EQUAL OPPORTUNITIES COMMITTEE

AGENDA

3rd Meeting, 2004 (Session 2)

Tuesday 10 February 2004

The Committee will meet at 10.00 am in Committee Room 1, Committee Chambers, George IV Bridge, Edinburgh.

1. Local Governance (Scotland) Bill: The Committee will hear evidence from—

   Panel 1
   Niall Hermiston, Scottish Civic Forum
   Live Johnsrud, Forum on Discrimination/Scottish Civic Forum
   Steven Kidd and David Bernard, Scottish Youth Parliament

   Panel 2
   Lorna Ahlquist, 50/50 Campaign
   Sue Robertson, Jeanette Timmins and Fran Loots, Engender

   Panel 3
   Ron Skinner MBE, Scottish Disability Equality Forum (SDEF)
   Rami Ousta, Black and Ethnic Minority Infrastructure in Scotland (BEMIS)
   Kemi Adebayo, Multi Ethnic Aberdeen Limited.

2. Petition PE522: The Committee will consider a petition by Carol Main calling for the Scottish Parliament to encourage the Scottish Executive to investigate and remedy the issue of the lack of care homes for young physically disabled people in Scotland, including the Tayside area.

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The following papers are attached:

Agenda Item 1

| EO.S2.04.3.01 | - | Submission from Dr Fiona Mackay |

EO.S2.04.3.02 | - | Submission from Engender |

EO.S2.04.3.03 | - | Background submission from the Scottish Civic Forum |

Agenda Item 2
Petition PE522
EO.S2.04.3.04 - Petition PE522 approach paper

Steve Farrell
Clerk to the Committee
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The Gender Impact of Scottish Local Government reform:

Some comments on the gender implications of the Local Governance (Scotland) Bill for the information of the Equal Opportunities Committee of the Scottish Parliament.

Prepared by Dr Fiona Mackay
School of Social and Political Studies
University of Edinburgh

February 4, 2004

I: Introduction

This short paper draws upon UK and international research and, in particular, the experience of the Republic of Ireland1, in order to draw out some possible gendered implications of the proposed redesign and reform of local government in Scotland. It is divided into three parts: electoral system; remuneration; and widening access, which follows the remits of the working groups established by the Scottish Executive to examine practical issues related to the draft Local Governance (Scotland) Bill. The primary focus is on the proposed electoral system.

Two assumptions underpin the paper. First, that it is accepted that women and men should play an equal role in political decision-making2, and that minority groups should have fair representation within any democratic system. Second, that the commitment to equality mainstreaming by the Scottish Executive and the Scottish Parliament means that these issues should be routinely considered as part of the reform process.

Preliminary comments are made, which the Committee might wish to consider. However, the paper does not provide a detailed or exhaustive survey or gender analysis.

II: Proposed Electoral System

General features

- STV is an electoral system operated in a relatively few countries. They include: the Republic of Ireland, Malta, Northern Ireland and elections to the Australian Senate (Upper House). As a system, it is more proportional than First Past The Post (FPTP); and somewhat less proportional than AMS and PR-List systems3.

- The system’s strength is stated to be that it maximises voter choice and enables them to express complex sets of preferences. Under STV Parties have less say; the

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1 Thanks are due to Dr Yvonne Galligan, Director of the Centre for the Advancement of Women in Politics, Queen’s University Belfast for providing a briefing on the Irish case. Key references are noted at the end of the paper.

2 See for example the UN Beijing Platform for Action (1995), which commits member states to take measures to ensure women’s equal access to full participation in power structures at all levels; The Council of Europe Congress of Local and Regional Authorities (CLRAE) Recommendation 68 (1999) and Resolution 85 (1999) on women’s participation in political life in the regions of Europe; The Council of the European Union Resolution (96/694/EC) calling upon state bodies and institutions to develop suitable strategies to correct the under representation of women in decision-making positions; the Council of European Municipalities and Regions (CEMR) Executive Bureau Resolution (2000) encouraging European Union Member States to implement legislative measures to promote gender balance in local government.

electorate has more say and can vote across party etc. Experience shows that the electorate can be unpredictable in their use of transfer votes.

‘Women-friendliness’ and STV

- Some commentators see STV as a largely gender-neutral electoral system. It neither detrimentally impacts upon women candidates (as does FPTP) but neither does it positively impact (as does List PR). The proportion of female representatives in systems using STV range from 28.9% in the Australian Senate (2001) to 7.7% in Malta (2003).

- Others view it as relatively disadvantageous to women especially when operated with low district magnitudes, see below). For example, a smaller proportion of women are returned under STV to the Irish Dáil (13%, 2002) than under FPTP to the Westminster House of Commons (17.9%, 2001).

Key factors

District magnitude

- District magnitude is seen as a critical factor: the rule of thumb is that the greater the district magnitude (ie the number of seats in a ward) the better for women’s representation. Districts of 5-7+ are better than those of 3-5. The experience in the RoI, is that it has been much harder for women candidates to succeed in 3-seat constituencies than in 5-7 seat constituencies. This effect is magnified if women are coming through the smaller parties (which is more often the case in Ireland)

- The Local Governance (Scotland) Bill proposes wards of three or four whereas cross-national research suggests districts should have a minimum of five seats in order to enhance the chances of female candidates. Thus as the proposals stand, the likely effect would be to present a barrier to progress towards gender balance.

Incumbency

- Research suggests that incumbency is the key variable for predicting electoral success, although women were also found to be at a slight disadvantage (in the context of a traditional society)

- If incumbency is crucial, concerted efforts should be made to ensure that substantial numbers of women contest the first local government elections under STV in winnable seats. In this context, a one-off statutory mechanism might be considered (for gender balance and also to promote the fair representation of minority ethnic groups). If so, some consideration needs also to be given to the sanctions necessary to enforce an across-the-board quota. Alternatively, as recommended by the ‘Kerley Group’ report, parties should review their

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5 Other key variables are seen to be electoral threshold (share of votes below which a party will gain no seats) and party magnitude (seats winnable by a party). However high electoral thresholds tend to work against smaller parties and Independents, both routes through which women can be elected. See R.E. Matland (1998) ‘The effect of electoral systems on women’s representation’ in A. Karam (ed) Women in Politics: Beyond Numbers posted at www.idea.int/women/parl/ch3d.htm
6 Y. Galligan, M. Laver, G. Carney (1998) ‘Women candidates in the 1997 General Election’. Irish Political Studies. So the order in which candidates were elected reflected both status and gender (1) male-incumbent (2) female-incumbent (3) male-challenger (4) female-challenger.
candidate recruitment and selection procedures ‘to ensure that a diverse and representative range of men and women is selected in wards where they have a good chance of being elected’ and to consider implementing their own specific mechanisms.  

