

ROOM FOR MORE VIEWS?



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SHARING POWER, SHAPING PROGRESS

PEOPLE
&
PARLIAMENT

A report by the People &
Parliament Trust on the
people's participation in
Scotland's future

If you would like this report in an alternative format or language, please contact Scottish Human Services Trust on 0131 538 7717, or at the address on the back cover.

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100 participants from across Scotland.

Partners in participation:

- Margaret Smith, MSP and Philip Dolan, Haemophilic Society.
- Claire Monaghan, Scottish Executive and James, Equality Network Transgender Issues Forum.
- Andy Wightman, land reform activist and Richard Frew, Scottish Executive.
- Rev Iain Murdoch and Mike Russell, former MSP.
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People & Parliament

- Trustees:
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Pete Ritchie.
- Elizabeth Hogg, Secretary.
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Julia Fitzpatrick compiled the report for the People & Parliament Trust.

Executive summary

"We still have far to go and much to learn... To that end, I welcome the People & Parliament initiative... I very much look forward to receiving the outcomes of this important event... to hear of ideas for what else should be tried and what we should be aiming to deliver in order to enable real engagement with the people of Scotland in meeting your expectations and aspirations."

Extract from message of support from George Reid, MSP, Presiding Officer

1 Introduction

This report is rooted in the practical experience of people who have worked with the Scottish Parliament or Executive in its first 4 years. On 21 November 2003, the People & Parliament Trust, in partnership with the Scottish Human Services Trust, the Scottish Executive and the Scottish Civic Forum, brought together 100 people in a Conference '*Sharing Power; Shaping Progress; Towards a Participative Democracy in Scotland*'. Half were citizens with stories to tell of the work they had done or tried to do, with Scotland's new democracy; half were 'the establishment' (MSPs, civil servants and officials). All had been personally involved in making 'partnership' real. The aim was to share experience; to assess how far hopes and the founding principles had been fulfilled; and to develop practical ideas and proposals for the next 4 years. There were no long speeches, but a variety of methods to 'get under the skin' of what made participation work, or not work, for people.

What follows is a brief summary of the main points made. The text of the Report is richly illustrated with practical case studies, personal stories, graphics and charts.

2 Setting the scene

The 'People & Parliament' project

In the 2 years before the election of the first Parliament in 1999, 'People & Parliament' brought thousands of Scots together in small groups throughout the nation, with special emphasis on those who often feel marginalised or excluded. The result, confirmed by a representative System 3 Poll, showed that the people had high expectations for a new kind of Parliament that would be 'more creative, more participative, less needlessly confrontational'.

The founding principles

The new Parliament reflected these hopes, by adopting four founding principles - *Power-Sharing; Accountability; Participation in Policy Development; and Equal Opportunities*. People felt there was still a long way to go to make the principles real. The vision and passion are still there, but there is some disillusionment and anger.

A case study on the petition on Sex Education in schools

This is used to illustrate the second key founding principle of accountability.

'Participation' defined

'Participation' means going beyond voting to playing a real part in the shaping and development of policy. This is vital to overcome the widespread cynicism about conventional politics, and the consequent voter apathy.

A case study on the area of Land Reform

This is used to illustrate the first Key Founding Principle of Power-Sharing.

3. Why people participate

Motives for participation

These were wide-ranging. Local events or situations; or policies that impacted on family or community, sometimes extending to wider community concerns and moral, social and ethical issues.

Worry, concern and sometimes outrage

There are real concerns and worries which lead people to participate. Several examples were heard of campaigns or pressure that left people feeling their voices had not yet been heard, understood or respected.

Taking the initiative

Only in a few cases had participation been pro-active, people taking the initiative to create and shape the agenda, rather than reacting to legislative or policy proposals.

A case study on the work of the Care Commission

This is used to illustrate the fourth Key Founding Principle of Equal Opportunities.

4. From local to global - diverse ways of participating

Formal and informal approaches

Examples were given of a rich variety of formal and informal ways of influencing the process, and many felt the accessibility of MSPs, ministers and civil servants was much greater now than in the past with the old Scottish Office.

Participation or consultation?

There were different feelings about the usefulness of responding to consultations, but some had positive experience of working with the Parliament and Executive to develop new ways of dealing with issues.

A case study on gender recognition for transsexual people

This is used to illustrate the third Key Founding Principle of *Participation in Policy Development*.

5. How was it for you?

The benefits of participation

Many saw great benefits in participation, not just in terms of direct results achieved, but often in the process itself. Some had learned new skills and knowledge, made new friendships or alliances, or felt valued. Even where no result was achieved, the process seemed to create confidence and build capacity rather than build cynicism.

The costs

However, there were real costs in participation - financial, but also in terms of time and energy, emotional and personal stress, and sometimes the stigma of 'coming out' as a campaigner on an issue. Yet people felt driven to participate, even when the cost was high (a moving story on the abolition of warrant sales illustrates this).

What helped or hindered?

People listed the major factors that either helped them to take part, or hampered them. These need to be taken seriously if real participation is to be increased.

