PUBLIC PETITIONS COMMITTEE

8th Meeting, 2006 (Session 2)

Wednesday 3 May 2006

The Committee will consider the following current petitions—

**PE743** Petition by Madge Clark, on behalf of Murray Owen Carers Group, calling for the Scottish Parliament to urge the Scottish Executive to review the implementation of “Same as You”, A review of Services for People with Learning Disabilities’ to ensure that the needs of Adults with Learning Difficulties still living at home and cared for by elderly parents are given the same level of support and community care opportunities as that given to hospital discharged patients.

**PE822** Petition by Beatrice Gallie calling on the Scottish Parliament to urge the Scottish Executive to ensure that sufficient funding is made available to allow the implementation of “Same as You, A Review of Services for People with Learning Disabilities” so that all people with learning disabilities have a choice of living at home like anyone else with the support they need to live independently and have control over their own lives.

**PE881** Petition by Rachel Cole calling on the Scottish Parliament to urge the Scottish Executive to review the findings of “Same as You, A Review of Services for People with Learning Disabilities” to ensure those with profound and complex needs are properly provided for.

**PE884** Petition by Sandra Clarkson, on behalf of Prestwick Marine Neighbourhood Watch, calling on the Scottish Parliament to urge the Scottish Executive to amend the Environmental Protection Act 1990 to ensure that local authorities keep beaches free of litter and refuse throughout the year.

**PE873** Petition by Helene MacLean on behalf of the Scottish Post Polio Network, calling for the Scottish Parliament to urge the Scottish Executive to join the international community in recognising post-polio syndrome (PPS) and to conduct a much needed national review of neurological services to take account of the needs of PPS and all other long term neurological conditions with a view to establishing multi-disciplinary centres of excellence to assess, treat and research such conditions that affect the lives of many thousands of individuals in Scotland.
**PE892** Petition by Ronnie Beaty calling for the Scottish Parliament to urge the Scottish Executive to amend the Education (Scotland) Act 1980 to set down minimum safety standards for school bus provision including the provision of certain safety signs and to make regulations, under the Road Traffic Regulation Act 1984, requiring the use of certain safety signs and lights on school buses and to make failure to comply with such signs an offence and to seek the necessary powers to require bus operators to remove such safety signs from school buses when they are not in school use.

**PE889** Petition by James A Mackie calling for the Scottish Parliament to examine the workings of the Mental Health (Care and Treatment) (Scotland) Act 2003 Act and, in particular, the making available of legal representation and legal aid to patients detained in Psychiatric Wards and/or released to the Community and under the influence of prescribed antipsychotic and/or brain altering type drugs.

**PE558** Petition calling for the Scottish Parliament to urge the Scottish Executive to include a bypass for Elgin in the programme for improvement to the A96 as a matter of urgency.

**PE867** Petition by W Hunter Watson calling for the Scottish Parliament to provide adequate safeguards against vulnerable adults being given, by surreptitious means, unwanted, unnecessary and potentially harmful medication.

**PE866** Petition by James Kelly calling on the Scottish Parliament to consider and debate the need for an independent body to be set up within Scotland to investigate claims of medical negligence.
Forgotten families – Adults with Learning Difficulties – Who cares?

"We the undersigned call on the Scottish Parliament to urge the Scottish Executive to review the implementation of “Same As You” A Review of Services for People with Learning Disabilities to ensure that the needs of Adults with Learning Difficulties still living at home and cared for by elderly parents are given the same level of support and community care opportunities as that given to hospital discharged patients."

Madge Clark

Jeanette Kelly

DATE 13/2/2004

DATE 13/5/04
Dear Sir/Madam

Forgotten Families - Adults with Learning Difficulties - Who Cares?

Please find attached a petition submitted by the Murray Owen Carers Group, East Kilbride. We are a group of elderly carers with children who have a learning difficulty. Our ages range from the youngest in their 60s right through to the oldest in their 80s. All of our children still live with us at home and are themselves now in their 40s and 50s.

It is our belief that local authorities in implementing Community Care legislation have neglected elderly carers and our children. The prioritisation of hospital patients, above those already living in the community, in receiving care packages and supported accommodation has inadvertently developed into a two-tier system where we are not offered the same level of support.

The parents who have looked after children with learning difficulties for all of their lives feel uncertain in their old age about how their children will cope with life after they are no longer able to look after them or indeed are no longer there.

We feel the Scottish Parliament has got to recognise that the future provision of care for Adults with Learning Difficulties in the care of elderly parents needs to be urgently addressed and that our children’s futures is not left open to speculation and crisis management. As parents we need the security and assurance of knowing that our children’s future care needs have been taken care of.

We have no doubt that the situation in East Kilbride is reflected throughout the rest of the country and we earnestly submit this petition for your consideration.

Madge Clark

Jeanette Kelly
"Petition by Beatrice Gallie calling on the Scottish Parliament to urge the Scottish Executive to ensure that sufficient funding is made available to allow the implementation of "Same as You, A Review of Services for People with Learning Disabilities' so that all people with learning disabilities have a choice of living at home like anyone else with the support they need to live independently and have control over their own lives."

I support the above petition:

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This petition is for all the vulnerable people who cannot speak up for themselves.

It is unfair that a lack of money means that the people with learning disabilities left in Hospital in Inverness may not get the homes in the community that they deserve.

I lived in hospital and I know what it is like it is not fair that in 2005 people are still kept in a hospital for a home.

The supporting people funding changes mean that some councils will have more than 25% of a cut in the money they have to support people who need it. The pipe line bids that are not going to be supported any longer means that people will have to live in hospital for longer than 2005 when they were all supposed to be closed and may end up in care homes.

I want the Scottish Executive to give the money needed so that all people can live as independent as possible with the support they need to be happy.

Make the Same as You happen and give the money that is needed to make it real.
Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

**Details of principal petitioner:**

*Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available*

<table>
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<th>Rachel Cole</th>
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**Text of petition:**

*The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.*

*The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS*

Petition by Rachel Cole calling on the Scottish Parliament to urge the Scottish Executive to review the findings of “Same as You, A Review of Services for People with Learning Disabilities” to ensure those with profound and complex needs are properly provided for.

**Additional information:**

*Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.*
Action taken to resolve issues of concern before submitting the petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

George  Lyon  MSP  Argyll & Bute

Petitioners appearing before the Committee

The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee's consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do NOT wish to make a brief statement before the Committee

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature

Date 24/08/05

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk
Dear Michael

PUBLIC PETITION PE 881: RACHEL COLE CALLING ON THE SCOTTISH PARLIAMENT TO URGE THE SCOTTISH EXECUTIVE TO REVIEW THE FINDINGS OF "SAME AS YOU, A REVIEW OF SERVICES FOR PEOPLE WITH LEARNING DISABILITIES" TO ENSURE THOSE WITH PROFOUND AND COMPLEX NEEDS ARE PROPERLY PROVIDED FOR

Thank you for your letter of 5 October seeking the views of the Executive on the issues raised in petition PE881 by Rachel Cole.

The petition calls on the Scottish Parliament to urge the Scottish Executive to review the findings of *The same as you?* review of services for people with learning disabilities, to ensure those with profound and complex needs are properly provided for and given opportunities to pursue a full and valued life.

The Executive is committed to ensuring that there are appropriate services in place across Scotland to meet the varied needs of people with all types of disabilities. Local authorities receive considerable sums of grant for community care expenditure to allow them to develop and provide services to meet the needs of their population.

*The same as you?* made a number of recommendations to improve services for people with learning disabilities, such as ensuring no-one has a hospital as a home, opening up employment opportunities, developing new types of day opportunities to give greater choice to people with learning disabilities to develop the skills they want and to live as full a life as possible. Through the use of person-centred planning, each individual should have the opportunity to discuss and identify their wants and aspirations.
The recommendations of *The same as you?* apply, unless otherwise stated, to all people with a learning disability. The one recommendations that refers directly to those with profound and multiple disabilities and their carers was;

‘Local authorities, by working with health boards and the voluntary sector, should make sure that they look at the extra needs of those with profound and multiple disabilities and those of their carers. The centre for learning disability should set up a national network of support to local providers offering advice and training on the extra needs of people with profound and multiple disabilities.’

The Executive is currently providing grant funding to the Profound and Multiple Impairment Service (PAMIS) to support them in the development of the national network referred to in this recommendation. PAMIS representatives also ensure that the needs of people with profound and multiple disabilities and their carers are considered by the Scottish Executive, Scottish Parliament and local authority groups.

I am aware, from earlier correspondence with George Lyon MSP, that Mrs Cole’s concerns are primarily about day opportunities for those with profound and complex needs, and the recommendation that ‘local authorities and health boards should both examine what they provide and develop more modern, flexible and responsive services which support people in the community’ rather than the more traditional day centre based services. Most local authorities are taking forward this recommendation with the result that far fewer people with learning disabilities are attending a day centre 5 days a week. Many adults who previously had little choice are now being given opportunities to become involved in the community or undertake education, training or employment opportunities. However, the Executive and local authorities recognise that day centres provide a valuable hub for people with learning disabilities to socialise, and can offer a suitable sheltered environment for some activities. I would like to make it clear that we are in no way recommending that day centres cease to provide a service.

*The same as you?* National Implementation Group (SAYIG) recently formed a working group on improving day opportunities and the group will publish its report on this early in 2006. This Group has collected views from people with learning disabilities and family carers, and have identified a variety of models of day services that can meet the range of needs of people with learning disabilities, including those with complex and profound needs. This report will give clearer information on how local agencies can move away from traditional day centre-based services to more inclusive community based activities in a variety of environments, providing training, education and employment opportunities for those who want them, while still ensuring those with profound and complex needs are suitably provided for. Ultimately the person with learning disabilities should be given the opportunity to make decisions about what they want to do through person-centred planning, involving the person with learning disabilities, their family or carer, and where necessary an advocate or support worker to ensure communication impairment does not hinder the discussion.

We are committed to monitoring how the changes instigated by *The same as you?* develop in local areas. Local authorities and their partners have submitted their second 3-year Partnership in Practice agreements (PiPs) which detail their commitments for improving services for people with learning disabilities for 2004-07. Almost all of the PiPs contain specific information about what is being done to support people with profound and complex needs and their carers, and have consulted with service users and carers when developing their PiP. The Executive acknowledges that the additional support needs of people with profound and complex learning disabilities must be met from childhood to adult
life and that transition from child to adult services is a particularly difficult time, and we are working to ensure that there are suitable provisions available to ensure that services are provided for all young people who need them.