Candidate ordering

- **Candidate ordering:** Under STV, candidates are usually listed in alphabetical order on the ballot paper. This means that parties cannot use mechanisms such as ‘preferential ordering’ or ‘zipping’ of candidates, which largely guarantee outcomes. There is some evidence to suggest that voters may follow the order on the ballot paper therefore giving a slight advantage to those candidates whose names appear earlier rather than later, both overall, and within each party group.

- **Some consideration should be given to whether an alphabetical order is used or whether parties should be able to determine the order their candidates appear on the ballot paper thus enabling the use of gender balance mechanisms** (although voters would still remain free to choose outwith rank order).

- **If standard ordering is used** (see above) then parties’ hands are tied under the STV system. It is all the more important that parties take proactive steps at nomination and selection stage to ensure gender balance in terms of candidate numbers and distribution (see above).

In-fighting, horse-trading and intra-party competition

- Contesting elections under STV introduce an additional layer of competition: between running mates from the same party. The logic of STV leads to candidates maximising their own chances of winning a seat in a multi-seat district, by ‘seeing off’ other candidates from their own party as well as candidates from rival parties. The highly contested nature of the electoral process raises a number of issues, which have a potentially negative impact on women candidates:

- The system encourages in-fighting, horse-trading and personal attacks of fellow candidates within parties. Whilst there are female politicians who relish and excel at such realpolitik, research evidence consistently highlights women’s distaste for overly confrontational and adversarial politics. Anecdotal evidence from Ireland suggests **women lose out** in these highly competitive situations, with male candidates striking deals, carving up seats and excluding/attacking female candidates. It is also the case that women are more vulnerable than men to personal attack.

- **High levels of personal voter recognition are required** (rather than party identification) therefore candidates tend to run individual rather than party-focussed campaigns. Contests can get fiercely personal (see above) with an emphasis on personalities and performance rather than party platforms; campaigns are also time-consuming and expensive. This advantages individual candidates with high incomes or with access to donors (i.e. those with business connections). In general, women

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8 International research suggests women have to work harder than men to ‘prove’ themselves as competent, credible and authoritative politicians to their colleagues, their rivals and to the media. See, for example, A. Karam (ed) (1998) *Women in Politics: Beyond Numbers*. op cit.; K. F. Kahn (1992); M. Braden (1996) *Women Politicians and the Media*.

9 Candidate spending in local elections in Ireland can be as high as 10,000 Euros. Limits have been recently imposed on candidate spending in General Elections to 40,000 Euros.
have fewer resources in terms of time, money and contacts and are therefore at a potential disadvantage.

- Parties should ensure that the intra-party competition is governed by rules of engagement that ensure a fair contest: for example, all running mates could be named on campaign materials and individual literature kept to a minimum. Personal attacks should be discouraged. Agreement should be reached on where, within a ward, candidates concentrate their campaigning efforts.\(^\text{10}\)

- Campaign expense limits should be kept low to ensure that candidates from a wide range of backgrounds can contest elections.

- Specialist initiatives, such as EMILY’s List (which provides financial assistance to Labour women candidates) could be further developed at local level and for other disadvantaged groups, such as minority ethnic candidates.

**III: Remuneration**

- The financial cost of undertaking public service as a councillor is widely accepted to be a significant barrier to creation of diverse councils of ‘all talents’. The Kerley Group recommended standard levels of remuneration for part-time councillors with enhanced payments for senior post-holders. Levels of remuneration, together with details of pension provision and severance pay, are currently being considered by the Remuneration Working Group.

- Whilst such reforms will undoubtedly make the job of a councillor more feasible for a wide range of people, the issue of child-care and dependent care expenses has not been tackled. The Kerley Group deemed the costs of care to be ‘personal expenses’ to be met out of an individual’s own pocket.\(^\text{11}\)

- The costs of care should be revisited. Women continue to bear the primary responsibility for domestic and family care responsibilities – increasingly in addition to full or part-time paid employment. The provision of allowances for councillors who have primary care responsibilities would remove what is consistently viewed as a significant barrier for women to enter public life. It would be a very practical strategy to correct the under representation of women. It would also enhance the democratic quality of councils by enabling the direct input into decision-making of people who care on a daily basis for young children and other dependents.

- There should be a clear expectation of gender proportionality in the distribution of posts that carry enhanced levels of remuneration.

**IV: Widening Access**

- A wide range of possible reforms exists for widening access to local government. They include: legal reform; changes to the electoral system; new terms and conditions of office, including remuneration; enhanced status and image of local government; various improvements to the recruitment process including the operation of positive

\(^{10}\) Some parties in Ireland have such rules of engagement however they are routinely ignored.

action mechanisms (see above); encouragement and targeting of potential candidates; and better information. Many options for reform are outlined in detail in the report *The ‘representativeness of councillors*, submitted to the Committee.  

- In addition to recommendations on actions parties can undertake to improve gender balance and the diversity of candidates, The Kerley Group report recommended that councils review their arrangements to see whether current structures and practices present barriers to women’s participation and to the participation of minority ethnic persons. An action plan is recommended in respect of minority ethnic representation only.

- The proposals in the Local Governance (Scotland) Bill to amend and relax current legislation on restrictions and disqualifications for council employees in taking up political office will potentially widen access. It can be argued that women, as the majority of council employees in most areas, have been affected disproportionately by current legislation.

- A range of measures is required to improve access and retention. They should be viewed as a package rather than a menu. Political parties and local authorities should be encouraged or required to undertake a review of the potential barriers to the full participation of women, minority ethnic communities, disabled people and others in political life and public service in local government. Action plans should be produced which outline concrete measures for reform.

**Selected sources**


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Women make up more than 50% of the electorate but only 22% of councillors in local government. The proportion of women councillors has stayed almost exactly the same for the past three elections.

