On those two bases, I suggest that we continue the petition.

The Convener: Does the committee agree to continue the petition?

Members indicated agreement.

Befriending Services (PE1167)

The Convener: PE1167, by Christine McNally, on behalf of Clydesdale Befriending Group and other supporting organisations, calls on the Scottish Parliament to urge the Scottish Government to recognise and promote the positive impacts that befriending services for adults with learning disabilities have on its “The same as you?” strategy and to ensure the provision of adequate funding to support befriending opportunities and promote social inclusion. I seek members’ views on how to deal with the petition.

Bill Butler: We should continue the petition, given that the Scottish Government has not yet answered a few questions—or, at least, has not answered them clearly. We could ask it whether the review of “The same as you?” will consider the specific question whether local authorities should be compelled to provide befriending services and when the review’s findings will be known. That question went unanswered in February and June. We could also ask it to write to all local authorities, encouraging them to support the provision of befriending services. If the Government agrees to do so, that will be good; if it does not, we should ask why not.

The Convener: Do members agree to continue with PE1167?

Members indicated agreement.

Permitted Development Rights (Port Authorities) (PE1202)

The Convener: PE1202, by Joyce MacDonald, calls on the Scottish Parliament to urge the Scottish Government to remove port authorities’ general permitted development rights. Do members have any suggestions on how we might deal with this petition?

Cathie Craigie: We should write to the Government for an update on any progress in the work that has been undertaken.

The Convener: I think that concern has been expressed about timescales on this issue. Does the committee agree to continue with the petition while we await an update on the current position?

Members indicated agreement.

A90/A937 (Safety Improvements) (PE1236)

The Convener: PE1236, by Jill Campbell, calls on the Parliament to urge the Scottish Government to improve safety measures on the A90 by constructing a grade-separated junction where the A937 crosses the A90 at Laurencekirk. Before I seek members’ views on how we might deal with the petition, I invite Mike Rumbles to make a few brief comments.

16:45

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Thank you very much, convener. I am very disappointed with Transport Scotland’s response to the committee’s three questions. As members will recall, we were originally told that the junction would cost £20 million; then we found out that £20 million was the price of the most expensive junction ever built in Scotland; and finally we discovered that, according to Transport Scotland’s own report, the cost would be £4 million. I can see, therefore, why the assistant clerk asked Transport Scotland whether it would be possible to provide “an accurate cost”, but all the petitioner wanted was an estimate.

The second question was:

“Can you provide the Committee with the accident figures for two other sites where grade separation has been approved so that these figures can be compared with those at Laurencekirk?”

That was the whole point of our meeting with the minister and the previous meetings. The minister has told the campaigners—and we accept this point—that he will not build a junction at Laurencekirk because he has other priorities. We asked what the other priorities were, but no further information was forthcoming. The committee agreed to ask specifically about the accident statistics for the two junctions at Perth and Stirling that are in the strategic transport projects review and which the minister approved, so that we could compare them to the accident statistics at Laurencekirk, where the minister did not approve a junction because he said that he had greater priorities.

When Transport Scotland responded, it gave the accident statistics for the 43km of dual carriageway between Stirling and Perth. That is

astonishing. Transport Scotland knew full well what we were asking, but it has come back to us with information that is of neither use nor ornament to anybody. I wonder what it is trying to say to committee members. Does Transport Scotland take what we do here in the Parliament and in the committee seriously? It knew what we were asking for, but it has come back with answers that are completely irrelevant. Examining the accident statistics for the whole length of the dual carriageway from Stirling to Perth and Dundee to Aberdeen is silly. All the petitioners required was information.

One of the great purposes of the Public Petitions Committee is to try to get information from Government that it is not particularly forthcoming with. I ask that the committee responds to Transport Scotland to try to get answers to the specific questions that we asked. We just wanted an estimate of the cost of the junction at Laurencekirk and, more important, we wanted to compare the Government's accident statistics—we just wanted access to them—at Stirling and Perth, where the minister approved junctions, with the accident statistics at Laurencekirk, where he did not approve a junction. That is all we are asking.

The Convener: I draw committee members' attention to the additional document from Jill Campbell, which is a letter that refers to developments that the Government has financed and the potential impact on congestion at Laurencekirk junction.