Education authorities and schools should be able to address the requirements of most children and young people with additional support needs, as they approach the end of their school education, through the school’s routine vocational guidance arrangements and the careers service. Preparation for adulthood should involve explicit recognition of the strengths, abilities, wishes and needs of the child or young person as well as identification of relevant support strategies which may be required.

The Education (Additional Support for Learning) (Scotland) Act 2004, which commenced on 14 November, requires education authorities to take specific action to help young people with additional support needs to make the transition from school to post-school life successfully. It places a duty on the education authority to request information from appropriate agencies or other persons, if any, which are likely to be involved with the young person on leaving school. The appropriate agencies which may be involved are:

- any other local authority
- any NHS Board
- Careers Scotland
- any Further Education College
- any Institution of Higher Education

Information may be sought from other persons such as the voluntary sector organisations but these organisations would not be under a duty to respond.

The education authority also has to seek and take account of the views of the child or young person, and his or her parents. Where a child under 16 or a young person over 16 lacks capacity to express a view then the education authority should seek the parents’ views on the child’s or young person’s behalf. The purpose of obtaining such information is to help the education authority to consider the adequacy and appropriateness of additional support provided in the period up to the young person leaving school. The process of seeking and taking account of information must be completed no later than 12 months before the date the young person with additional support needs is expected to cease receiving school education.

The 2004 Act also requires the education authority to pass on information to appropriate agencies, if any, no later than 6 months before the expected school leaving date. The information to be provided includes:

- the young person’s expected school leaving date
- such other information as the authority considers appropriate concerning the child or young person and his or her additional support needs

This information can only be provided with the consent of the child’s parents or the young person.

More information about arrangements for transition to post-school can be found in chapter 5 of Supporting Children’s Learning, the Code of Practice which is available at www.scotland.gov.uk.

We do recognise that we have more to do than just engage with people with learning disabilities to ensure they have options available to them. For example, the Executive issued the consultation Finding Practical Solutions to Complex Needs on 22 June 2005. The purpose of the consultation was to gather information and views from young people with complex additional support needs, their
parents, carers and organisations which represent them, and other interested parties such as further education colleges, local authorities and voluntary organisations on the current system for funding and the provision of further education for young people with complex needs who are unable to continue in post-school education due to the lack of funding or provision in Scotland. The consultation can be accessed via the Scottish Executive website at http://www.scotland.gov.uk/Publications/2005/06/22102746/27482. The consultation closed on 31 October 2005 and my colleagues in Enterprise, Transport and Lifelong Learning are currently considering the responses.

I am aware that there is still significant work to be done to ensure implementation of The same as you? delivers appropriate services and supports for people with learning disabilities and family carers. Our National Implementation Group has agreed that we need to give some consideration at national level to delivery of the review’s objectives for people with profound and multiple disabilities, and this will feature on the Group’s agenda early next year. Meanwhile, all of the Implementation Group reports due for publication next year – on children with learning disabilities, advocacy and day services – are quite clear about meeting the particular needs of people with profound and complex disabilities. I believe these pieces of work will help to ensure that people in our society who will continue to need support throughout their lives are properly provided for now and in the future.

I hope this information is helpful. It is clear that local authorities are working hard to improve services for people with learning disabilities, and are using personal life plans to give people with learning disabilities more choice to do what they want. Local partners are working together to provide flexible, supportive services that allow people with learning disabilities to fulfil their own wishes and potential, whether they want a home of their own, a job or the opportunity to be included as part of their community.

Due to the nature of the person-centred approach required to meet an individual’s needs it is important that Ms Cole, and other parents in her situation, works with the local authority to ensure their sons and daughters are supported to live the life they want to and to be part of the community they live in. There can, of course, be complications when services are being redesigned and modernised but it is by working together that these can be overcome.

LEWIS MACDONALD
Public Petition PE822

Evidence to the Public Petitions Committee

People with Learning Disabilities want to work and need more support to get jobs and need support in the workplace to undertake some work. E.g. disabled people and their carers are afraid of losing benefits or suffering abuse at work.

There needs to be more proactive arrangements to support people with disabilities to get jobs. E.g. contact employers to match their needs with those of disabled people.

Job centre plus new deal does not appear to be working for people with a learning disability to get work. There needs to be more attention to the needs of users with a learning disability under new deal to ensure they are using the new deal services.

Employers need to take an active part in looking for ways that their organisation employs people for instance there could be busses adapted for people with a disability to drive rather than recruiting workers from abroad.

Statutory organisations should be proactive in the employment of people with learning disabilities; the public sector should lead by example, as should the NHS.

New technology needs to be looked at to support people with sensory impairment into employment and to ensure that any publicity and information is available to people who are not able to read.

Home at last – There has been a long delay in hospital closures with the deadline of 31st December 2005 being extended until 31st December 2007. This means that large numbers of people will not be able to be part of their community for another 2 years. If government cannot lead by example – why should employers listen?

Support in the community is not good some people do not get the support that they need. Services need to be geared more to the
individual and adjusted before a crisis develops, which is often not the case.

No real monitoring of services that people receive. This must be addressed to ensure that people are getting the services they need and that they are working. Users need regular contact from people who monitor services and a voice in the process of monitoring service provision.

Advocacy is vital to ensure that people with learning disabilities have a voice in their support needs, community and society. Advocacy is now a statutory requirement under the Mental Health care and treatment (Scotland) Act but there is no real funding. To ensure that people get the advocacy they need and there is often no choice of service to access.

Partnership In Practice policies (PIP’s) do not set targets these must be in place to ensure that they are robust and really are partnerships there needs to be stakeholders as well as public sector and private sector employees on the implementation groups to effect real change to the lives pf people with a learning disability.

BEATRICE GALLIE
Richard Hough  
Assistant Clerk to the Public Petitions Committee  
Parliamentary Headquarters  
Edinburgh  
EH99 1SP

Dear Mr Hough

Petition P.E. 743

Thank you for your letter of 13 January 2005. Please convey my apologies to the Committee for not being able to reply within the original timescale. We are most grateful for the extra time granted, which has enabled the group to consider the results of the Older Carers Research Project commissioned by South Lanarkshire Council, which was not made available to us until 15 December 2005. I am now enclosing our responses to:

4. Comments on the results of the research programme entitled ‘Older Family Carers and Learning Disability Adults Cared for at Home, Their Views, Experiences and Thoughts on Future Care’, by Lucy Johnstone and Mike Martin.

Yours sincerely

Madge Clark  
On behalf of the Murray Owen Older Carers Group
Letter and statistics from Rhona Brankin, Deputy Minister for Health and Community Care  
29 April 2005

The Minister has emphasised the importance of better support for carers and the availability of housing, including research by Professor Hogg at how older family carers of people with a learning disability could be better supported. Certainly there have been big improvements in the last five years, but the chief anxieties for older family carers today remain:- future care, emergency care, respite and monitoring. Although there now seems to be more acceptance by local authorities of the scale of this problem, provision remains patchy and carers still feel they have not always had equal access to housing, support packages and health care.

Jeanette Kelly and myself presented two workshops at the ENABLE AGM in October 2005 which had a very good response from parents and carers of all ages from all parts of Scotland which confirmed that these anxieties have still not been resolved.

The Statistics show that there is still a wide variation in provisions made by local authorities, and the research in South Lanarkshire has revealed the gaps in:-

- Identifying carers and keeping in touch
- Providing information
- Making life plans that are realistic
- Provisions for future care and emergency care control

Day Centres remain a controversial issue, some having closed and others having shorter hours and part-time places. There is no doubt that having access to a Day Centre five days per week, with hours to enable a parent to work, gave people a sense of security which is missing now. The alternative care provided by support workers is welcomed but is very costly and sometimes in short supply.

Day Centres also seem to be having to accommodate more and more people with complex needs, some of whom need one-to-one care which may be partly paid for out of the Independent Living Fund for those on the higher rate of D.L.A. benefit. Obviously this is essential to help families cope but we suspect that some people with lower support needs are no longer getting adequate support packages as there is no longer sufficient funding to pay for this.

In Conclusion

There is an urgent necessity to review the current situation for older carers, especially the availability and provision of housing for their adult sons and daughters. It is now accepted that in East Kilbride there will never be enough suitable housing through re-lets and housing acquired through the private sector may also not be suitable for conversion for people with challenging behaviour or mobility problems.

In our own area a 12 bedded unit of sheltered housing is to be built to accommodate 12 people from Kirklands Hospital – nothing like this has yet been proposed for adults cared for at home. We are still being told by our own local authority that their ‘favoured option’ is still one person housing in spite of this being proved to be very costly and unsustainable in terms of housing. The majority of parents in our group have always maintained that group housing
would be their choice of accommodation for their sons and daughters to give them a safe environment and remain with their friends. Putting people in individual housing can prove to be isolating and depressing both for them and their paid carers.

Obviously people must have choices and both parents and their sons and daughters must be listened to otherwise costly mistakes can be made.

I enclose a copy of a Research Report by Professor Emersor, Lancaster University dated December 2005 entitled “Future Need and Demand for Supported Accommodation for People with Learning Disabilities in England” which predicts the high level of unmet need likely to arise in the future as a result of the closure of long stay hospitals and the changes in family patterns and peoples expectations.

There is no reason to believe that the situation is any different in Scotland, where we already have an increasing number of people whose needs for supported accommodation are not being met.

Madge Clark
On behalf of the Murray Owen Older Carers Group
Date: 1.02.06
Letter from Malcolm Chisholm, Minister for Communities dated 28 April 2005

We realise the funding going into supporting people with learning disabilities in the community has been considerable, especially for those leaving long stay hospitals. We understand that in some cases it has taken in excess of £150,000 to resettle some individuals. Now that this process must be nearing completion we hope that future funding will be set aside and ring-fenced to provide re-housing and support for those people who will need independent accommodation when their parents are no longer able to care for them at home.

It has to be taken on board that the need for this will accumulate in the years ahead when admission to long stay hospitals and hostels will no longer be an option and will bring increased pressure on parents already under considerable strain especially those older parents who after 40 or 50 years of caring are looking for urgent relief.

Madge Clark
On behalf of Murray Owen Older Carers Group

2nd Feb 2006
Letter from Roger Gibbons, Chief Executive, NHS Highland Region dated 9 May 2005

As stated, progress in decommissioning the hospital in Inverness was affected by reductions in Supported People Funding. We believe this has happened in our own area too, and of course this has had a knock-on effect on funding for people living with families in the community to move to independent accommodation. We believe that the cost of relocating people from long stay hospitals was vastly underestimated and is still rising owing to an increased need and a shortage of experienced and trained paid carers able and willing to do this demanding work. This is why it is so important to recognise, sustain and support parents and family carers who spend 40 or 50 years of their lives willingly and cheerfully taking on this role without question – out of love.