‘When those unaccustomed to speaking are heard by those unaccustomed to listening then real changes can be made.’ (Oxfam 2003)

The traditional image of a Scottish councillor is of a white middle-aged man working in a professional or managerial job. Almost 80% of councillors are male, only small minorities are under 35 or over 65, and the majority of those with jobs hold managerial or professional posts. Councillors are also more likely than the general population to hold a degree or professional qualification, to own their own home and have an income in excess of £20,000 per annum (excluding allowances).

At Engender’s recent conference on Women in Local Government (October 2003) there were many women who were active in their communities – in housing and tenants’ associations, childcare and women’s groups - and who have the experience and skills to be excellent councillors. But most simply did not see themselves as taking the next step into local councils. The view that councillors are ‘senior men’ and the culture of political parties and councils is discouraging. And many women see the practical barriers as too great to be overcome.

Measures are urgently needed to improve the diversity of candidates for election to local government and to ensure that groups currently under-represented come forward. Those measures will include:

- looking at the nature of the work of councillors and perceptions of that work;
- remuneration;
- recognition of care responsibilities, which remain more an issue for women than for men;
- commitment and action by political parties.

People on lower incomes or with family commitments are discouraged from standing for financial reasons. Local authorities and political parties must both adopt practices that encourage more people to feel confident and able to contribute to the work of Scottish councils.

Positive action is needed, not because women are not able to succeed on merit, but because discrimination in the selection process means that they are less likely to be given the opportunity to try. EOC research on elections to Westminster shows discrimination in selection processes in all political parties.
There is no reason to suppose that discrimination is less of a problem at local level. No matter how good a woman candidate is, she is less likely to be selected unless positive measures are put in place. The Sex Discrimination (Election Candidates) Act offers all political parties an opportunity to redress the gender imbalance in local authorities in Scotland.

The current position:

- Only 27.6% of the 4198 candidates standing in the 2003 local elections were female. Just 266 (21.8%) of those elected were female – that represents a fall of 0.8% from 1999. No party comes close to equal gender representation in their proportion of female candidates or councillors.

- One in three women councillors in Scotland have to make special childcare arrangements in order to conduct council business compared to only one in ten of male councillors.

- Almost two-thirds of candidates and three-quarters of councillors have no caring responsibilities for either young children or elderly friends or family. Just under 6% of candidates and 3% of councillors have children aged under five.

- Nearly 64% of candidates are in employment — either full or part-time or self-employed — while a further 23% are retired.

Questions that need to be answered:

Why is there a discrepancy in the percentage of women standing and the percentage elected? One possible reason is the slow turnover of councillors. Almost three-quarters of councillors elected in 2003 were returning councillors (this is similar to the pattern in earlier elections). Could it also be that female candidates tend to be chosen to fight less winnable seats?

Why is there a reluctance to introduce at local level the measures that have proven to be a success in increasing women’s representation in the Scottish Parliament? Female representation at council level compares unfavourably to the Scottish Parliament, where women are 39.5% of MSPs. The high proportion of women in the Parliament is welcomed by all parties and has had a positive impact.

Why is so little done to support care responsibilities of councillors? Given the commitments involved in being a councillor, individuals with young children may be dissuaded from seeking election. Just 5.6% of candidates have children aged under five, while less than 5% have caring responsibilities for the elderly. Both candidates and councillors are much less likely to have caring responsibilities than the general population. A support package for councillors that includes appropriate child-care and takes account of the wider caring role of women is needed.
Caring responsibilities also deter women from standing in the first place. Running for selection often involves nightly meetings. Finding accessible and affordable childcare can be difficult. Women face competing demands between family, employment and public roles.

*How can people with low-incomes or with family responsibilities afford to stand as councillors?* Anecdotal evidence suggests that the current remuneration for councillors acts as a deterrent. That is particularly the case for women, who are more likely to be low paid and/or work part-time than men. Evidence given by a COSLA representative to the Scottish Parliament Local Government Committee on the Local Governance Bill in January 2004 gives the example of a 29 year old woman whose salary is £19,000, has child-care provision, access to occupational health and other benefits - she is not going to give that up for £7,000 allowance as a councillor. There is a need for a realistic remuneration package for councillors that includes pension rights and recognises care responsibilities. Running for selection can be expensive. Candidates need to cover any costs of running in their prospective constituencies themselves, plus any child-care costs.

*What practical issues of access need to be addressed?* Public transport services can also act as a deterrent to women. Fewer women than men have access to private transport. Public transport, especially in rural areas, often ends in the early evening and means it is impossible for women councillors living in rural areas to get to meetings outwith their constituencies unless they have a car. There are also safety issues in relation to evening working in some areas. It would be useful to find out from current councillors and those who have considered standing what practical issues deter them and what solutions they would suggest.

Lack of confidence and lack of encouragement to apply have also been identified in a number of studies as barriers to women's political involvement. Cultural expectations and perceptions of men and women's roles and lack of experience in skills such as public speaking are also factors and there is some suggestion that these may be particularly at issue in rural areas.

*We would like to see the Remuneration Working Group taking these issues into consideration in their response to the Bill.*

The Renewing Local Democracy Working Group (June 2000) made a number of recommendations to ensure greater diversity in the running of local authorities in Scotland, which we support. These included:

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1 Three-quarters of women work in the five lowest paid sectors. Analysis (UK Government) of income from all sources, thus including those on the lowest incomes, shows that women’s median weekly income is under half of men’s and that *almost half of women* (45%) in the UK have a gross individual income of less than £100 per week, compared to just over a fifth of men.
The possibility of part-time councillors;
Appropriate administrative support, for example, provision of phone line, answer phone and/or mobile phone, computer, printer and modem, working accommodation within the community;
Training to give councillors and candidates a good understanding of local government and the role of councillors;
Political parties to review their candidate selection procedures to ensure that a diverse and representative range of candidates are selected in wards where they have a good chance of being elected. Parties should consider using positive action mechanisms to increase the number of women selected.

We would add that the possibility of job-share councillors should also be seriously considered.

We also support the recommendation of the recent report of Strategic Group on Women Improving the Position of Women in Scotland: An Agenda for Action (November 2003) for immediate action to increase women’s representation in local councils. The report suggests that targets and timescales to do so should be set by political parties. The Strategic Group also suggests that political parties and women’s organisations work together to look at issue of targets.

The lack of women as councillors should be a priority for the Working Group on Local Government Reform in its consideration of electoral reform and widening participation.