Nigel Don: I recognise the on-going nature of the petition. Mike Rumbles spoke about my constituents and his. I share his frustration that, at the moment, we are getting what we think is the wrong answer. I want to be clear: we will get the flyover eventually; it is just a matter of where it comes in the priorities. All the evidence that we have is of greater building and activity down the A937, which is the road down to Montrose. I am quite sure that we will get this flyover in time. What we are trying to do is get it sooner rather than later. I agree with Mike Rumbles that we ought to have it now. The trouble that we have is that the Government does not see it as the priority—or Transport Scotland does not see it as the priority. I am with Mr Rumbles when he says that he can understand why that is the case. What we are still looking for is the best possible evidence as to why that is the case.

Perhaps I do not take quite the same view, because I can see why the evidence provided for a long stretch of road is fair if one or two flyovers are being put in in order to close quite a lot of junctions on the way, but I am still not entirely convinced that the numbers entirely make sense and it would be good to pursue that. I propose to

pursue that with Transport Scotland, with which I am arranging a meeting. Whether it is fair to close the petition at this stage is not entirely clear to me. Clearly, the petition is asking for a grade-separated junction and we are not going to get that now, so we could argue that the petition has run its course for the moment.

Mike Rumbles: Oh!

Nigel Don: I am sorry. I am with you. However, in the longer term, we will get the junction. It is simply a matter of doing our level best to ensure that it comes sooner rather than later. I drive over the junction far more often than I dare to think about. It is not fun. The big lorries trying to cross it are not fun. The real issue is the traffic turning right from the Montrose area in the morning rush hour. That is bad in any case, but when the weather is bad, it is awful. We need to keep with this. The issue is what we can do in the very short term, other than ask for better information, which I will do personally via a meeting. We as a committee might ask for better information, which we will try to tease out.

Cathie Craigie: First, I admit to the committee and to anybody else who happens to be listening to the meeting that, until a few years ago, I had no idea what a grade-separated junction was, but I do now. Some people might have heard about the A80 and they might have heard on Radio Scotland in the morning about the A80 and the Auchenkilns roundabout being blocked. The Auchenkilns roundabout is now a grade-separated junction. I can tell you that listeners to morning radio will know that we do not hear so much about accidents or problems at Auchenkilns. We hear about congestion because of the road works on the A80, but the grade-separated junction has made that part of the road much safer, less prone to accidents and less prone to congestion thereby.

The response that we have received from Transport Scotland does not compare like with like. I agree with Mike Rumbles that we should write back and ask specifically for answers to the questions relating to the projects that the Scottish Government believes are more important and higher up the pecking order than this one. I suggest to members that we do not close the petition but write to seek further information on it.

Nanette Milne: I agree that we should keep the petition open. I do not know how often I have sat at a committee meeting and listened to Mike Rumbles make the points that he has just made about getting answers to the questions that are being asked. Transport Scotland is showing a little bit of contempt for the committee if it is not giving us answers to the questions that we have asked. We should pursue the matter yet again and see whether we can elicit the information that we want.

The Convener: It might be useful also to inquire about what sort of studies were undertaken before the projects that are impacting on the congestion were given the go-ahead. Does the committee agree to continue with the petition meanwhile?

Members *indicated agreement.*

Physical Disability (National Reports) (PE1279)

The Convener: PE1279, by John Womersley, on behalf of the charity Disability Concern Glasgow, calls on the Scottish Parliament to urge the Scottish Government to establish processes to ensure that health boards and local authorities fully implement the changes recommended in national reports aimed at improving the wellbeing of people with a physical disability. I seek members' views on how to deal with the petition.

Anne McLaughlin: I wonder whether there is any more that we can do with the petition. I understand that, as a result of it coming before us, there was a meeting between the petitioner and Government officials. My understanding is that the petitioner seems to feel that he has managed to get his points across and the Government seems to feel that the meeting was useful and that it will take on board the points raised by the petitioner, so, unless I have missed anything, I think that that is a result all round and I am not entirely sure that we can do anything else with the petition. I suggest that we close the petition and congratulate the petitioner on bringing forward an important issue.

The Convener: Are there any other views? As there are not, the committee will close the petition.