Madge Clark
On behalf of the Murray Owen Older Carers Group

2nd Feb. 2006
SCOTTISH EXECUTIVE

Deputy Minister for Health & Community Care
Rhona Brankin MSP

Michael McMahon
Convener of the Public Petitions Committee
TG.01
Parliamentary Headquarters
EDINBURGH
EH99 1SP

Our ref:
29th April 2005

PUBLIC PETITIONS
2 MAY 2005
SCOTTISH PARLIAMENT

Dear Michael

Consideration of Public Petition PE743 and PE822

Thank you for your letter of 24 March inviting the Executive’s comments on the above petitions.

In relation to PE 743, the Committee has asked for information about the key themes emerging from the 3 year Partnership in Practice Agreements and on the consistency of delivery throughout Scotland. Officials have not completed the analysis of the 3 year plans, but from an initial assessment and from discussion within a number of interest groups, identifying the need for, and delivering better support to carers is certainly an area that I want to focus on. Another area that the Implementation Group also wants to consider, and which is closely related to this, is the availability of housing. You may be aware that Professor James Hogg did a research study for Dundee Council in 2002 looking at how older carers of people with learning disabilities could be better supported. Officials plan to meet the Director of ENABLE shortly to look at how we can deliver better support for such carers, and I have asked them to consider the relevance of Professor Hogg’s research to any work we can do nationally to support this.

It is of course imperative that we support elderly parent carers in order to protect their own health and well being but also to facilitate the invaluable care and support that they provide to adults with learning disabilities. We clearly need to achieve a situation where carers, and particularly carers who have heavy caring responsibilities, have regular and planned support, as well as access to emergency services, if we care to realise the vision set out in our Strategy for Carers in Scotland. The Executive has delivered real benefits for carers over the last 4 to 5 years that have taken us significantly towards realising that vision but we recognise that more can, and still needs to be done.

In order to clarify the way ahead, we have commissioned a comprehensive futures exercise looking at the role of unpaid care over the next 10 years, and taking into account the demographic and
economic climate we are likely to find in Scotland over that time. Central to the project is the voice of carers and potential future carers and the project has chosen to focus in a particular way on the needs of certain groups of carers, including elderly carers. The project, being managed by the Executive’s Care 21 Change and Innovation Team is being advised by a panel of experts covering a range of specialisms, including health and social care planners, economists and researchers. A key element of its work is looking at models of support for carers in other countries to establish what, if anything can be adapted from those models and applied in Scottish context. The findings are expected to emerge this summer and the Scottish Executive will need to consider those recommendations and to decide how they will help shape future policy development.

In relation to PE 822, you have asked for progress towards implementation of The same as you? I understand the petitioner has particular concerns about progress towards the closure of long-stay hospitals. You may be aware that this was one of the first priorities for the National Implementation Group, and that the publication of Home at last? last year was intended to support local agencies in delivering this and other recommendations. Following that report, NHSQIS has been involved in an ongoing programme of work reviewing progress in each NHS Board in Scotland. We plan to publish a progress report on this in May, with the most recent available information on long-stay hospitals and assessment and treatment provision. I will ensure that both the Public Petitions Committee and the Cross Party Group on Learning Disability receive a copy. In addition to this work, officials have a series of meetings in June with local partnerships where people with learning disabilities are still living in long-stay hospitals.

In May, we will also be publishing a 2004 statistical bulletin with updated information on implementation of The same as you? I hope comparison with the 2003 information shows progress in a number of areas. Alongside the analysis of the Partnership in Practice Agreements, this information will give me a clearer picture of the consistency of progress across Scotland. I would therefore like to offer the Committee a further update once this information is available. We are undertaking a number of strands of work in relation to implementation of The same as you? If you would find it useful for officials to update the Committee at a future meeting, I would be happy to arrange this.

Best wishes

RHONA BRANKIN
Thank you for your letter of 24 March seeking my comments on the issues raised in the petition and in particular information about funds available for the implementation of “Same as You?” and funding from the Supporting People budget.

Firstly, it should be underlined that the “Same as You?” initiative, introduced in 2000, deals with care issues which are first and foremost the responsibility of the Health Department. I understand that my colleague Andy Kerr will therefore be responding to you on the question of funding available to implement the initiative. That said, it is of course the case that Supporting People, which was introduced on 1 April 2003, funds housing support services for a wide range of vulnerable client groups including helping people with learning disabilities, to move into or maintain independent living in the community.

An analysis of funding arrangements for Supporting People that the Scottish Executive commissioned last year from Price Waterhouse Coopers identified that some £124.7 million out of identified expenditure of £410 million at the start of 2003-04 was spent on learning disability throughout Scotland. Throughout 2003-04 some 6,000 people with learning disabilities were helped to live independently in the community. About 30% of Supporting People funding goes on people with learning disabilities, even though they only comprise 4% of the total number of Supporting People clients.
As you will be aware last summer the Treasury reviewed the overall funding of the programme; and the Scottish Executive developed a formula based allocation system to distribute the available resources more fairly across Scotland, on the basis of need. Disability was one of the key elements of that formula. Allocations for 2005-08 were announced on 23 December 2004. Over that period Supporting People will invest £1.2 billion across the range of key support services. Some local authorities will see a reduction in funding; but this will be capped to 18% over 3 years. It is first and foremost for local authorities to decide how to use this funding in line with local needs and local priorities. However, the Scottish Executive will carefully monitor and evaluate the ongoing review of local services to ensure that the levels of service provision, and the impact of any budget adjustments are rigorously assessed, in the run up to decisions on funding post 2008 in the context of next year’s Spending Review.

Best Wishes

MALCOLM CHISHOLM
Date: 6 May 2005
Your Ref: 
Our Ref: AM/ JB

Dr James Johnston  
Clerk to the Public Petitions Committee  
The Scottish Parliament  
Parliamentary Headquarters  
Edinburgh  
EH99 1SP  

Dear Mr Johnston  

Scottish Parliament Public Petitions Committee – Consideration PE822  

Thank you for your letter of 24 March and please accept my apologies for not replying within your timescale.  

This petition relates to the delay in de-commissioning of New Craigs Hospital in Inverness, which had been well developed and in place for some time and has been viewed by colleagues in the SE as robust and in line with Same as You. However they were dependent on accessing Supporting People funding and were severely impacted upon by the reductions announced by the Scottish Executive. These anticipated funds would have enabled our Partnership to meet the deadline and provide safe and sustainable accommodation in the community for our residents. Nevertheless, we have continued to explore other revenue streams and are close to agreeing a way forward. We have kept residents, families and staff informed of the process sharing their frustrations at the delay.  

Last week we hosted a visit from QIS – Learning Disability, which involved four teams meeting with residents, advocates, staff, families and management. Acknowledging the delay and the need to produce a revised plan, they were impressed by the ongoing developments in in-patient care and progress made since their last visit.  

You ask specifically about savings anticipated by closure of the hospital. There will be no savings, in fact as has been found across Scotland, housing people with a learning disability in communities represents a considerable increase in revenue costs, if safe and sustainable accommodation is to be provided.  

Working with you to make Highland the healthy place to be  
Chairman: Garry Coits  
Chief Executive: Dr Roger Gibbins BA MBA PhD  

NHS Highland, Assant House, Beechwood Park, INVERNESS IV2 3HG  
Highland NHS Board is the common name of Highland Health Board
Our plans include the development of an assessment and treatment unit, which will provide specialist short-stay residential support at times of crisis as well as outreach into the communities. We will also be investing in our existing community services to ensure appropriate professional support across Highland.

I hope this information answers the questions raised in your letter. Please do not hesitate to contact me should you require any further information.

Yours sincerely

Mrs Jan Baird
Director of Community Care
Public Petitions Committee – a template for e-petitions

Should you wish to submit an e-petition allowing signatures to be gathered online on the Public Petitions Committee e-petitioner web pages please complete the template below. Before submitting your e-petition please consult the Guidance on submission of public petitions for advice on what is and is not admissible. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:

Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to.

Sandra Clarkson

Text of petition:

The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.

The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Sandra Clarkson, on behalf of Prestwick Marine Neighbourhood Watch, calling on the Scottish Parliament to urge the Scottish Executive to amend the Environmental Protection Act 1990 to ensure that local authorities keep beaches free of litter and refuse throughout the year.
Additional information:

Please enter any other information relating to the issues raised in your e-petition, including the reasons why the action requested is necessary. The text entered in this field should not exceed 2 pages. However, you may wish to provide further sources/links to background information.

I write on behalf of the Prestwick Marine Neighbourhood Watch regarding the unacceptable state of Prestwick seafront from 1 October to 1 May each year.

Having had no satisfactory response or action from South Ayrshire Council over the years and having involved other parties such as our local councillor, the Anti-social Behaviour Team; John Scott MSP; Brian Donohoe MP, the Watch organised a Petition which we would now ask the Committee to consider.

According to South Ayrshire Council "The Environmental Protection Act 1990 requires the Council to maintain amenity beaches which they own or control, free of litter and refuse between the months May and September inclusive. Any cleaning therefore, which is carried out during the winter months is minimal and is very much dependent on whether the necessary resources or budget funding can be identified". We would submit that the law, in this case, is inadequate as it does not address the Health and Safety issues and resulting health hazards to which visitors and residents are exposed. The months of closure, i.e. 1 October to 1 May include Autumn and Easter and many school holiday periods.

During the months preceding Easter this year (25 March) items such as needles, rats and remains of a seal were to be found on the beach. Despite several requests to have the beach cleaned, the beach was not litter-picked until Saturday 26 March – the day after Good Friday. South Ayrshire Council disputes this but this is the level of response we have come to expect from the Council.

Prestwick is the first point of entry for thousands of inbound tourists to Scotland – are the unclean and hazardous to health beaches the sort of image we wish to present?

Whilst we understand that it is not within your remit to interfere with the administration of local councils, we would like it to be noted that Prestwick, which falls within the same jurisdiction as Ayr and Troon, does not receive the same consideration when budgets are allocated, e.g.:

Prestwick does not have CCTV on the seafront to combat anti-social behaviour – Ayr and Troon do;

Prestwick will have no toilets open on the seafront from 1 October to 1 May – Ayr and Troon will. Troon has recently been granted capital funding to upgrade their facilities.

Prestwick does not receive the same level of beach cleaning as the other two towns.

We trust the Committee will look favourably on our request to the Environmental Protection Act 1990 amended.

Yours sincerely

Sandra Clarkson
For and on behalf of
Prestwick Marine Neighbourhood Watch
Action taken to resolve issues of concern before submitting an e-petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern, by for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MSPs. Details of those approached should be entered.