Some lessons from Europe:
PR has been effective in increasing women’s representation in several European countries, but different countries use different methods and PR on its own is not enough. STV is a form of PR that can replicate current inequalities, unless decisions on implementation are taken with great care.

Sweden and Norway have high women’s representation and both use proportional list systems. Both also have long traditions of positive action. Germany uses an additional member system and most political parties are currently convinced of the necessity of positive action. In France an additional clause was inserted into the Constitution in 1999 stating that ‘Statutes shall promote equal access by women and men to elective offices and positions’ and, under electoral and party law, it requires a perfect equality between men and women candidates to be respected. If a party list does not comprise an equal number of men and women (within each sequence of 6 names) it is not accepted by the local electoral registration officer and the party cannot take part in the election.
Among the points made at our October conference were:

‘We need to instil in young women the idea that going into local authorities is normal - rather than looking on it as not for them, as a hurdle. We need much more in schools about the real life in local government.’ (conference participant)

‘Councillors pay needs to be addressed if we want to attract young women.’ (Council official)

We have an opportunity to create change that must not be missed. PR and positive action could deliver real changes to Scottish local authorities. The lessons from the success in increasing women’s political representation and participation in the Scottish Parliament must be used to increase women’s role in local councils.

Sources:
Man enough for the job? A study of parliamentary candidates (Elgood et al 2002)
Women in Decision-making in Scotland: A review of research (Fiona Myers 1999, Scottish Office)
Have you been PA’d? - Using Participatory Appraisal to shape local Services (Oxfam et al June 2003)
RENEWING LOCAL DEMOCRACY: THE NEXT STEPS

The Scottish Civic Forum promoted two separate meetings to discuss ‘Renewing Local Democracy: the Next Steps’. A policy forum had earlier been held: Changing the Faces of our Councils which focused on widening access and voting systems in the context of the Kerley Report. The former was held in Aberdeen in October 2001 but a number of the issues are relevant to the above consultation document and so the summary of the event is attached as part of this submission.

Engaging with the issue

This has proved a difficult issue on which to engage opinion. Although many people make complaint about their local council in the context of ‘things going wrong’ and express desire for councils to be ‘better’ many people find it difficult to make the link with the democratic structures. The Forum had hoped to have meetings with two groups of young people on visits to Wiston Lodge near Biggar, but unfortunately, it was not possible to schedule meetings into their schedule.

The following paragraphs describe the composition of the meetings and the summaries of the comments made at each are attached.

Changing the Faces of our Councils Policy Forum

The policy forum was held in the Foyer, Aberdeen and representatives from Portsoy and District Ltd, Fairshare, Charter 88, REAP, Aberdeenshire Council, University of Aberdeen and a range of community groups and some individuals were present (a total of 16 people were present). Maureen Watt, a member of the Kerley Committee gave an introductory presentation on the key points and there was then a plenary discussion. Dr James Gilmour gave a description of different types of systems of PR.

The attached records the comments made on Widening Access and on Electoral Systems.
Stirling Assembly

The first of the meetings in the context of the Renewing Local Democracy: the Next Steps consultation was held with the Executive Committee of Stirling Assembly. Stirling Assembly is a broad civic group involving community councils and a range of civic organisations in the area of Stirling Council. The full Assembly joined the group later in the meeting, but had met to discuss the issues previously. The Executive Committee drew on those earlier discussions and the notes of the previous meeting were also made available to the Forum in order to inform this submission.

Oban Meeting

Staff from Quarriers Mobile Resource Centre and members of a Support Project for People with learning difficulties, all women, met with Lorna Ahlquist, facilitating on behalf of the Scottish Civic Forum, to discuss the Renewing Local Democracy consultation. The meeting took place on 1 July in Oban. An accessible briefing note was prepared to help participants to engage.
Introducing the theme of Widening Access to the forum, and Dr James Gilmour introduced Electoral Systems. Debbie Wilkie of SCF chaired the proceedings.

The following questions were put to the group for consideration:

- What do you see as the benefits of STV?
- Should the Scottish Parliament adopt STV?
- Of all the recommendations in the Kerley report, which are the most important?
Comments made

Widening Access

- The most important recommendations in the report are No's 8, 13 and 20.

- It was felt important that the reform of the role of Councillors should start with the production of a job description. Offering training to Councillors was often seen as insulting, sometimes due to the age of the individual.

- The stigma around Councillors travelling had to be removed. It was important for Councillors to have opportunities to learn from the practice of others in similar roles.

- It was suggested that training for Councillors could be structured in a style like that offered by groups such as Common Purpose.

- It was seen as difficult to obtain funding for training. Their tasks were so diverse that finding suitable training was not easy. Perhaps training could be centred on IT.

- Recommendation No. 20 was highlighted as important. Training the wider community. People were felt to be unaware as to how councils work. A sense of civic participation could be increased, perhaps by including it in the education process.

- It was suggested that people held a negative view and had negative experiences of community councils. People had a low level of interest in their activity. There was felt to be public cynicism about all levels of government.

- If councils could be made to appear relevant, then voters would turn out. Becoming a Councillor was currently seen as a retirement hobby rather than a credible career.

- It was felt that community councils were so poorly funded that it was impossible for them to make any differences.

- On proposal number 19 (councillors’ travelling time) it was seen as by no means certain that councils would carry out such a review

Electoral Systems

- The feeling in the individual that their vote didn’t count would take a long time to change. Also, people’s perception of events was at the mercy of the whims of the press, by what they chose to report and what they chose not to.
• Postal voting could be encouraged. Local councils should take the initiative and develop this. For instance, Stirling Council reportedly used STV and postal voting for community council elections. As a result they manage a voter turnout of around 50%.

• It was suggested that campaigns for more use of postal voting had been going on for years, but that they had so far failed to get anyone to listen.

• It was noted that when election time arrives, each party would scramble to find candidates. Parties would be reluctant to field less than a full quota of candidates as it may make them look bad. It was also suggested that parties did currently write off certain seats, but that the introduction of STV would change that.

• The advantage of STV was seen as the ability to choose between candidates of the same party. This would take power from the party and deliver it to the voter. Currently MSPs could get into power by befriending Holyrood – STV would put a stop to that.