NHS Translation and Interpretation Services (PE1288)

The Convener: PE1288, by Dr Godfrey Joseph, on behalf of Multi Ethnic Aberdeen Limited—MEAL—calls on the Scottish Parliament to urge the Scottish Government to ensure that every NHS board has the structure, funding and capability to provide speedy, accurate and appropriate translation and interpretation services for patients and their families and that such services are consistent across every NHS board. I seek members' views on how to deal with the petition.

Nigel Don: First, we should acknowledge that the issue remains an important one. Secondly, we can acknowledge that progress is being made. Thirdly, as I understand what we are being told, the focus is on the use of British Sign Language for visual translation—which is entirely fair, as BSL is a visual language. If I have read the papers correctly, that is where the effort is being put.

There is an element of simply having to let some time pass, seeing how things work and then letting the right people learn some lessons, so that the arrangements for the translation of other languages can be improved.

What we want to do with the petition is not entirely clear, but we might have reached the point where we need to park it for a little while and wait and see what comes to pass over the next year.

Cathie Craigie: I refer to the petitioner's response to the Scottish Government's letter regarding telephone interpreting. The Government said that there is not a strong demand for online interpreting. The petitioner went on to tell us about what it costs to put in an ISDN videolink—the initial cost and the running costs for a year. It seems to me to be good value for money, rather than having interpreters running up and down between hospital sites. Perhaps we could find some more information in that regard, and we could ask the Government what its thoughts are and what its guidance to health boards will be on the issue.

The Convener: Do we have agreement that we should continue with the petition? What about issues of timing, Fergus? We are coming towards the end of the session.

Fergus Cochrane (Clerk): If the committee is agreed, we could go back to the Government and ask for a response on the point about the costs for a videolink. We could get that response and bring the petition back to the committee, probably at our meeting at the end of November. At that point, you can make a decision to suspend the petition, as the petitioner has requested, or to take some other action. In the short term, however, there is a point to come back on.

Cathie Craigie: Given what happens with telemedicine, we might imagine that the same sort of equipment is already in hospitals. If we asked about that, we could find out whether it is there. Such links need to be in place if people are to consult online.

Nigel Don: I bring us back to the reality of the financial situation, the spending review and our budgeting process. It is difficult to expect health services to tell us what they are doing with next year's budget—they will tell us that they do not know what it is. It might be one of those occasions on which asking for more information will not result in good information, as in effect the response will be, "I don't know how long my piece of string is." It might be a question of waiting for a year or even two before we can push the matter again. By that time, people will have developed the technology a bit and worked out what is going on, and they will then be trying to make strategic decisions.

The Convener: The Government might have a plan that can be implemented over a number of years.

Nigel Don: Yes—if there is a plan in place, it would be worth asking what it is, and I am not suggesting that we do nothing.

Cathie Craigie: As far as I understand it, NHS boards have been asked to consider the longer term and to investigate how they could spend some money to save money in following years. The issue is still relevant.

The Convener: Okay—we will continue with the petition.

Safe Guardian Law (PE1294)

17:00

The Convener: PE1294, by Allan Petrie, calls on the Scottish Parliament to urge the Scottish Government to implement a safe guardian law to allow family members to care for children who might be at risk. I seek members' views.

Nanette Milne: I notice that there has not been any response from the Association of Directors of Social Work to the committee's letter way back in December 2009. We should find out what its response is to the guide that the Government launched.

The Convener: I am not sure whether we have written to COSLA on the issue.

Fergus Cochrane: I think that you did.

The Convener: It might be worth checking whether we have a response from COSLA. I, too, noticed that we had not received a response from the ADSW.

Nigel Don: I put it on record that I know the petitioner personally. I also know personally the convener of social work in Dundee—I was a colleague of his for a while.

The answer from the Scottish Government clarified the thinking about what must be done or may be done. I am grateful for that. However, what is not at all clear to me is where the priority and the onus lie in cases where a local authority recognises that it has more children to look after than it has foster parents available. The suggestion seems to be that foster parents are used for as long as there are enough of them, and then the extended family is used. However, that might be my misinterpretation.

I would like guidance on what the policy or strategy is—on how it works out in practice and on who makes the decisions. We all know that finding foster parents has never been easy, and it might not get any easier. Some clarification on who

makes the policy, on how it is interpreted and on how much discretion is available would be useful.

The Convener: We will continue with the petition.

Members indicated agreement.