Correspondence over a number of years with John Scott MSP, Erian Donohoe MP, South Ayrshire Anti-Social Behaviour Team, South Ayrshire Council, residents and visitors.

Collection of over 3000 signatures.

Petitioners appearing before the Committee

The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee's consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do NOT wish to make a brief statement before the Committee [ ]

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature ....

Date .................................................................
I am writing to you in response to Dr Johnston’s letter of 29 September, regarding petition PE884 by Sandra Clarkson on behalf of Prestwick Marine Neighbourhood Watch, which seeks an amendment to the Environmental Protection Act 1990 to ensure that local authorities keep beaches free of litter and refuse throughout the year.

First of all, I should clarify the legislation relevant to keeping beaches clear of litter. Section 89(1) of the Environment Protection Act 1990 (“the 1990 Act”) merely provides that it shall be the duty of each local authority to ensure that its relevant land, which includes beaches above the high-water mark, shall be “so far as is practicable, kept clear of litter and refuse”. There is no temporal limit stated for this obligation, and accordingly the views attributed to South Ayrshire Council by Mrs Clarkson appear to be incorrect. Since the requirement in the 1990 Act has no time limit, it does not prevent beaches being kept clear all year round – indeed it could be read as requiring this - and consequently it would not need amendment to achieve what the Petitioner seeks.

The timescale referred to by South Ayrshire Council, as given in Ms Clarkson’s materials, actually refers to the current UK Code of Practice on Litter and Refuse, which is drawn up under s89(7) of the 1990 Act. Part 1 (at table 2) of the Code specifies that “as a minimum standard” amenity beaches are to be kept clear of litter and refuse between 1 May and 30 September. The Code of Practice is essentially a guidance tool for the standards of cleanliness. There is nothing to stop local authorities continuing to clear beaches under their control between the months of October and April. The classification of “amenity beaches” is properly a matter for local authorities to decide. In any event, this section of the Code also states that other beaches, where practicable, are to be “cleaned as necessary”. The decision on frequency of cleaning is also left to the local authority. As is the case with the 1990 Act, therefore, the Code of Practice does not prevent councils cleaning beaches all year round, should they choose to do so, and indeed the May – September requirements are stated only as a minimum.
In this case, it appears that the Petitioner disagrees with the local authority’s cleansing strategy, which it has presumably arrived at following consideration of the 1990 Act and the Code of Practice. However, as you may be aware, we have funded the independent environmental charity Keep Scotland Beautiful (KSB) to develop a new Scottish Code of Practice on Litter and Refuse, which is expected to be laid before the Scottish Parliament in accordance with s89(11) of the 1990 Act early next year and which will replace the UK Code. KSB has been reviewing the Code in consultation with interested parties, and the subject of beach litter has been discussed at length. As a result of these consultations, consideration is being given to including (amongst others) the following proposals in the new code: stricter cleanliness standards for beaches all year round; the introduction of beach management plans (which in any case may be a feature of a revised Bathing Waters Directive); and a requirement for the production and publication of lists by local authorities, identifying those beaches in their areas which are classified as “amenity beaches”. It is encouraging that local organisations such as the Petitioner’s own neighbourhood watch are concerned with their community’s environment. The Scottish Executive encourages local partnership working and we will be emphasising this in the guidance section of the new Code of Practice.

I think it is clear, therefore, that no change to legislation is required to achieve what the Petitioner is seeking. Essentially, she is seeking to have the local authority revise its policy on beach cleansing. It is likely that the new Scottish Code of Practice (which is being prepared in discussion with local authorities) will encourage South Ayrshire Council to do so. Should the Council fail to meet the requirements of the new Code, Ms Clarkson would be able to use the Code in evidence in proceedings which she could bring under s91 of the 1990 Act, which could lead to a litter abatement order being served. In addition, you may be aware that the Scottish Ministers now have the power, established by s57(2) of the Antisocial Behaviour etc (Scotland) Act 2004, to give authorities “such directions as they consider necessary or expedient for securing compliance” with their duties of litter clearance under s89 of the 1990 Act. However, you will appreciate that we would wish to exercise this power only where convinced it is necessary and appropriate to do so. In general, it is to be expected that local authorities will have a better awareness of local conditions and requirements than we do.

I hope this helps clarify the position on clearance of litter from beaches.

ROSS FINNIE
Richard Hough  
Assistant Clerk to the Public Petitions Committee  
Public Petitions Committee  
Parliamentary Headquarters  
EDINBURGH  
EH99 1SP  

11 January 2006  

Dear Richard  

Consideration of Petition PE884 by Marine Conservation Society  

Thank you for your letter dated 28 November 2005 inviting the Marine Conservation Society to give comment on Petition PE884.

As the UK charity dedicated to the protection of the marine environment and its wildlife, the Marine Conservation Society (MCS) is particularly concerned with the issue of marine and beach litter, much of which comes from land-based sources and which can have significant impacts on coastal and sea users as well as marine wildlife.

A copy of the MCS submission in response to Petition PE884 is enclosed for the consideration of the Public Petitions Committee. If any matters require clarification, please do not hesitate to contact me.

Yours sincerely  

Calum Duncan  
Scottish Officer  
Marine Conservation Society
The Scottish Parliament
Public Petitions Committee

Consideration of Petition PE884
Response from the Marine Conservation Society

Summary
The Marine Conservation Society (MCS) strongly encourage and completely support the introduction of legislation that leads to a reduction in aquatic, including beach, litter. MCS agree that the Environment Protection Act (1990) is in need of amending. MCS recommendations in response to Petition PE884 can therefore be summarised as follows:

1. all beaches, including Prestwick, should be cleaned year-round (details of suggested cleaning regimes for different beach categories are given below)
2. the National Aquatic Litter Group (NALG) ABCD beach litter grading system, which itself is compatible with the MCS Adopt-a-Beach/Beachwatch methodology, should be employed by appropriate statutory authorities to monitor litter on Scotland's beaches
3. the petitioner should contact Keep Scotland Beautiful to input to the impending review of the EPA (1990) CoPLaR as applied in Scotland.

Background to MCS work on beach litter
As the UK charity dedicated to the protection of the marine environment and its wildlife, the Marine Conservation Society (MCS) is particularly concerned with the issue of marine and beach litter, much of which comes from land-based sources and which can have significant impacts on coastal and sea users as well as marine wildlife.

Beaches are important and valuable public spaces, used for a range of activities by all members of society. The quality of a beach can significantly affect the community living by it, and can be a source of local pride. For the benefit of all users of the beach, both locals and visitors, a clean, litter-free beach is highly desirable.

Litter, ranging from plastic bottles, crisp packets and cigarette stubs to fishing nets, polystyrene packaging and sewage related items, is an all too persistent and common form of pollution in the marine and coastal environment, causing the injury and death of wildlife and damage to the local economy, property and human health. Litter enters the marine environment and is deposited on beaches from a variety of sources, including those litter items carried by rivers and streams into coastal waters. Therefore, littering in urban areas can contribute significantly to the problems caused by marine and coastal litter. In addition, other sources include direct littering by beach visitors, fly-tipping, sewage discharges, combined sewer overflows (CSOs), discarded fishing gear from fishing vessels, and illegal dumping by ships and small marine craft. Much of the litter accumulates along the strandline, deposited by the incoming tides, whilst sand dunes, groynes, rocky areas and promenades also act as sinks for wind-blown litter.

Each year, thousands of volunteers demonstrate their concern for the state of the marine environment and the problems caused by marine litter by participating in MCS's Adopt-a-Beach project and the annual Beachwatch litter survey and clean-up in September. In 2005, the highest number of volunteers took part in Beachwatch, indicating that litter is still an issue of great public concern. Indeed, in Scotland alone a total of 64 beaches participated in MCS Beachwatch, an increase on the figure of

11 January 2006
46 participating in 2004. Most volunteers take part in these projects because they believe that beaches should be clean, safe and litter-free environments. However, beach litter levels as surveyed by MCS Beachwatch have increased over the past 10 years and in 2004 average litter densities were 81% above 1994 levels. [Data from the Beachwatch 2005 event is still being collated and analysed.] Beach litter has been identified as unacceptable by the UK Government’s own State of the Seas Report 2005 ‘Charting Progress’ and acknowledged as a pressure on the marine environment in the Scottish Executive’s Marine & Coastal Strategy ‘Seas the Opportunity’.

MCS Recommendations in response to Petition PE884

1. All beaches should be cleaned year-round
MCS recommend that beaches be defined according to their use as amenity or rural beaches. Prestwick would be defined as an Amenity Beach. MCS then recommend that all beaches in Scotland, including Prestwick, and throughout the UK are subject to the following Cleanliness Standards and Response Times:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Type of Land</th>
<th>Cleaned to Standard A*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a</td>
<td>Amenity Beach (publicly owned)</td>
<td>May to September: Daily October – April: Weekly</td>
</tr>
<tr>
<td>1b</td>
<td>Amenity Beach (privately owned with paid public access)</td>
<td>May to September: Daily October – April: Weekly</td>
</tr>
<tr>
<td>2</td>
<td>Rural Residential Beach (non-amenity beach used by local residents throughout the year)</td>
<td>Year round: Weekly</td>
</tr>
<tr>
<td>3</td>
<td>Rural Nature Conservation coast (e.g. Nature Reserve/SSSI/SAC)</td>
<td>Year round: Monthly (but avoiding wildlife disturbance e.g. pupping seasons). Handpicking only</td>
</tr>
<tr>
<td>4</td>
<td>Rural privately owned beach (free public access)</td>
<td>Year round: Monthly With support available from grants or local authorities</td>
</tr>
</tbody>
</table>

*This is the cleanest grade in the NALG ABCD beach litter monitoring methodology (See 2 below)

It may not be feasible to apply the requirement to restore beaches to cleanliness standard A within a certain timeframe once they have dropped to standard B, C or D, as the tides will bring in a new load of rubbish each day. It would be better to make it a requirement to remove all litter from a beach to standard A, on a set regular basis i.e. daily, weekly, monthly or even quarterly, dependent on the type of beach and seasonal use of the beach. This would ensure that all beaches were at least cleared of litter on a regular basis and that land owners could budget accordingly. Please note that MCS recommend rural beaches should be cleaned by hand rather than mechanically.

Shoreline management plans should indicate which beaches will suffer from higher deposition rates – these beaches will suffer from greater litter build up in between the monthly cleaning regimes than eroding shores. This information could help define the frequency of litter clearance needed depending on how quickly litter accumulated on a particular beach.