• The question was raised of how to get STV on the agenda at The Scottish Parliament. There was no guarantee that the Kerley report recommendations would be implemented by 2003. It was suggested that legislation should appear in this parliamentary session – the Liberals and the SNP would both be very keen to see this happen. The current Bill had no mention of STV, but this could change.

• It was commented that although STV was the most effective form of PR, there were still concerns. The Republic of Ireland had had time to grow used to PR, but Scotland could well be confused by the introduction of AMS and STV at the same time. There were fears expressed that this could exacerbate the declining voter turnout in Scotland. However, it was also thought that current low voting turnouts could be attributed to a feeling that the individual’s vote had no impact. Another view was that the low turnout at the last general election was attributable to a widespread feeling that the result was a foregone conclusion.

• The discussion moved onto ways of increasing voter turnout, especially by making it easier for people to vote; possibilities included the introduction of voting booths in public areas like shopping centres. It was suggested that voting levels could effectively be doubled by the relocation of polling booths.
Members of the Executive Committee of the Stirling Assembly agreed to meet to discuss the Renewing Local Democracy Consultation paper on which the Scottish Executive was seeking responses by 29 July and to feed into a response being co-ordinated by the Scottish Civic Forum.

Members of the Assembly had previously discussed the role of councillors and the notes of the earlier discussion were also made available from which to draw comments.

Stirling Assembly had conducted a recent local survey from which it was apparent that the accountability of councillors was the most important issue raised.

**Barriers to standing as a councillor**

A key barrier was felt to be the party political system. In the Stirling Council area, success at elections was restricted to members put forward by political parties. Membership of political parties was low and many people did not want to become involved in them. This severely restricted the number of people who were able to succeed. This in turn acted as a disincentive to standing.

In addition, it was very difficult to stand as a candidate and fight an election campaign without the formal backing and support of a political party. Greater support should be provided – perhaps centrally by local authorities - to help people who wanted to stand as independent candidates. It was recognised that lack of formal party affiliation could sometimes mask a candidate’s political loyalties, however, it was thought that it would be beneficial to make it easier for independent candidates to stand for election as councillors. It would be important to ensure that any umbrella support mechanism for independents did not just become another political party. Stirling Council normally worked in a consensual way and it was thought that party politics were often left at the door, except when votes on key manifesto commitments had to be taken. It was felt that this was a positive element which meant that focus on issues important to the community was not often diverted into inter-party point scoring.

There also needed to be support for people, particularly those without the backing of a party machine, to help them to get to grips with the job once they were elected.

**Flexible working**

It was felt that working practices needed to be more flexible. Timing of meetings was important if a wider range of people were to be encouraged to stand. There was some suggestion that a fixed programme of meetings would help people to know the time commitment that would be required.
Payment of councillors

Paid time off to carry out council responsibilities might be possible for those employed by larger employers but was not possible for small organisations or for those who are self-employed. In Stirling the average councillor received around £6000 per annum. It was thought that this did not provide a sufficient incentive to encourage those in employment to stand for election. For those who had family commitments, consideration had to be given to the cost of carers.

Knowledge

There needed to be greater clarity about what the various statutory bodies have responsibility for. Although there was now only a single tier of local government, there were many other statutory agencies with responsibilities for delivering different services. For example, the local NHS budget was higher than the total of the budgets for local Councils put together. Increased knowledge, both about the responsibilities of local authorities and about the role of councillors would help people to have the confidence to stand for election.

It was felt important in the longer term that education for citizenship should play a strong role in equipping young people, who are potential council candidates for the future, with the knowledge to help them to know why councillors play an important role in our communities and to know what their role is so that they might consider standing for election in the longer term.

Participative Democracy

Supporting a system of participative democracy where organisations like the Stirling Assembly, Community Councils, other civic groupings and voluntary bodies, as well as individuals, had opportunity to engage participatively with the Council in developing policy would support and help to renew local democracy.
Renewing Local Democracy: meeting of staff of Quarriers Mobile Resource Centre and members of a Support Project for People with Learning Difficulties, Oban, 1 July

A briefing paper was given to participants to help them to engage in the issues.

Participants felt that they did not understand or know enough about the government structures. It was difficult to know where to get information about the local council, its structures and about how and where decisions were made. There was a unanimous view that people did not have the power to influence local government.

The group looked in detail at:

- Structure of government
- Structure of local government
- How MPs, MSPs relate to the UK and to Scotland
- How MSPs were voted for
- What changes were proposed for voting at local level
- Different ways councillors represent their local area

Representativeness

Participants wanted councillors to be more representative of the local population – especially people with disabilities or learning difficulties as they felt that their concerns were not paid attention to. It was felt that councillors tended to be all the same type of people and that there was a lack of choice. There should be more women.

Equity

Participants felt that the local government system was unfair because there was a lack of priority given to some people.

Power

Participants felt powerless with respect to local government. They didn’t know what they could do, how to go about it or where to go to find out about it.

Information and Transparency

It was felt that lack of information about the council created a barrier to understanding and engaging with the council.

Both paid staff and project members felt the council was difficult to understand. It was difficult to get views across to the council. The council was unresponsive and unrepresentative.
Reform

Reforming local government was considered to be very important. The women from the project felt that being a councillor was too much responsibility and that this therefore was a barrier to people wanting to become one. The women from the project were uncertain about paying councillors. The paid staff could see the benefits of paying councillors.
Equal Opportunities Committee

Tuesday 10 February 2004

Petition PE522 - Approach Paper

Background

1. The Equal Opportunities Committee has been asked by the Public Petitions Committee (PPC) to consider the following petition:

   PE522 Petition by Ms Carol Main, calling for the Scottish Parliament to encourage the Scottish Executive to investigate and remedy the issues of the lack of care homes for young physically disabled people in Scotland, including the Tayside area.

2. The referral memorandum from the PPC is attached at Annex A and the PPC members’ briefings are attached at Annex B.

3. The PPC has considered responses to the issues raised in this petition from COSLA, the Scottish Executive and from Capability Scotland. The letter from the PPC to the Scottish Executive Health Department is attached at Annex C and the text of all of the responses is attached at Annex D.

4. The PPC also approached the Health and Community Care Committee which agreed to refer the petition back to the PPC for further consideration and “in particular to request that the PPC further investigate the availability and accessibility of appropriate facilities for young physically disabled people by Health Board Area” (see Annex E).