Low-dose Naltrexone (PE1296)

The Convener: PE1296, by Robert Thomson, on behalf of LDN Now, calls on the Scottish Parliament to urge the Scottish Government to make low-dose naltrexone readily available on the NHS to auto-immune disease sufferers as well as for other conditions that are not classified as auto-immune, such as HIV/AIDS, cancer and low fertility, in each NHS board area, thereby reducing the danger of sufferers having to access riskier alternatives and incurring higher costs by purchasing the drug through private medical providers; and to provide guidance to all general practitioners on LDN protocol and to require them to collect LDN clinical data.

I welcome the views of the committee on how to deal with the petition. I mention at the outset that the petitioner, Robert Thomson, kindly took part in the social media workshop at the conference that was held in the Scottish Parliament last Saturday, "Understanding & Influencing Your Parliament". The petitioner has demonstrated, through his petition, some of the active benefits of social media, and the committee might wish to join me in thanking the petitioner for taking part in the conference. I wanted to say that up front.

Anne McLaughlin: I echo everything that you have just said.

It is not clear to me whether the petitioner has met Government officials yet. There was a letter from the Government saying that a representative would be delighted to meet the petitioner, and a letter from the petitioner saying that a number of dates had been given. Have they met yet?

Fergus Cochrane: They have.

Anne McLaughlin: They have? We have received no response in that regard. Would it be worth writing to both the petitioner and the Government to find out what the result of that meeting was and to get an update on how both sides are feeling about the issue? When we took evidence on the petition, I was struck by many of the arguments that were made, which seemed to make a lot of sense. I would like to know what happened at that meeting, how the petitioner feels about it and what the Government thinks it got out of it. Were there any action points or follow-up items? I ask for an update.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: We are continuing with that petition.

Access to Justice (PE1303)

The Convener: PE1303, by Grahame Smith, on behalf of the Scottish Trades Union Congress, calls on the Scottish Parliament to urge the Scottish Government to restore access to justice for all by abandoning its policy of full withdrawal of public funding for civil courts and by repealing the orders relating to Court of Session, High Court of Justiciary, public guardian and sheriff court fees, which increase costs to individuals in accessing civil justice. I seek the views of the committee on how to deal with the petition.

Nigel Don: Has the Government said no? Sorry—there are so many papers in front of us and, like many other members, I am sure, I do not think that I have got every word of every paragraph in my mind. I am left with the impression that the subject has been considered and that, basically, the Government has said no. Having given the petition a good run, perhaps we should close it for the moment. We have asked the right question and have got the right answer—or, possibly, the wrong answer.

The Convener: Presumably, the response to Lord Gill's review of the civil courts impacts on the petition. I understand that the Scottish ministers plan to publish their formal response to the review later this year, as a basis for further debate about the future delivery of civil justice, which will lead to legislative proposals for consideration by the Parliament. If no legislation is introduced in the future, we can look at the issue again. However, given that the Government has signalled its intention to legislate, perhaps we should close the petition at this stage.

Nigel Don: The other issue is that civil legal aid has changed and gone up. Everything that has been done indicates that the Government will not proceed as the petition suggests and that it will stick with the current principles and try to improve matters through Lord Gill's suggestions. With the greatest respect, the petition has run its course. I am sure that the Parliament will return to the issue of access to justice in every session.

The Convener: Do members agree to close the petition?

Members indicated agreement.

Bowel Cancer (Screening Programme) (PE1305)

The Convener: PE1305, by Margaret Paton, calls on the Scottish Parliament to urge the Scottish Government to extend the bowel cancer screening programme to the immediate families of

those who have been diagnosed with bowel cancer. I draw members' attention to the BBC news item on Saturday indicating that David Cameron has announced that £60 million will be spent over the next four years to introduce the latest cancer screening technology down south. We do not know what implications that will have for Scotland. How do members wish to proceed with the petition?

Nanette Milne: I am not sure that we can take it further. The Government has made clear that it does not think that it would be appropriate, for various reasons including ethical and confidentiality considerations, to extend screening to the immediate families of those who are diagnosed with bowel cancer. In addition, Bowel Cancer UK and Cancer Research UK, which are both reputable organisations, do not support what the petition calls for, in part because current blood test screening is not sensitive enough for high-risk individuals, especially those in younger age groups. The sigmoidoscopic screening that is proposed may provide answers in the future, but we do not yet know enough about it. I recommend that we close the petition.