11 January 2006
2. A standardised beach litter grading system is needed
MCS recommend that a grading system for monitoring litter on beaches and in aquatic environments is needed. The ABCD standards devised by the National Aquatic Litter Group and trialled by the Environment Agency in 2002 and 2003, would provide a good practical basis for a rapid assessment of the cleanliness of beaches. The Forth Estuary Forum and Fife Council have already done some useful work in piloting use of the ABCD methodology. Other Local Authorities in Scotland could learn from this work carried out by Fife Council.

3. The petitioner should contact Keep Scotland Beautiful to input to the impending review of Scottish application of the EPA (1990) CoPLaR Consultation on the Environment Protection Act (1990) Code of Practice on Litter and Refuse (CoPLaR) has already taken place in England and Wales. MCS responded to the DEFRA Code of Practice on Litter and Refuse (CoPLaR) consultation in December 2005. In March 2004, MCS also input through Keep Scotland Beautiful to the pre-consultation stage of a review of the application of EPA (1990) CoPLaR in Scotland. The final consultation on the application of EPA (1990) CoPLaR in Scotland is due in 2006 to which MCS will make a submission when invited. It is recommended that the petitioner contribute to the final consultation on the application of EPA (1990) CoPLaR in Scotland by contacting Keep Scotland Beautiful.

Concluding Remarks
Clearly, current legislation is having very little, if any, impact on the reduction of litter in the aquatic and coastal environment. The example of Prestwick given by Petition PE884 can be seen as one such case study, corroborated by the upward trend in litter levels on our beaches recorded by the MCS Beachwatch programme. In March 2004, MCS provided advice to the preliminary stages of the review of EPA (1990) CoPLaR in Scotland and in December 2005, responded to the DEFRA Code of Practice on Litter and Refuse (CoPLaR) consultation. In both cases, MCS recommended that the revised COPLaR provided clearer guidance on the standards for cleaning amenity and rural beaches and also provided guidance on litter and refuse in aquatic environments.

Calum Duncan
Scottish Officer

Sam Fanshawe
Director of Conservation

www.mcsuk.org
www.adoptabeach.org.uk
www.goodbeachguide.co.uk
Dr James Johnston
Clerk to the Public Petitions Committee
The Scottish Parliament
Public Petitions Committee
TG01
Parliamentary Headquarters
Edinburgh EH99 1SP

24 November 2005

Dear Dr Johnston

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE – CONSIDERATION PE884

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to comment on Petition PE884.

There is relatively little that SEPA can address here directly. Beach cleaning and litter removal are not within SEPA’s area of responsibility. Accordingly, while SEPA has sympathy for the concerns expressed in the Petition and would be supportive of any measures taken by Councils to ensure a clean environment, it would not be appropriate for SEPA to offer comments on the Petitioner’s proposal to amend the powers and duties given to Councils under the Environmental Protection Act 1990.

As regards bathing beach water quality, which is connected to the concerns expressed, this is already a priority area for us, in close cooperation between the Scottish Executive and relevant partners.

If there is anything specific we might help with, I would be happy to provide further input. Otherwise aspects of the matter might be better raised with relevant policy leads in SEERAD.

Campbell Gemmell
Chief Executive
For logging.

Richard

-----Original Message-----
From: Robert Nicol [mailto:RobertN@cosla.gov.uk]
Sent: Friday, January 06, 2006 12:13 PM
To: Hough R (Richard)
Subject: Petition PE884 - COSLA Comments

Dear Richard

This email is in response to your letter on 28 November 2005 about petition PE884 from the Prestwick Marine Neighbourhood Watch.

You invited COSLA to comment on the petition which regards beach cleaning in winter months in South Ayrshire. As this is a specific issue with one of our member councils we would not want to comment on this individual case other than to say that councils have to prioritise tight resources. However, on the wider issue of amending the Environment Protection Act 1990 to extend beach cleaning from October through to May, we would expect any new obligation to be matched with appropriate funding. We would also want any extension to be well thought through, as it is often the case that environmental or community benefits may not be a clear cut as you would first think. In particular the affect of anti litter campaigns on beach cleanliness would be worth considering.

Although these comments are brief, I hope they do provide some help.

Many thanks
Dr. James Johnston  
Clerk to the Public Petitions Committee  
The Scottish Parliament  
TG.01  
Parliamentary Headquarters  
Edinburgh  
EH99 1SP  

Dear Dr. Johnston  

Scottish Parliament Public Petitions Committee  
Consideration PE 884  

I refer to your letter, addressed to the Council's Chief Executive, dated 29th September 2005, which enclosed a copy of the petition PE 884 received from the Prestwick Marine Neighbourhood Watch. I understand that this was considered by the Petitions Committee on the 21st September 2005.  

You have kindly invited the Council to comment on the issues raised in the petition and particularly to the official report of the Committee's proceedings and I have been requested to respond to you direct on behalf of both the Council and the Chief Executive.  

Please find enclosed a hard copy of the response to the varying issues raised, which, I believe, specifically addresses the motion posed which suggested amending the statutory duty as contained within the Environmental Protection Act 1990 and extending the duty and minimum standards beyond the period currently prescribed. As requested an electronic copy of the response is also being sent today.  

I trust that this meets with your satisfaction.  

Yours sincerely  

Brian Davidson  
Director  

cc. Leader of the Council  
Chief Executive
Scottish Parliamentary Public Petitions Committee

Consideration PE884 – Prestwick Marine Neighbourhood Watch

1. **Statutory Duty**

- In terms of Section 89(1)(c) Environmental Protection Act 1990, it shall be the duty of each principal litter authority, as respects its relevant land, to ensure that the land is, so far as is practicable, kept clear of litter and refuse.

- In terms of 89(7) the Secretary of State shall prepare and issue a Code of Practice for the purposes of providing practical guidance on the discharge of the duties imposed by subsection (1).

  - In terms of the Code of Practice on Litter and Refuse, Page 9/Table 2, ‘Litter Duty : Beaches’ outlines by zone, type of land and cleanliness standards, as a minimum, to be expected from local authorities. (see attachment)

- Amenity beaches have been identified by South Ayrshire Council and exist within the elements of the coastline at Troon, Prestwick, Ayr, Maidens, Girvan and Ballantrae where substantial numbers of bathers or other beach users may congregate.

- South Ayrshire Council as affecting amenity beaches, considers it to be compliant in terms of its statutory duty and the Code of Practice on Litter and Refuse.

2. **Amenity Beaches Cleansing Regime**

**Spring/Summer**

- The operational regime employed by South Ayrshire Council has a well-proven record of success over many years, attracting very little complaint or criticism where the Council’s seasonal efforts to maintain cleanliness standards have been recognised in the past with Seaside Flag Awards.

- It has been the water quality of certain of the amenity beaches that has prevented consideration of an award.

- South Ayrshire Council considers the amenity beach cleansing to be, on the whole, a seasonal activity, in conformity with the code of Practice and, as such, seasonal employees augmented by a full-time element are engaged and deployed from operational bases at Troon, Ayr and Girvan.

- These employees are supported by various types of expensive beach cleansing equipment, which demonstrates the priority and commitment that the Council considers appropriate in maintaining the standard of cleanliness of these valued assets of amenity beaches.
• The resources of manpower and equipment are deployed accordingly from the operational bases consistent with the variable conditions of length, width and beach (sand/gravel) structure associated with each beach.

• However, whilst resourcing elements may differ from one amenity beach to another, the overarching principle of standards of cleanliness is applied rigidly with no differentiation or deviation of approach across all the amenity beaches where the Council has an interest.

• The Council had budgeted an expenditure of £240K for the financial year 2005/06 to be incurred on the shore cleansing activity.

• This figure does not include for the savings target set by the Council thorough its budgetary process of £8K

• As a consequence of this savings element, an operational impact was to re-profile the commencement of the seasonal employees beach activity for a short period, which for the 2005 year included Easter.

• The apportionment of the budget allocated to Ayr and Prestwick equates for 51.67% of the total, which again demonstrates the commitment of the Council to this asset.

• The Council continues to monitor and assess its performance regularly and this principle is applied to our beach cleansing regime. This has seen a marked improvement of cleanliness standard over previous years brought about by applying this basic principle where different work assignation has been initiated.

• The Council contends that the approach being taken throughout its amenity beaches is most cost effective and provides value for money.

**Winter Period**

• Whilst the council does not have a full-time presence in the amenity beach areas, it does continue throughout this period a monitoring and inspection role.

• There is no evidence from any source/body that an accumulation of seaweed (in the main) having mixed within it marine debris of a variable nature constitutes or poses a nuisance or risk to health.

• Historically, this position over the winter period, over many years, has not significantly changed, although the extent of marine debris could be considered to have reduced through other legislative measures with regard to water quality and dumping at sea restrictions.

• The accumulation of seaweed/marine debris over the winter period is seen by many inhabitants as a local phenomenon and, historically, has generated little interest in the towns.
• Experience indicates that the climatic conditions that prevail and the effects of tidal movements can have an effect of self cleansing of an amenity beach in the removal of seaweed etc. accumulations regularly during the winter period.

• As a matter of course, when reports are received, or through its own monitoring regime, involving dead animals or other issues considered to be a nuisance by a party, measures are taken to remove any offending material etc.

Further Comments

• Where a change in legislation places a duty on a local authority to provide an additional level of service delivery, with associated additional costs, this would be considered by South Ayrshire Council to be an additional burden with an expectation that funding, as appropriate, would be identified and provided through the GAE process.

• However, the prospect of putting any of the resources, similar to that as outlined in the above, beyond the period as prescribed in the code of Practice on Litter and Refuse could be considered as ineffective and a waste of resources, given the vagaries of the climatic conditions that prevail in the west coastline over the period from October of one year to April of the next.

• Given the competing priorities and additional burdens that local authorities continue to face each financial year to contemplate funding an equal amount of £240K to extend beach cleaning beyond the prescribed period as above would be considered not to be a cost effective use of resources, unable to demonstrate value for money and potential criticism of a waste of public money.