5. In their response to the PPC, Capability Scotland noted that, in January 2002, the Deputy Minister for Health and Community Care gave an undertaking to the Health and Community Care Committee that:

   Work will be undertaken to improve our knowledge and understanding of the needs of younger people and the range and quantity of care services that are provided for them, with a view to informing our future policy decisions in this area.

Action

6. Members are invited to consider the petition and agree either:
   (a) to accept the referral and carry out further consideration of the issues raised in the petition;
   (b) to refer the petition back to the PPC for further consideration; or
   (c) that the petition does not merit further consideration.

7. If the Committee agrees to accept the referral, Members are invited to consider whether they wish to write to the Executive seeking a response to the issues raised in the correspondence from Capability Scotland and in
particular in relation to the Executive’s undertaking to conduct research into the needs of younger disabled people and the range and quantity of care services that are provided for them.

Steve Farrell
Clerk to the Committee
February 2004
Annex A – Referral Memorandum

Memorandum
To: Steve Farrell, Clerk to the Equal Opportunities Committee
From: Jim Johnston, Clerk to the Public Petitions Committee, ext 85186
Date: Tuesday, 27 January 2004

PE522

The Public Petitions Committee (PPC) considered the following petition at its meeting on Wednesday 21 January 2004:

PE522 Petition by Ms Carol Main, calling for the Scottish Parliament to encourage the Scottish Executive to investigate and remedy the issues of the lack of care homes for young physically disabled people in Scotland, including the Tayside area.

The PPC agreed to invite the Equal Opportunities Committee to consider the issues raised in the petition as part of its consultation on the European Year of Disabled People 2003, with a recommendation that it may in the first instance wish to write to the Executive seeking a response to the issues raised in correspondence from Capability Scotland, particularly in relation to the lack of statistics in this area and the Executive’s undertaking to conduct relevant research.

I attach a copy of the petition together with the briefing notes prepared for members of the PPC on the petition and relevant correspondence.

As you will be aware, towards the end of the last session, the Convener’s Group agreed a change in the system of petitions referrals, in recognition of the fact that many subject committees found difficulty in dealing with petitions as effectively as they would have liked because of workload pressures. Therefore, on referral of a petition, subject committees are now being invited to consider 3 options for action. The Equal Opportunities Committee is therefore invited to consider and agree 1 of the following options in respect of the referral of petition PE522.

(a) to agree to accept the referral and carry out further consideration of the issues raised in the petition;

(b) to refer the petition back to the PPC for further consideration, on the basis that the issues raised merit further action, but the Equal Opportunities Committee has insufficient capacity in its work programme to allow it to do the work itself. In this case, the views of the Equal Opportunities Committee would be acquired by the PPC and fully taken into account should an inquiry on the petition take place;

or
(c) **to agree that the petition does not merit further consideration.** In this case, the Equal Opportunities Committee should refer the petition back to the PPC, explaining the rationale behind its decision, in order to allow the PPC to provide the petitioners with a detailed explanation as to why no further action will be taken in relation to their petition. It will also enable the PPC to consider whether any alternative action might be appropriate, such as referring the petition to the Executive or other public body.

I attach a copy of the petition, together with related correspondence and copies of the briefing notes prepared for PPC members on the petition. I should be grateful if you would let me know of the action that your committee agrees to take in respect of petition PE522, in due course.

Please contact me should you wish to discuss the handling of this petition further.

**Dr James Johnston**
Clerk to the Public Petitions Committee
PETITION PE522 Ms Carol Main

Signatures:  1183
Date Lodged:  25 June 2002

Date considered by PPC:  10 September 2002

Subject:   Care homes for young physically disabled people in Scotland.

Background:

The petitioners are calling for the Scottish Parliament to encourage the Scottish Executive to investigate and remedy the issue of the lack of care homes for young physically disabled people in Scotland, including the Tayside area.

This petition is prompted by the difficulties experienced by the petitioner in finding alternative full-time accommodation for her sister in the Tayside area, when the Riverside View Nursing Home closes its young physically disabled unit in the coming months. The Southern Cross Healthcare Group (SCHG), which is responsible for operating the nursing home, recently terminated its Young Physically Disabled (YPD) registration with Tayside Health Board on the basis that it has neither the resources nor the accommodation to adequately care for younger clients. The nursing home is expected to continue providing care for the elderly. The SCHG is working closely with Dundee City Council to re-house the individuals concerned into care homes which best suit their needs, and has confirmed that vulnerable patients will not be required to move until they have found alternative accommodation.

The Committee considered the petition at its meeting on 10 September 2002 and agreed to ask both the Executive and COSLA for:

- details of their position in relation to the provision of care homes for young physically disabled people in Scotland;
- details of any other proposed closures of care homes for young people in Scotland; and
- comments on the adequacy of current provision by local authorities, including an indication as to whether supply currently meets demand.

In addition, the Committee agreed to ask the Executive for any statistics that it has relating to the number of physically disabled young people in Scotland, together with an indication as to whether these figures have increased in recent years, as suggested by some Committee members. Responses have now been received and copies are attached.
Scottish Executive response

The Executive response is summarised as follows:

- It is for local authorities to determine how to manage their services to meet their statutory requirements, and to ensure that appropriate service provision for both children and adults with disabilities is available to meet local needs and priorities.
- Local authorities are also required to draw up both a community care plan and a children’s services plan setting out how they will meet the relevant needs of their population. They also have a duty with regard to the welfare of a child that is looked after by them.
- Details of the regulatory and monitoring role of the Care Commission are provided and of the national care standards that have been published for a range of different types of care home, including those for children and young people, people with physical and sensory impairment and older people.
- Details are provided of the Executive policy of tailoring services to meet the needs of the individual, including disabled people, with flexible care packages being delivered through a modern community care structure.
- The Executive is providing £1.38 billion to local authorities to develop and deliver social services at home to those who wish to live in their home for as long as possible, and in care homes.
- Statistics are provided showing the numbers of young physically disabled people in care homes and for disabled people receiving home care and attending day care centres in Scotland up to 2001.
- The Executive is not aware of any representations being made to it about proposed closures of care homes for disabled people in Scotland.

COSLA response

The COSLA response simply states that it is unable to provide a collective view on behalf of its member councils on issues of this nature. It explains that a trawl would have to be undertaken of all member councils, with each council having to obtain committee approval before responding. Discussions between the clerks and COSLA officials have taken place and it has been agreed that, with regard to future petitions, informal advice will be sought from COSLA as to the best way to obtain the information required, perhaps by consultation with the appropriate professional body representing local authority officials.