The Convener: Do members agree to close the petition?

Members indicated agreement.

Male Victims of Domestic Abuse and Violence (PE1307)

The Convener: The next petition is PE1307, by Alison Waugh and Jackie Walls—[*Interruption.*] I hope that that was not a committee member's phone. The petition calls on the Scottish Parliament to urge the Scottish Government to ensure that all publicly funded action on domestic abuse and violence fully addresses the needs of male victims and their children. I seek members' views on how to proceed with the petition. [*Interruption.*] I nearly missed Mary Scanlon, who has waited patiently.

Mary Scanlon (Highlands and Islands) (Con): An authoritative source said that you would reach this petition at 4 o'clock, but never mind—it has been interesting to listen to the committee's deliberations.

Thank you for allowing me to speak to the petition; I spoke to it before when the petitioners gave evidence. In addition, I thank Alex Neil for his empathy and his commitment to the issue.

I respectfully ask the committee to keep the petition open on the basis that the petitioners have been working hard with the civil service to produce competing research, to organise round-table events and to have other meetings. It was highly innovative of the committee to put male violence

against men on the agenda. The Parliament has since had its first ever debate on domestic violence against men—I am sorry; I think that before I said male violence against men.

John Wilson: It does happen.

Mary Scanlon: We have made incredible progress in recent months, but we are nowhere near achieving the goal that is set out in the petition. Even though it is extremely difficult to find information advertising the helpline, which is based in the south of England, a significant number of calls have been made to it from Scotland. A significant amount of serious violence against men has been found and, unfortunately, although there is a helpline, we have no services in Scotland for domestic violence against men. Just as important as, if not more important than, the fact that men are not recognised as victims of domestic violence is the fact that their children are not recognised as victims of it, either.

Tremendous progress has been made, but because we started from a very low base, there is still a huge amount to do. I respectfully ask committee members not only to mark that progress, as I do, but to give the petitioners an opportunity to work with Alex Neil and the violence against women unit in the Scottish Government to make the progress that is set out in the petition.

The Convener: Thanks very much. Who has views?

Nigel Don: I agree with all that Mary Scanlon said.

The Government had led us to believe that we would hear more in due course, but it got a quiet reminder from me that “in due course” should be rather soon. I wonder whether the clerk has anything to report. Have we received a response recently?

The Convener: I did not realise that there was one, but apparently something new has come in.

Fergus Cochrane: I did not prompt this response, but at 12:29 today the Scottish Government sent me an e-mail saying that it would respond by the end of October to the letter that the committee issued in May.

Nigel Don: That is helpful. The Government got a prompting from me—that is why you did not have to prompt it.

Perhaps we should simply defer our consideration until we get a bit more information from the Government, which, as Mary Scanlon says, has got its mind round the issue. I do not think that there is the slightest risk that we will let the petition go. We need to get the Government’s view on where it feels it can go. We might be a bit

frustrated, but if we have been given a date, I suggest that we wait for that response.

John Wilson: I echo what Nigel Don said—we should continue the petition until we get a more detailed response from the Scottish Government.

Since the petition was lodged with the committee, a number of national and UK-wide campaigns have highlighted domestic violence against male victims and it would be remiss of us not to congratulate the petitioners on bringing the issue to our attention. The progress that has been made here is completely separate from the UK-wide recognition of the issue and the work that is being done south of the border.

Given the response that we have had from the Scottish Government so far, I just hope that when we hear from it again, it bears in mind the work—or rather the lack of it—that local authorities are doing to safeguard male victims of domestic violence, particularly in light of Mary Scanlon’s point about the children of victims. I do not deny that the services that have been established for female victims of domestic violence are necessary, but they should also provide for the children of male victims of domestic violence.

I have a particular interest in the issue and have had discussions with police officers about it, so I know that, in some cases, male victims of domestic violence are taken into custody by the police, who claim it is for their own safety. There are resources out there and we should be providing similar resources for male victims of domestic violence. I hope that we can get that message over to the Scottish Government when we get its response to the committee’s earlier correspondence with Government ministers.

The Convener: Okay; we will continue the petition.

Mary Scanlon: Thank you for your measured and considered approach to the petition.

The Convener: Thank you for waiting so patiently.