Blair Thomson
Waste Management Services Manager
Patrons: Elaine C Smith, Dr Richard Bruno

27.04.05

Dear Sir

Please find enclosed signed and dated copy of Public Petitions Committee – template for e-petition on behalf of the Scottish Post-Polio Network

Sincerely

Helene MacLean
SPPN Chairperson

Registered Charity No. SCO 2959
The Scottish Parliament
Public Petitions Committee – a template for e-petitions

Should you wish to submit an e-petition allowing signatures to be gathered on-line on the Public Petitions Committee e-petitioner web pages please complete the template below. Before submitting your e-petition please consult the Guidance on submission of public petitions for advice on what is and is not admissible. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

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<td>Scottish Post Polio Network</td>
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<tbody>
<tr>
<td>Petition by Scottish Post Polio Network calling for the Scottish Parliament to urge the Scottish Executive to join the international community in recognising post-polio syndrome (PPS) and to conduct a much needed national review of neurological services to take account of the needs of PPS and all other long term neurological conditions with a view to establishing multi-disciplinary centres of excellence to assess, treat and research such conditions that affect the lives of many thousands of individuals in Scotland.</td>
</tr>
</tbody>
</table>

26/04/2005
Period for gathering signatures:
Please enter the closing date for gathering signatures on your petition, which we would usually recommend is a period of between 4-6 weeks

Closing date: 20 June 2005

Additional information:
Please enter any other information relating to the issues raised in your e-petition, including the reasons why the action requested is necessary. The text entered in this field should not exceed 2 pages. However, you may wish to provide further sources/links to background information.

Part 2

"...I am sad to say that in my area (Dumbarton) there is little or no understanding or facilities catering for the needs of people like myself. Unfortunately physio's are completely in the dark ages an no help whilst doctors have no knowledge of PPS and are happy to refer you to any specialist they can think of..." (G.M. Dumbarton)

"...At first my GP thought it may be arthritis and encouraged exercise at the gym, when this made things more painful and excessively tiring it was acknowledged to be PPS. I have not gone down the route of going to a neurologist or any other specialist simply because I could not find a doctor interested in this field" (A.T. Central Scotland)

"My GP has been very good, she phoned around all the hospitals in Glasgow to see if she could find a Consultant interested in PPS – all hospitals stated that there was no such consultant interested in this condition" (A.C. Glasgow and qualified occupational therapist)

"I am in constant pain... I have been disabled with polio since 1937 and have been fiercely independent all my life and it is hard to accept that there are no agencies out there that can help me...GPs say to your face they don't know what to do so they fill you up with pain killers..." (R.P. Central Scotland)

The introduction of the polio vaccine virtually eliminated the polio virus in this country and as a consequence polio has almost gone from public consciousness. However, it has not gone away, people who caught polio in the epidemics of the 40's and 50's and before are now experiencing new problems 40 or so years after onset. Some of the late effects are (but not exclusively),

- New muscle weakness and pain
- Chronic physical and mental fatigue
- Breathing problems
- Difficulty in swallowing
- Cold intolerance

PPS has been well documented all around the world and polio survivors report very similar experiences no matter where in the world they report from. However, the majority of GPs do not recognise or acknowledge that there is a problem. Often patients are left very dissatisfied and frustrated, knowing that there is something wrong, but have to endure misdiagnosis and inappropriate treatment.

1. Scottish Post Polio Network (SPPN) therefore asks the Scottish Parliament to take the first step in recognising Post Polio Syndrome

To this end SPPN would commend the Petitions Committee look to the actions of the Irish Parliament, who as recently as November 2004 gave the Irish Post Polio Network on going funding of €300,000 to help in their work of education and advice.

There are many other excellent examples of best practice around the world, particularly in the USA (Warm Springs) and Western Australia. The core of which centres around a dedicated multi-
disciplinary centre of excellence where patients can be seen, assessed and treated 'under-one roof'.

SPPN remain concerned that a major block to proper recognition of PPS and therefore appropriate treatment is funding. Given that PPS is often diagnosed by excluding all other possibilities, diagnosis can be a slow journey for patients and an expensive one for the NHS.

SPPN are very aware that the Scottish Executive do not consider the incidence of PPS to be at a high enough level to warrant exclusive funding for treatment, however, they would ask the Parliament to consider the fact that there are many, many neurological conditions which exist, which exhibit similar kinds of problems as presented with PPS.

SPPN see the introduction of multi-disciplinary centres of excellence as a progressive and vital step forward in the assessment and treatment of neurological conditions in Scotland, not just for PPS. The vision of a streamlined service, geared to the needs of patients, being properly assessed and properly referred must offer a better co-ordinated and cost effective option for the NHS to consider.

2. SPPN therefore calls on the Scottish Parliament to set up a task force to look at the possibility of a root and branch review of neurological services in Scotland. Properly funded and accessed, this must only be a benefit to patients, but a cost saving to the NHS.

There are many references that interested individuals can look to, to increase their understanding of this condition. We have provided a list below which may prove and ideal starting point.

http://www.sppn.org/ - Home site of Scottish Post Polio Network

http://www.ppsg.ie/links.htm The home of Post Polio Ireland

http://www.post-polio.org - An international site

http://www.ott.zynet.co.uk/polio/Lincolnshire - A very comprehensive database

http://www.rooseveltrehab.org - An example of the American model of care

http://www.upnaway.com/~poliowa - Western Australia

http://www.postpolioinfo.com/PostPolio

Action taken to resolve issues of concern before submitting an e-petition:

Before submitting a petition to the Parliament, petitioner are expected to have made an attempt to resolve their issues of concern, by for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MSPs. Details of those approached should be entered.

Scottish Post Polio Network has undertaken an ongoing campaigning with health professionals; MPs and MSPs. SPPN have also enlisted the advice and help of a Consultant Orthopaedic Surgeon. Local MSPs have been contacted throughout Scotland asking for support for SPPN and a previous Members Motion (of the Scottish Parliament) in the name of Margo MacDonald MSP attracted 36 signatories.

26/04/2005
Comments to stimulate on-line discussion:

Please provide at least one comment to set the scene for an on-line discussion on the petition, not exceeding 10 lines of text.

"Post Polio Syndrome (PPS) has been well documented around the world as a debilitating condition that requires careful and proper management. However, in Scotland there has been continuing resistance to even recognise PPS. This has meant that vital time has been lost which could have been used to establish proper systems of care and management of the condition. The Scottish Post Polio Network calls on the Scottish Parliament to recognise officially for the first time PPS and secondly set up a task force to undertake a root and branch review of neurological services in Scotland."

Request to speak:

Petitioners may request to appear before the Public Petitions Committee in support of their petition, although it should be noted that requests to speak will only be granted if the Convener considers that a brief statement from the petitioner would be useful in facilitating the Committee’s consideration of the petition. Due to the large volume of petitions being considered the Committee will usually only hear presentations on up to 4 new petitions at each meeting.

Please indicate below whether you wish to request to make a brief statement before the Committee when it comes to consider your petition.

Yes
*Delete as appropriate

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature ..............................................................................................................

Date .................................................. 27th April 2005 ..................................

For advice on the content and wording of your e-petition please contact:

The Clerk to the Public Petitions Committee
The Scottish Parliament
Edinburgh
EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk

Note
Completed e-petition forms should also be sent to petitions@scottish.parliament.uk

26/04/2005
Dear Dr Johnston

Consideration of Petition PE873

Thank you for your letter of 21 November 2005. We very much concur with Jackie Baillie’s comment concerning the importance of an evidence-base in future considerations.

The issue therefore is what would be the most effective and appropriate evidence to gather and we would recommend that Greater Glasgow’s suggestion of undertaking a survey using the expertise at the Southern General as a positive and rapid start to building that evidence. A national prevalence study of PPS would be a major and lengthy task whereas a focused study based in the Southern General’s catchment area, given their position as the tertiary neurological centre for the West of Scotland, would give a sufficiently large evidence base upon which to base future discussions concerning PPS services, and any further research/audit requirements.

We trust the above is helpful to the Committee in its deliberations.

Yours sincerely

Michael Bews
Director Guidance & Standards

cc: Dr David Steel, CE, NHS QIS
Dr Harpreet Kohli, Medical Adviser, NHS QIS
Dear Dr Johnston

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE – CONSIDERATION OF PE873

Thank you for your letter regarding this petition to the Committee. You requested further information on the proposal for a national survey.

In my previous letter I stated that we supported the proposal for a national survey to assess the prevalence of the condition and the need for services. I note the response from Michael Bews from NHS QIS that a national study would be a lengthy task and that we should instead undertake a focused study based in the Southern General’s catchment area. I agree that a smaller geographical area might be a more practical option – at the very least as a pilot study to test the methodology of identifying people who potentially have post-polio syndrome. It would also be important to learn from the survey conducted in Ireland.

I have also noted that at the Committee Margo MacDonald stated that the NHS Greater Glasgow had “suggested that it would be willing to undertake such a survey”. In fact I stated that we agreed that a study is required and that we would be happy to support the involvement of clinical staff from Glasgow to help assess service needs amongst patients with post-polio syndrome. An epidemiological study such as the suggested prevalence survey would require careful planning and dedicated resources. The best way to take this forward would be for the Chief Scientist’s Office to start discussions with relevant academic departments about submitting a funding proposal for a survey.

I hope this response is helpful

Yours sincerely

T A DIVERS
Chief Executive

Greater Glasgow NHS Board is the common name of Greater Glasgow Health Board
18th December 2005

Dear Mr Hough,

You will be aware that I attended the meeting of the Petition's Committee when they considered how to progress our petition, PE873 and I respond on behalf of Scottish Post Polio Network (SPPN) with this and the written responses in mind.

Firstly, I would like to put on record my thanks to the Committee members for their continue support of our petition and hope that you would convey this to them.

I think that it is clear from the range of responses received that whilst some NHS Boards appear to be at least aware of post-polio syndrome (PPS) and have gone some way to addressing the needs of patients, it is very apparent that other Boards are lost somewhere in the dark ages when it comes to providing services for people living with the late effects of polio, and this is backed up by the information the SPPN are receiving from our membership.

However, two responses were identified by the Committee as being particularly helpful, one from NHS QIS and the other from Greater Glasgow NHS Board.

I refer firstly to the response from Greater Glasgow Health Board. SPPN have for some time considered that a national survey, or audit of the prevalence of PPS is needed and we welcome their offer to assist with this.

We do not wish for the wheel to be reinvented, and to this end, can I commend to the Committee the work done in Southern Ireland by the Post Polio Group. They commissioned a survey which reported in 2004 and was instrumental in defining the scope and needs of people living with PPS. Many of the problems faced by people living with PPS in Scotland are no different from those in Ireland Australia or the USA. However, we strongly believe that a survey of prevalence and needs is required here before any meaningful model of care can be developed.

We also warmly welcome the comments by NHS QIS that PPS needs to be brought to both health professionals' and public's attention. Our experience mirrors the range of responses received by the Committee in that whilst some health professionals are very keen to understand the needs of PPS others question its very existence.