Suggested Action:

The Executive response makes clear that the responsibility for the appropriate provision of services for both children and adults with disabilities in their respective areas lies with local authorities. The Care Commission is responsible for regulating and monitoring a range of care services taking into account national standards. The admittedly rather crude statistics provided by the Executive actually show a rise in
the number of residential care homes, but a drop in both the number of residents and beds available. The number of young physically disabled people in these homes appears have remained reasonably static in recent years.

However, the Executive has simply given a statement of the statutory and regulatory position. It has not addressed the main concerns of the petitioner i.e. that in practice young physically disabled people find it extremely difficult to find a place in a suitable care home. COSLA is unable to provide any information on any difficulties that might be being experienced by local authorities in implementing national policies and argue that the Executive might be better placed to provide this information.

Although this petition deals specifically with the needs of young physically disabled people, it could be argued that it raises similar issues to those of petitions PE551 (St Meddans Court) and PE576 (Leslie House) which deal with concerns about the reduction in the number of available residential care home places for the elderly. Members may therefore wish to consider whether these 3 petitions should be linked. They will also wish to note that a further petition on the residential care home issue, PE599, has just been submitted.

It is suggested, however, that the Committee should seek comments on the specific concerns raised in PE522 (and on the response from the Executive) from an organisation representing the interests of young physically disabled people in Scotland, such as Capability Scotland.

Clerk to the Public Petitions Committee
23 January 2003

**Briefing September 2002**

**PETITION PE522  Ms Carol Main**

Signatures: 1183

Date Lodged: 25 June 2002

Subject: Care homes for young physically disabled people in Scotland.

**Background:**

The petitioners are calling for the Scottish Parliament to encourage the Scottish Executive to investigate and remedy the issue of the lack of care homes for young physically disabled people in Scotland, including the Tayside area.
This petition is prompted by difficulties currently experienced by the petitioner in finding alternative full-time accommodation for her sister in the Tayside area, when the Riverside View Nursing Home closes its young physically disabled unit in the coming months. The Southern Cross Healthcare Group (SCHG), which is responsible for operating the nursing home, recently terminated its Young Physically Disabled (YPD) registration with Tayside Health Board on the basis that it has neither the resources nor the accommodation to adequately care for younger clients. The nursing home is expected to continue providing care for the elderly.

The SCHG is currently working closely with Dundee City Council to re-house the individuals concerned into care homes which best suit their needs, and has confirmed that vulnerable patients will not be required to move until they have found alternative accommodation.

According to the Scottish Community Care Statistics 2001, a total of 58 residential homes for physically disabled people were in operation in Scotland in that year, of which 2 were operated by local authorities and 56 by the voluntary sector. In response to a parliamentary question of November 2001, Malcolm Chisholm MSP acknowledged the relatively few residential care homes for physically disabled people in Scotland.

**Suggested Action:**

It is suggested that the Committee should agree to write to the Scottish Executive seeking its comments on the issues raised in the petition, with a particular request for its position on the provision of care homes for young physically disabled people in Scotland.

The Committee may also wish to seek comments on the adequacy of current provision by local authorities, including an indication as to whether supply currently meets demand.

Clerk to the Public Petitions Committee
5 September 2002
ANNEX C – PUBLIC PETITIONS COMMITTEE’S LETTER TO THE SCOTTISH EXECUTIVE HEALTH DEPARTMENT

I am writing in my capacity as Clerk to the Scottish Parliament’s Public Petitions Committee.

At its meeting on 10 September, the Committee considered petition PE522 by Ms Carol Main, calling for the Scottish Parliament to encourage the Scottish Executive to investigate and remedy the issue of the lack of care homes for young physically disabled people in Scotland, including the Tayside area.

The Committee agreed to seek the Executive’s views on the issues raised in the petition, a copy of which is attached. The Committee would, in particular, welcome:

- details of the Executive’s position in relation to the provision of care homes for young physically disabled people in Scotland;
- any statistics that the Executive has relating to the number of physically disabled young people in Scotland, together with an indication as to whether these figures have increased in recent years, as suggested by some Committee members;
- an indication as to whether it is aware of any other proposed closures of care homes for young people in Scotland; and
- comments as to the adequacy of current provision by local authorities, including an indication as to whether supply currently meets demand.

You may be interested to know that the Committee also agreed to seek comments from COSLA in relation to the issues raised in the petition.

Please arrange for your comments on these matters to be provided as soon as possible, both in electronic form and in hard copy.

The Official Report of the Committee’s meeting will be available on the Scottish Parliament Website from Monday 16 September 2002.

Steve Farrell
Clerk to the Public Petitions Committee
September 2002
Dear Steve,

**PE 522 : CAROL MAIN - CARE HOMES FOR YOUNG DISABLED PEOPLE**

Thank you for your letter of 11 September seeking the Executive's views on Petition PE522. As your letter refers to 'young physically disabled people', our answer refers to both children and adults.

Children and adults with disabilities are entitled to an assessment of need and any decision taken about care needs by social work departments should be based on a detailed assessment of the individual's needs and wishes. It is for the local authorities to determine how to manage their services to ensure they meet their statutory requirements and we expect them to fulfil this obligation in terms of both children and adults with disabilities, including those who are looked after children.

Local authorities are responsible for arranging services in an appropriate setting to meet the needs of both children and adults with disabilities in their areas; ensuring information is widely available and easily accessible and for deciding how their resources should be spread out to best meet local needs and priorities. It is for local authorities to make sure that appropriate provision is available to meet these needs. They are also under a duty to draw up, in conjunction with their partners locally, both a community care plan and a children's services plan setting out how they will meet the relevant needs of their local population.

Similarly, where a child is looked after by the local authority, the authority carries out an assessment to identify the needs and problems of the child which informs the type of placement and services the child needs. Local authorities have a duty to safeguard and promote the welfare of a child that is looked after by them.

The Care Commission, which became operational on 1 April this year, is responsible for regulating a range of care services (including care homes) taking account of the national care standards published by Scottish Ministers. The standards set out what
users can expect of care services at all stages; and the Care Commission must take account of the standards in any decisions it makes about regulation and inspection of services. National care standards have been published for a range of different types of care home including those for children and young people, people with physical and sensory impairment and older people.