Medal Awards (PE1312)

17:15

The Convener: PE1312, by William Leitch, calls on the Scottish Parliament to urge the Scottish Government to make representations to the UK Government, asking it to investigate the process for the awarding of medals to those involved in the 1949 Yangtze campaign and, in particular, whether the process was corrupted as a result of the exclusion of relevant and important documents relating to the role of HMS Concord in the Yangtze campaign on 30 and 31 July 1949. I seek

members' views on how to proceed with the petition.

Robin Harper: First, I would like the committee to note that the Ministry of Defence's long and detailed response answered a question that was not even asked. The petitioner asks not for medals to be issued, but for the process to be investigated.

To my mind, there is clear and practically incontrovertible evidence that HMS Concord took part in extended action to rescue HMS Amethyst. It started with HMS Consort, London and Black Swan going up the Yangtze river in April 1949. If none of those ships had suffered any damage or been shot at, it is absolutely certain that the crew of the ship would have received the same awards as did the others because it would have been in the same danger. HMS Concord went up the river on 31 July 1949 and, through a mixture of luck, bravery and high-speed navigation of its shifting sands when the crew did not have the best charts, showing excellent seamanship, met HMS Amethyst well within range of the Woosung fort guns. HMS Concord could have been shot at and sunk, but it managed to escort HMS Amethyst out. The evidence is very clear.

All that the petitioner is asking for, in essence, is for the Ministry of Defence to acknowledge the fact that HMS Concord was in danger. He is not asking for medals to be given; they were just service medals anyway. He is just asking for acknowledgement that, almost certainly, the committee that awarded the medals to the other three ships was not in full possession of the facts. The petitioner is looking for comfort for the survivors of HMS Concord and their families.

The letter from the Ministry of Defence does not answer a number of questions, although I will not go into them all. I strongly recommend that we continue the petition until the Ministry of Defence has answered them to the satisfaction of the survivors of HMS Concord.

Cathie Craigie: The petitioner has gone through the Ministry of Defence's response with a fine-toothed comb, and he has a number of questions that the committee can take back to the Ministry of Defence for responses.

There is another issue that is important to me and to many people. If the Public Petitions Committee writes to the Ministry of Defence or any other organisation, it expects a response from that organisation. Perhaps Andrew Robathan MP needs to know the difference between the Scottish Parliament Public Petitions Committee and a minister in the Scottish Government. That point should be made. I do not want to take anything away from what the petitioner has been doing, but it is disrespectful of the Ministry of Defence to say

that it hopes that a letter to the Government will do for the committee.

The Convener: So, it is agreed that we will continue the petition.

Hot Branding (Equines) (PE1314)

The Convener: The next petition is PE1314, by Rebecca Stafford, which calls on the Scottish Parliament to urge the Scottish Government to amend immediately the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2007 and to ban the hot branding of all equine animals. Do members have any views on the petition?

John Wilson: I propose that we close the petition in light of the fact that the Government has laid orders, to be approved by the Parliament, to prohibit hot branding and the fact that no further branding authorisations have been given.

Nigel Don: I note that the Government said no before but on this occasion has said yes.

The Convener: Absolutely. We all join in congratulating the petitioner and acknowledging the Government's action. Do we agree to close the petition?

Members indicated agreement.

Wind Farm Developments (PE1328)

The Convener: The next petition is PE1328, by Jack Farnham, which calls on the Scottish Parliament to urge the Scottish Government to guarantee a minimum separation distance of 2km between a wind turbine development and any residential property or building, regardless of whether it is a single dwelling or part of a settlement, to minimise potential health, safety and environmental risks. Do members have any views on how to deal with the petition?

Nanette Milne: We should keep the petition open. The problem of low-frequency noise that cannot be heard crops up time and again with people who are upset with wind farm developments that are close to them, and it genuinely seems to interfere with people's lifestyle and enjoyment of their lives. We should ask both the Government and Scottish Renewables whether they can guarantee that the low-frequency noise that is generated by industrial-scale turbines does not cause health problems. We need to get an answer to that.

The Convener: We want an updated view because, as you say, the issue is long-standing.