We would argue that training gaps certainly do exist in practice and professional knowledge of PPS is patchy at best.
SPPN commend to the Committee the manual “The Late Effects of Polio Information for General Practitioners” compiled and published by Queensland Health Australia this manual has been adopted by Southern Ireland and is issued to GP’s and health care providers for clinical and educational purpose’s it’s a comprehensive information document which includes sections on

- Acute Poliomyelitis
- Late Effect of Polio
- Clinical Features of the Late Effects of Polio
- Assessment
- Management
- The role of the General Practitioner in the management of the Late Effects of Polio Resources.

SPPN recommend this Manual would be a valuable educational asset to General Practitioners and Primary Care teams in Scotland, who are the first point of contact for people experiencing symptoms that may relating to late effect of Polio, and therefore knowledge of its existence diagnosis and early management is required before any relevant referrals would be considered. We ask the committee to support this recommendation.

Any move by NHS QIS to review neurological services generally would be welcomed not only by SPPN but I am sure many other organisations representing people living with neurological conditions. (You will recall that our own petition calls for such a review)

In closing we would be very happy to return to the Committee to give further evidence if you feel that this is necessary.

Thank you again for your attention in the matter,

Yours sincerely

Helene MacLean
Scottish Post Polio Network Chairperson
Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:
Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available

Ronnie Beaty

Text of petition:
The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.

The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Ronnie Beaty calling for the Scottish Parliament to urge the Scottish Executive to amend the Education (Scotland) Act 1980 to set down minimum safety standards for school bus provision including the provision of certain safety signs and to make regulations, under the Road Traffic Regulation Act 1984, requiring the use of certain safety signs and lights on school buses and to make failure to comply with such signs an offence and to seek the necessary powers to require bus operators to remove such safety signs from school buses when they are not in school use.

Additional information:
Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.
Action taken to resolve issues of concern before submitting the petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

I have met with my local MSP Stewart Stevenson today, 18 August 2005. His advice was to start with our Elected Assembly, as transport is not a devolved matter.

It can however be brought before Westminster.

Petitioners appearing before the Committee

The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee’s consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do NOT wish to make a brief statement before the Committee

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature:

Date: 3rd October 2005.

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk
The statutory duty to provide school transport rests with education authorities, who, generally, have an obligation, under the Education (Scotland) Act 1980, as amended, to make such arrangements as they consider necessary for the conveyance between home and school of pupils residing in their area. In considering whether to make such arrangements, they are required to have regard to the safety of pupils. They also have a general duty to take reasonable care for the safety of pupils when under their charge, in terms of the Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990.

The Scottish Executive issues guidance to authorities on school transport provision. That guidance sets out the statutory duties of education authorities, and makes clear that we consider that the general duty to take reasonable care for the safety of pupils when under their charge includes travel on school transport arranged by them. The guidance also covers both pupil and bus safety issues, and advice on contracting with transport providers who will provide the buses, coaches, minibuses or taxis that convey pupils to and from school. It also refers to the statutory provisions regarding seat belts, school bus signs and hazard warning
lights, and use of vehicles that are in a fit and roadworthy condition. While the guidance itself is not mandatory, the legal requirements must be complied with. However, it invites education authorities to stipulate, in contracts for school transport, that the school bus signs should be displayed only when children are being transported and that hazard warning lights should be used when children are getting on or off vehicles. The guidance can be accessed via the Executive’s website, at http://www.scotland.gov.uk/Topics/Education/School-Education/18056/schooltransportation

Turning to the issue of regulations under the Road Traffic Regulation Act 1984, the use of safety signs is required by the Road Vehicles Lighting Regulations 1989, as amended by the Road Vehicles Lighting (Amendment) Regulations 1994. The signs prescribed by these UK Regulations, which show the ‘children’ symbol, are required to be fitted to the front and rear of buses when transporting children to and from school. Under the terms of the Road Traffic Act 1988, non-compliance with the requirements in the Regulations is an offence. However, the Regulations do not require the signs to be removed when the vehicles are not being used to transport children.

The use of hazard warning lights by school buses is also governed by these Regulations. Vehicles displaying school bus safety signs are permitted to use hazard warning lights when the vehicles are stopped to allow children to board or alight. The Regulations do not, however, require the lights to be used under these circumstances.

The Road Vehicles Lighting Regulations 1989, as amended, are made under section 41 of the Road Traffic Act 1988, the subject matter of which is reserved. Accordingly, the Scottish Parliament do not have competence to make it an offence to display a safety sign when a bus is not being used to transport children to or from school, or to make compulsory the use of hazard warning lights.

I believe that existing legislation, combined with the Executive’s guidance, offers authorities appropriate flexibility to respond to local needs and circumstances, within a sensible framework of statutory requirements.

The Committee may be aware of the Scottish Consumer Council’s review of school transport contracts in Scotland, the report of which was published in February 2005. That report, which is available via the Scottish Consumer Council website (http://www.scotconsumer.org.uk), makes a number of recommendations to education authorities on a range of issues, including bus safety checks, driver and escort training and pupil safety and behaviour. I have already commended those recommendations to authorities, and have indicated, in evidence that I gave to the Education Committee on 26 October, our intention to work with authorities to capture and disseminate best practice around these issues.

PETER J PEACOCK
Scottish Parent Teacher Council

Written response to the Scottish Parliament Public Petitions Committee with regards to Consideration PE892

The Scottish Parent Teacher Council welcomes the chance to respond to the above petition. We are totally supportive of Ronnie Beaty's call for minimum safety standards for school bus provision. The provision and safety of school transport has long been of concern to parents. Indeed SPTC has been involved in various campaigns such as BUSK (Belt Up School Kids). However, we feel that the improvements have not been adequate nor is it acceptable that action only appears to be taken when children have been seriously injured or killed.

1) We agree with Mr Beaty that the signage on school transport should be improved. We have received anecdotal evidence that some buses transporting children to school either do not display an appropriate sign or do not display them prominently. The signs are not distinctive enough and seem to have little or no impact on people's driving habits. We agree with Mr Beaty that although the workplace is presently inundated with health and safety regulations and employers are strictly regulated on the use of signs and are encouraged to update them on a regular basis, this does not seem to be a priority for those providing and/or regulating school transport.

2) We also agree with Mr Beaty that there should be stricter regulations ensuring that signs are only used when buses are actually carrying school children. Many parents have reported seeing empty buses during school hours still displaying "children on board" signs. This can only lead to confusion amongst motorists and explains in part why they disregard the signs.

3) One of the issues that occupy many PTAs and school boards is the "dropping-off zone" around the school. This is a particularly busy and hazardous area and along with lessons on traffic awareness and road safety children also need extra protection in the form of warning signs when school buses are un/loading. We agree with Mr Beaty that this warning system should include such things as flashing lights or panels on the buses.

4) We would welcome changes in legislation to prevent drivers overtaking school buses when they are un/loading passengers.
5) Although we have sympathy with the call for dedicated school buses similar to those in America, we recognise that this is not possible or practical. The amount of space required to store the vehicles when they are not in use is not available in every authority.

6) There needs to be much greater clarity about the roles and responsibility of the different parties involved with transport. There is confusion about who is responsible for what with each party trying to escape censure by blaming someone else – the local authority, the school, the bus company or the children – for what has gone wrong. We need to have a clear understanding of their respective roles and a clear line of accountability.

7) We were interested to read in the evidence from the meeting of the Public Petitions Committee on 26th November 2005 that there also seems to be some discussion about the devolved powers with regards to school transport. We would welcome clarification on this matter.

8) During discussions with parents we were also reminded of the following issues:

- the unwillingness of local authorities to impose standards for school transport
- unsafe vehicles and/or drivers
- the use of substandard/inadequate buses, for example double decker buses used on rural routes
- inadequate supervision; we note that there is a discrepancy between the regulations for bus journeys organised by the school and those to and from the school. The adult/child ratio for school trips is 1:12 but school buses are often extremely crowded with only one adult who is expected to drive and supervise. This difference in standards is not acceptable.

We give our support to Mr Beaty's petition and also see this as an opportunity to review the entire provision and safety of school transport.

Scottish Parent Teacher Council
December 2005
09 December 2005

Dr James Johnston
Clerk to the Public Petitions Committee

The Scottish Parliament
Public Petitions Committee
TG.01
Parliamentary Headquarters
Edinburgh EH99 1SP

Dear Dr Johnston,

Scottish Parliament Public Petitions Committee – Consideration PE892

As the trade association for bus, coach and light rail, the Confederation of Passenger
Transport welcomes the opportunity to give views on the Petition specified above.

CPT and its members strongly believe that safety is paramount and would support
practical, realistic measures designed to reduce accident rates.

In regard to the proposals made, we make the following comments:

- Construction and use standards, which include lighting, are not devolved to
  Scotland, so the Scottish Executive would be powerless to require some new kind
  of special marker lights for school buses.

- The existing Statutory Instrument (1994:2280) which requires the black-on-
  yellow signs for school buses also permits the use of hazard warning lights on
  stationary vehicles that are loading / unloading children under 16 providing that
  the vehicles are displaying the school bus signs.

- It is correct that the existing rules do not require the signs to be taken down or
  covered when the bus / coach is being used for something other than the carriage
  of school children.

- CPT does not think that Traffic Regulation Orders are any help in this instance as
  they work by excluding certain classes of vehicle from the relevant places. In
  CPT’s view, Traffic Regulation Orders cannot be used to create local
  Construction and Use rules, although they can now be used for environmental
  purposes to reduce or limit noise or air pollution, [Transport (Scotland) Act 2001].
Some additional comments:

It is common practice amongst CPT members to use hazard lights on school buses when school pupils are boarding or disembarking - but we recognise that the practice may not be uniform throughout Scotland.

An awareness campaign, aimed at motorists about school transport and school bus signs, is probably required.

Many operators used removable black-on-yellow signs when they were originally introduced but as a result of them being defaced, damaged and removed by pupils had to resort to making their fixture more permanent. However, we accept that permanent display does dilute the effect of them.

CPT does think that greater control over vehicles overtaking school buses displaying signs and with hazard lights on could reduce accident statistics.

CPT supports yellow school buses where suitable. That is, large tracts of Scotland are rural and some rural networks would be decimated by the removal of school contracts from the transport mix. Many local authorities prefer to use tendered vehicles for local services as well as school runs and not have their limited budgets absorbed by school travel provision only.

CPT hopes that these comments are helpful and would be pleased to provide further information if required.

Yours sincerely,
Dear Dr Johnston

Scottish Parliament Public Petitions Committee – Consideration PE892

Thank you for asking the Scottish Accident Prevention Council’s views on petition PE892. I would like to give some background information before commenting on the specific points of the petition. There are no figures for the number of children knocked down crossing the road after getting off a school bus as they are treated as pedestrians on the Stats 19 form. According to the Scottish Executive figures there were 431 children killed or seriously injured in road accidents and approximately two thirds of these were pedestrians. 20% of all child road casualties happen on the school journey and the peak time for these accidents is between 3 and 4 pm on weekdays. A third of children injured while crossing the road say that they did not stop before they stepped off the kerb – and as many say they did not look. These accidents peak at age 11-12, when children start secondary school.