In its report *With Respect to Old Age: Long Term Care - Rights and Responsibilities* published in 1999 the Commission for Long-term Care recommended that the Government establish a National Care Commission to monitor trends in care of older people. In its response to the Report the Executive broadly accepted the recommendation. With the establishment of the Care Commission comes an underlying responsibility for them to monitor over time trends in the range of care services they have responsibility for regulating and to advise Ministers accordingly.

The provision of services tailored to meet the needs of the individual, including the needs of disabled people, is a cornerstone of Scottish Executive policy. Research shows that most people want to remain at home and retain as much independence as possible and that the provision of flexible, person centred care packages delivered through a modern community care structure is the best way to achieve this. The Executive is continuing to support local authorities in providing and further developing their community care services to ensure people can continue to live in their own home for as long as possible and that those who care for them are given support to do so. This year, the Executive is providing £1.38 billion to local authorities to deliver social work services at home and in care homes.

I attach details of the statistical information the Executive holds on the numbers of young physically disabled people in care homes and for disabled people receiving home care and attending day care centres in Scotland. Further statistical information can be obtained from "*Scottish Community Care Statistics 2001*", which can be found on the Scottish Executive website (http://www.scotland.gov.uk/stats/bulletins/00180-00.asp).

With regards to the 3rd bullet point in the letter, we are not aware of any representations to the Executive about proposed closures of care homes for disabled people in Scotland.

I hope this is helpful.

TREVOR LODGE
Age groups of young physically disabled people in Scotland

Residential Care

Residential Care Homes for Physically Disabled People, 1980-2001

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1 In 1980 the figures for the private and voluntary sectors are grouped together
2 Includes long stay and temporary residents

Age of Residents in Homes for Physically Disabled Adults 1998-2001

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<th>19-24</th>
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Source: SEHD Community Care Statistics - R1 Return

1 Includes long stay only
## Home Care

### Age of Home Care Clients 1998-2001

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<td>127</td>
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<td>1999</td>
<td>144</td>
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<td>1998</td>
<td>141</td>
<td>32</td>
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Source: SEHD Community Care Statistics - H1 Return

## Daycare

### Number of Day Centres 1 for Physically Disabled People, Places and People Attending, 1980-2001

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<td>Number of day centres</td>
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<td>Number of places</td>
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<td>1,464</td>
<td>1,663</td>
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<td>1,471</td>
<td>1,939</td>
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1 Includes centres with 4 or less places (which are usually attached to residential homes)

### Age of Physically Disabled Daycare attendees, 2001

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<th>Year</th>
<th>0-15</th>
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<td>7</td>
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<td>176</td>
<td>178</td>
<td>9654</td>
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Source: SEHD Community Care Statistics - D1-B Return

1 This number includes frail elderly who are attending any day care centre facility, not just day centres for the physically disabled
Response from COSLA

PETITIONS PE551 AND PE522

I am writing in respect of the above petitions concerning care for the elderly and care for the young physically disabled as well as to follow up on the useful discussion we had last week.

As I said to you we are having difficulty in responding to the Committee’s request for COSLA’s views on issues of a more general nature and / or for information on current provision. The main reason for this is that in order to come to a view we need to undertake a trawl of our member councils and, because of the way the questions are often worded, they will have to have committee approval before making a response. This can cause us some difficulties with our member councils, particularly in relation to service areas such as social work, which are under pressure to deliver free personal care and other national policy priorities. The result is that we receive very low response rates which cannot form a base for us to come to a view.

At our meeting we concluded that a better way of dealing with requests for COSLA views, would be for us to discuss Petitions informally at first and then decide the best way of dealing with them. It would also be worth involving the Executive in such discussion particularly when they are likely to already have information on the current provision or the implementation of national policy priorities.

I hope this is helpful. Please contact me if you would like to develop these proposals further.

Jon Harris
Director of Policy and Legislation
December 2002
Response from Capability Scotland

Request for Information

I am writing in response to your letter dated 13 August to Alan Dickson in my capacity as the Temporary Policy and Parliamentary Affairs Manager at Capability Scotland. I am very sorry that we have not previously responded to your request for information regarding the adequacy of care homes in Scotland.

I have done some research around our organisation and I’m afraid that my response is that, ‘we don’t know.’ Capability Scotland does not have exact figures pertaining to the adequacy of care homes for young disabled people in Scotland. We have consistently called for research into the numbers of young disabled people in Scotland. In January 2002 the Deputy Minister for Health and Community care gave an undertaking to the Parliament's Health and Community Care Committee that, “work will be undertaken to improve our knowledge and understanding of the needs of younger people and the range and quantity of care services that are provided for them, with a view to informing our future policy decisions in this area.”

As far as we are aware the results of such research has not been made available yet. If this research were to be published it would answer many of the questions to which the committee and us are concerned. I do wish that we could have been of more assistance to the committee and we do value being consulted over such matters.

Fiona McFarlane
Temporary Policy and Parliamentary Affairs Manager
September 2003

1 Scottish Executive Central Research Unit - website
Ms Carol Main
20 Primrose Street
Carnoustie
Angus

14 October 2003

Dear Ms Main

PE522

The Health Committee considered the above petition on the afternoon of Tuesday 7 October 2003.

The Committee agreed to refer your petition back to the Public Petitions Committee for further consideration, in particular to request that the Public Petitions Committee further investigate the availability and accessibility of appropriate facilities for young physically disabled people by Health Board Area. For further information on the Public Petitions Committee, please see their website at:

http://www.scottish.parliament.uk/petitions/index.htm

Please find enclosed a copy of the relevant extract from the Official Report. Minutes and the complete Official Report of the meeting can be found on the Health Committee’s website at:

http://www.scottish.parliament.uk/health/index.htm

If you would like any further information, please contact me on 0131 348 5410.

Yours sincerely,

Hannah Reeve
Assistant Clerk
Care Homes for Young Disabled People.

We the undersigned, declare that there is a lack of care homes for young physically disabled people in the Tayside area.

The Petitioner therefore requests that the Scottish Parliament encourage the Scottish Executive to investigate this issue and ensure that there are a sufficient number of properly resourced care homes for physically disabled people in Scotland, including the Tayside area.

Carol Main
20 Primrose Street
Carnoustie
Angus