John Wilson: I suggest that we also write to South Lanarkshire Council and Scottish Renewables to ask them kindly to respond to our earlier requests for answers to our questions,

including on the action that they are taking to mitigate low audible sound caused by industrial turbines. I will not be as forthright as Mr Butler was earlier about making demands on organisations to respond to the committee, but when we request responses, it would be kind of organisations at least to acknowledge the request and respond accordingly.

The Convener: So, is it agreed to keep the petition open?

Members indicated agreement.

Adults with Incapacity (Scotland) Act 2000 (Role of Public Guardian) (PE1329)

The Convener: Our next petition is PE1329, by Robert Adamson, calling on the Scottish Government to put in place a review of the Adults with Incapacity (Scotland) Act 2000 with the remit of bringing it up to date and, specifically, introducing legislation to cover deceased adults, in particular the role of the public guardian in such cases. Do members have any views on how to deal with the petition?

Cathie Craigie: I suggest that we seek further information from the Scottish Law Commission on the Law Society of Scotland position. Further information on the questions that we put previously to Alzheimer Scotland and Age Scotland would be useful before we take any further decisions.

The Convener: I do not have it here with my papers, but I understand that the committee has received an e-mail from Alzheimer Scotland, apologising for missing the deadline, providing initial comments and confirming that a substantive response will follow. That removes the requirement for us to write to Alzheimer Scotland, as suggested. Clearly, we should continue the petition.

Bill Butler: I agree, convener. We should write to the Scottish Government, asking for its response to the submission from the Law Society of Scotland. We should also pursue the other avenues that Cathie Craigie outlined.

The Convener: Is it agreed that we continue the petition?

Members indicated agreement.

Pit Ponies (PE1330)

The Convener: PE1330, by Roy Peckham, calls on the Scottish Parliament to urge the Scottish Government to prohibit the use of equines underground. Do members have views on how to deal with the petition?

John Wilson: I propose that we close the petition on the basis of the responses that we

have received from the Scottish Government. Any action that would be taken on the issue would have to be taken by the UK Government under the Coal and Other Mines (Horses) Order 1956. Despite that, we should urge the UK Government seriously to consider taking appropriate action and the necessary steps to end the practice immediately if ever there was a request by a pit that was being reopened to use pit ponies in the production of coal.

The Convener: Indeed. Adequate protection in Scotland would be provided by legislation that has already been passed. Is it agreed that we should close the petition?

Members indicated agreement.

Parkinson's (Medication) (PE1331)

The Convener: The next petition is PE1331, by Tanith Muller, on behalf of Parkinson's UK, calling on the Scottish Parliament to urge the Scottish Government to take action to ensure that NHS boards support people with Parkinson's to get their medication on time, every time, in hospital and at home. Do members have views on how to deal with the petition?

Nanette Milne: This is an extremely important petition. It is incredibly important that sufferers from Parkinson's disease get the correct medicine at the right time. I see that Tanith Muller is still sitting in the public gallery. She must be bringing her bed into Parliament these days—it is the third time in a week that I have seen her here. I think that we should keep the petition open.

At the end of Tanith Muller's letter to the committee, there are some bullet points that set out questions that we should ask of organisations such as the Royal Pharmaceutical Society, the British Geriatrics Society, Scottish Patient Safety Alliance and others, including the Scottish Government. We should follow the recommendations in her letter and write to those organisations for further information.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: Tanith Muller waited so long and we dealt with the petition fairly speedily, but I hope that she is satisfied with the result.

Nigel Don: Can I make one further observation? The issue is hugely important not only in the context of Parkinson's, but in the context of self-medication in our institutions. It recognises that the patient probably does know better. The problem has been around since my dad passed away in hospital, many years ago. He was diabetic and the hospital staff thought that they knew better, but they did not know better. We

must get the medical profession routinely to understand that the patient probably knows a thing or two. Therefore, the issue goes well beyond Parkinson's.

Gypsy Travellers (Council Tax) (PE1333)

The Convener: The next petition is PE1333, by Shamus McPhee, on behalf of the Scottish Gypsy Traveller law reform coalition, calling on the Scottish Parliament to urge the Scottish Government to investigate the inequalities and discrimination faced by Scottish Gypsy Travellers and other members of the settled community residing in mobile homes in terms of assessing council tax liability and water and sewerage charges. Do members have views on how we should deal with the petition?