The minimum safety standard for school buses this is set down in the Scottish Executive guidelines. Vehicles must conform to Road Vehicles (Construction and Use) Regulations 1986 (as amended). They must be correctly licensed, display a valid tax disc, be adequately insured, be well maintained, have a valid MoT certificate (if more than one year old) and be fitted with seatbelts.

The Scottish Consumer Council carried out “a review of school transport contracts in Scotland” and the SAPC would support their recommendations and in particular that there should be a more consistent national approach to school transport and attendants on school buses.

The Scottish Executive guidelines also make reference to “School Bus Signs and Hazard Warning Lights”. Under the Road Vehicles Lighting Regulations 1989 (as amended 1994), buses and coaches that are used for journeys to and from school are required to display yellow school bus signs. Vehicles displaying school bus signs are also permitted to use hazard-warning lights when the vehicle is stationary and children are boarding or alighting.

The purpose of the school bus sign and hazard warning lights is to make other road users aware that when the vehicle is stationary children are likely to be getting on or off the bus and may be crossing the road. Other road users should, therefore, be very
cautious when passing a school bus in those circumstances. There is no statutory requirement to remove the school bus signs when the vehicles are not being used to transport children, or to use hazard-warning lights when the vehicle is stationary and children are boarding or alighting.

The American yellow school bus scheme has been tried in a number of areas of England. These schemes use dedicated buses for the transport of school children and each child has a designated seat. In the US other traffic cannot overtake these buses while they are stopped, none of the schemes in the UK has been able to do this.

Introducing a no overtaking rule of school buses has been discussed in Westminster on many occasions. The reasons that it has not been introduced include concern of drivers overtaking before the bus stops or pulling out in front so they are not stuck behind a school bus. Another important point would be that children might develop a false sense of security when crossing the road after getting off buses and this may carry over to other times.

There was an amendment tabled to the Transport (Scotland) Bill in 2001 to prevent overtaking a stationary school bus but it did not work in legal terms.

The SAPC would like to make the following recommendations to reduce the number of accidents to children on the way to school:

1. **Reduce the maximum walking distance before getting free transport** and that it should be different for primary and secondary rather than under or over 8 years old
d
   Many local authorities already use criteria in excess of the requirements. School buses are the safest way of getting children to school. Encourage the use of school buses would also reduce congestion as 20% of all journeys during morning rush hour are taking children to school. Allow any free seats to be taken up by children who live within walking distance, they could be charged for the seat.

2. **School buses should display a sign such as “CAUTION, CHILDREN CROSSING, WHEN LIGHTS ARE FLASHING”** and include flashing lights that are controlled by the driver.
   This would be in addition to the school bus sign. The SAPC would not support the requirement to remove signs from buses when not on a school journey as drivers should always take care when overtaking buses whether or not they are carrying children. If signs are removable then they may be removed maliciously. At present some school bus signs are not easily visible, fixing a large sign with flashing lights would certainly catch the attention of other drivers.

3. **Educate people to follow the Highway Code** and take extra care when overtaking a stationary bus and for children to wait until the bus has moved off and they can see the traffic both ways.
   To introduce a law banning the overtaking of school buses whilst stationary would be out with the powers of the Scottish Parliament. If overtaking were made illegal some form of enforcement would be needed eg rear facing cameras in the buses.
4. **Local authorities to assess drop off points** on school bus routes with regards to safety.
   
   Local authorities should put in control measures to reduce any risks. This could include carrying School Crossing Patrollers on school buses to escort children across road when they get off if there is no pedestrian crossing near drop off point.

5. **Local authorities should look into the yellow bus scheme.**
   
   The use of dedicated buses for school travel and their bright colour would be a warning to drivers. Local authorities could look at staggered school start times to use the same buses for different schools.

Only point 1 would require any change to legislation, the other points would be achievable by changing the Scottish Executive school transport guidelines and ensuring that local authorities follow them.

Yours sincerely

Steven Irvine

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1. Road Accidents Scotland 2003
2. The Facts About Road Accidents and Children
3. Circular 7/2003
   http://www.scotland.gov.uk/Topics/Education/School-Education/16056/schooltransportguidance
4. A review of school transport contracts in Scotland
   http://www.scotconsumer.org.uk/publications/reports/reports05/rp02scho.pdf
5. Education (Scotland) Act 1980 (as amended Education (Scotland) Act 1996) Section 42
23 January 2006

Dr James Johnston
Clerk to the Public Petitions Committee
TG.01
Parliamentary Headquarters
EDINBURGH EH99 1SP

Dear Dr Johnston

PETITION PE892 – SCHOOL BUS PROVISION

I refer to your letter of 3 November 2005 requesting comments on petition PE892 calling for an amendment to the Education (Scotland) Act 1980 to set down minimum safety standards for school bus provision including the provision of certain safety signs and to make regulations, under the Road Traffic Regulation Act 1984, requiring the use of certain safety signs and lights on school buses and to make failure to comply with such signs an offence and to seek the necessary powers to require bus operators to remove such safety signs from school buses when they are not in school use. I apologise for the delay in responding, which was so that I could seek comments from my colleagues in ATCO (Scotland).

I understand that, under the Road Vehicles Lighting (Amendment) Regulations, 1994, all vehicles with more than eight passenger seats, carrying children to or from school, must display prescribed school bus signs. Regarding the issues raised in the petition, COSLA and ATCO (Scotland) would support the suggestion that bus operators be required to remove such signs when the vehicle is not carrying school children to or from school. We would not, however, advocate a change in the signs themselves as these are now well recognised by the general public.

Regarding the other suggestions in the petition, COSLA and ATCO (Scotland) would also support the introduction of legislation prohibiting the overtaking of school buses when children are boarding and more importantly disembarking and also the suggested mandatory use of flashing lights. Currently hazard warning lights may be used when picking up and setting down school children but there is no legislative requirement to do so. Consequently, many tendering authorities require hazard warning lights to be used through their Terms and Conditions of Contract for the provision of school transport services.

Notwithstanding the above, we would wish to wish to emphasise the importance of road safety education at both primary and secondary level in promoting school transport safety. COSLA will continue to argue, as we did at the last Spending Review, for funding to support school travel coordinators and road safety measures around schools.

On a procedural point, I note that petition calls for the Scottish Parliament to consider amendment of the Education (Scotland) Act, 1980 and to make Regulations under the Road Traffic Regulation Act, 1984, however, as road traffic legislation is not a devolved matter I would assume that any such proposals could only be introduced through the UK Parliamentary process.

I will bring the above to the attention of COSLA’s relevant Executive Groups.

I hope that the above comments are helpful to you.

Yours sincerely

James Fowlie
Team Leader – Environment and Regeneration
Dear Dr Johnston

SAFETY ON SCHOOL BUSES (PETITION PE892)

Thank you for your letter of 3 November 2005 regarding the above petition presented by Ronnie Beaty.

In the course of the last few years the Institute’s Annual General Meeting has approved a total of six Resolutions on school bus transport dealing with the following aspects:

- Proper safety provision for all types of school transport.
- Regular safety checks on all school transport.
- Salting of all school bus routes.
- Provision of escorts on all school buses.
- Adoption of a yellow school bus system.
- Adoption of the “Safer Routes to Schools” initiative.

A copy of the Resolutions is attached.

The broad objectives of the Petition submitted by Mr Beaty would be supported by the EIS, in the context of a general concern to secure the safe transport of pupils to and from school.

Yours sincerely

General Secretary
RESOLUTIONS ON SCHOOL TRANSPORT

AGM 1996

"That this AGM resolve to urge the Government and all Scottish local authorities to ensure that proper provision for the safety of all pupils is provided for on all types of school transport."

AGM 1998

"That this AGM instruct Executive Council to press the Scottish local authorities to request the Scottish Transport Executive to have regular safety checks on all school transport."

AGM 1999

"That this AGM instruct Executive Council to remind local authorities that all school bus routes must be properly salted to comply with current legal requirements."

AGM 2000

"That this AGM resolve to urge the Scottish Parliament to consider the provision of escorts on all school buses to ensure the safe travel of children to and from school."

AGM 2001

"That this AGM instruct Executive Council to campaign at local and national levels for the adoption by local authorities of the American-style yellow bus for all school transport throughout Scotland"

"That this AGM instruct Executive Council to campaign for the greater adoption of the Safer Routes to Schools initiative by local authorities."
Message

Martin E (Eileen)

From: Johnston JD (James)  
Sent: 16 December 2005 14:01  
To: 'rsvpscotlanark@csv.org.uk'  
Cc: Martin E (Eileen)  
Subject: FW: Petition PE892 - Child Safety or the attention of Dr Johnston

Dear Ed,

Thank you for your e-mail which will be made available to the Committee when it further considers PE892.

Kind regards,

Dr Jim Johnston  
Public Petitions Committee  
Direct Telephone: 0131 348 5186  
RNID Typetalk calls welcome  
Fax: 0131 348 5088

Rm TG.01  
PHQ  
Edinburgh  
EH99 1SP

-----Original Message-----  
From: Ed Archer [mailto:rsvpscotlanark@csv.org.uk]  
Sent: Wednesday, December 14, 2005 3:36 PM  
To: Public Information  
Subject: Petition PE892 - Child Safety or the attention of Dr Johnston

Dear Dr Johnston,

I am writing this email on behalf of the Educational Institute of Scotland whose representative I happen to be on the Scottish Accident Prevention Council Roads Committee.

I wish to formally endorse the matters brought up in the Scottish Accident Prevention Council's submission sent on December 14th. The one of the issues that the EIS is particularly concerned about is the safe arrival and departure of the children from all schools. In this regard the EIS would like to see measures taken to enforce slow speeds by schools as well as safe dropping off areas for the children. Naturally the EIS would prefer that there was alteration made to the maximum walking distance to schools so that more children could be bussed to schools as this is the safest way to transport children to school. Also the EIS would like to see the introduction of yellow buses to transport children to school from a number of angles including the safety aspect and the fact that yellow buses can be better surveyed with CTV to deal with bullying on the buses. However as an interim measure – anything that makes the buses more visible might be useful.

Should you require further comment, please contact me Ed Archer either by email at rsvpscotlanark@csv.org.uk or by phone on 01555666033.

Yours sincerely,

Ed Archer  
EIS representative on the SAPC