Bill Butler: The Equality and Human Rights Commission's written submission raises two critical issues. First, different rights are afforded to people depending on whether they live in council housing or in local authority Gypsy Traveller sites. Secondly,

"water and sewerage charges can be levied on people living in local authority sites,"

although

"the supply of such facilities to the site is either unsatisfactory or not evident at all."

The commission states that that represents a

"fundamental inequality of outcome"

that should

"be addressed by the Scottish Government".

As a result, we should write to the Scottish Government, drawing its attention to the opinion that I have just rehearsed and asking whether it will call for an inquiry in the terms suggested by the commission, which are

"to explore the issue further, consider options which would be of benefit to all, and to make recommendations for legislative change in this regard",

and if it will not, why not.

17:30

Robin Harper: Bill Butler has set out adequately what should be done but I simply observe that, as we come up to the Scottish Parliament's 12th year, a number of equality issues concerning our Scottish Gypsy Travellers still need to be addressed. The petition highlights one such issue and we must continue to be aware of the situation as well as dealing with such matters as they arise.

John Wilson: I am not sure how members will take this suggestion but, if we are agreeing to continue the petition, I suggest that we write to

Scottish Water, asking about its system of levying water and sewerage charges for particular residences. After all, the petition raises that very matter and, as we have heard, some sites are paying full charges for services that they do not receive. Any clarification that we can get from Scottish Water on how it determines the charges for providing water and sewerage services might help us to take forward the petition.

Nigel Don: First, we should remember that the committee will very soon be considering a rather more general petition, which I hope will give us the opportunity to explore various issues in relation to a part of our society that has been much maligned and misunderstood for far too long now.

Secondly, paraphrasing its response, I think that, in places, Highland Council is saying to us, "You might not like the answer, but that is what the law says." As legislators, we have to acknowledge what we have inherited from our predecessors and that there are times when we simply have to say, "The law's not actually good enough. It's not an ass—it's just wrong" and when we will have to amend it.

The Convener: So the committee agrees to continue the petition.

Members indicated agreement.

Disabled Services (Consultation) (PE1334)

The Convener: PE1334, by Ann Cassels, calls on the Scottish Parliament to urge the Scottish Government to set out its expectations in relation to how, when, with whom and on what local authorities consult when considering the closure or relocation of centres that provide services for people with disabilities and what evidence there is that, in reality, that is what local authorities are doing. Do members have views on how we might deal with the petition?

Bill Butler: I do not know whether the committee can do much more with the petition. As members will know, the Accounts Commission regularly and routinely audits local authorities' performance in relation to best value and community planning; overall performance throughout Scotland is reported through Scotland performs; and Scottish ministers and COSLA have had a series of meetings to discuss how local authorities can meet their statutory obligations in light of tighter economic constraints. The Scottish Government has also launched national standards for community engagement, which set standards for best practice that local authorities and other public bodies should follow in engaging with communities. Given all that, I do not think that we can do anything else with the petition and, on that basis, I suggest that we close it.

The Convener: Do colleagues share that view?

Members *indicated agreement.*

**Cerebral Palsy/Acquired Brain Injury
National Football Team (PE1335)**

The Convener: Our last current petition is PE1335, by Maggie Tervit and other parents on behalf of football players with cerebral palsy or acquired brain injury, which calls on the Scottish Parliament to urge the Scottish Government to take action, including by making representations to the SFA to bring Scotland more into line with England, Wales, Northern Ireland and the Republic of Ireland by adopting the Scottish national team for footballers with cerebral palsy or acquired brain injury. I seek members' views on how we deal with the petition.

John Wilson: I suggest that we continue the petition and write to sportscotland, which the Scottish Government has asked to take the issue forward, to find out whether it has raised the matter with the SFA and what actions have been taken as a result. Further to our earlier deliberations with Henry McLeish, we should write to the SFA for its response to the petitioner's proposal to create a national team for those suffering from cerebral palsy or acquired brain injury.

The Convener: Are we agreed?

Members *indicated agreement.*

New Petitions (Notification)

17:36

The Convener: Our final item is notification of new petitions. The committee is invited to note the new petitions that have been lodged since our last meeting and which will be timetabled to come before us for consideration at the earliest opportunity.

I thank all members for their efforts in what has been a bit of a marathon session because of the number of petitions that were before us. Our next meeting is on Tuesday 26 October.

Meeting closed at 17:36.

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