A case study on the petition on haemophilia and hepatitis C

This is used to illustrate the second Key Founding Principle of *Accountability*.

6. Reflecting on experience

Learning from success and failure

The experiences shared at the conference brought home the importance of participation to citizens, to MSPs and to civil servants - and the cost in time, energy and adaptability needed by all. The Conference revealed some deep disappointments, but also seemed for many the first opportunity they had experienced to share and celebrate successes, and cross-fertilise ideas with others.

Ideas for improvement and support

People's direct thoughts on practical ways of making participation easier and more effective are revealed.

Making experiences count

There is much commitment to improving the relationship with the Parliament and Executive - by overcoming the sense of 'them and us' and a hierarchy of power: by making consultation and feedback effective and confidence building: by increasing knowledge of the processes and systems and how they work; and by getting beyond 'professional spokespersons or organisations' claiming to speak for certain groups.

7. Participation: a work in progress - proposals for action

The vision

The vision is of a Parliament and Executive by 2007 which the people can fully trust; that recognises that participation is a deepening process, not simply a way of getting short term needs satisfied: that understands the deep-seated personal, community, ethical and social reasons for people's involvement: and that follows up the many proposals and ideas in the Action Plan stemming from this report.

The action plan

This is presented in the form of four Charts, making concrete proposals to the Executive, the Parliament and the People, for actions to fulfill the four Key Founding Principles. **These cannot be further summarised and should be read in full on pages 53 to 56.**

8. Towards a participative democracy - reflections by the People & Parliament Trust

Much has changed for the better

The Scottish Executive, ministers and civil servants are more accessible and consult widely. The Parliament and especially its Committees are far more open to public involvement than was ever the case in the past. Electronic communication and information is amongst the best in the world.

However, there is a long way to go

There is a long way to go before the people can feel they are equal partners in power in the new Scotland.

The way from consultation to participation

This report includes many ideas for change and improvement, based on real experience. The central need however is to move decisively beyond *reactive* Consultation to *pro-active* Participation. We need to identify, and create, the institutions, attitudes and mechanisms that enable 'the people' to share fully in the development both of short-term policy and long-term strategic goals. Scotland must now develop a coherent strategy of Participation, worked out together by all 3 partners, which can be accepted and implemented by us all.

1. Introduction

"Devolution is not just about transferring power from Westminster to Holyrood, but about changing the essential nature of the processes of government. So the success of devolution must be assessed not just in terms of the output of policy, legislation and services, but in how far and how effectively people are engaged with government."

Jack McConnell, MSP, First Minister, message of support to People & Parliament Trust, November 2003

On 21st November 2003, the People & Parliament Trust, in cooperation with the Scottish Executive, Scottish Human Services Trust and the Scottish Civic Forum, brought together 100 people for a conference: *Sharing Power, Shaping Progress: Towards a Participative Democracy in Scotland*.

Sharing Power, Shaping Progress had three aims:

- To share real experiences of participation in, or attempts to influence, decision-making in the Executive, Parliament or Committees.
- To assess how far peoples' hopes and the Parliament's founding principles had been fulfilled in the first 4 years since devolution.
- To develop practical ideas and proposals for shaping better participation in the next 4 years - and to stimulate people to be fully and directly involved.

The conference aimed to get 'under the skin' of what makes participation work well for people, including the human and ethical elements of participation. It aimed to review the gains made in participation practice since 1999, and to set guidelines for further progress towards real power sharing, accountability and participation: to build on our experience of the first 4 years since devolution in order to shape the next 4 years and beyond.

The event brought three groups together: citizens from across Scotland with personal experience of trying to influence or work with the Scottish Executive and the Parliament; civil servants representing a wide range of departments in the Scottish Executive; and representatives of almost all of Scotland's major political parties. It succeeded in ensuring a culturally

and geographically diverse representation of people, including those often excluded or marginalised because of geographical location, disability, language, sexuality or age.

Who should read this report

If you are already active as an individual citizen, in a campaigning group, in a voluntary organisation, or as a political activist, you will find in this report rich ideas for deepening the way you engage with the Parliament and the Scottish Executive.

If you are already active as a civil servant or MSP you will find many examples and ideas of how you can build and sustain increasingly participative relationships with citizens.

If you are yet to become active – or if you are working in Scotland to reach out to new groups – you will find encouragement, stimulation and surprises here that we hope will inspire you to action.

The design of the November 2003 conference

The conference was designed to maximise the opportunity for participants to share experiences of participation in the government of Scotland, and to enable these to be heard and reflected in the resulting report. It used innovative techniques designed to mix individuals and groups who do not usually or routinely talk to one another.

The conference included the following activities:

- 5 case study presentations, by pairs of people who had been involved in both sides of an issue, talking about their experience of participation in challenging areas of Scottish policy or legislation, followed by discussion.
- 50 groups of two people, addressing a task: in a first session, mapping all their experiences of participation and in a second session, with a different partner, exploring a particular participation experience in-depth, by recording detailed responses to set questions.
- 9 groups of between 8 and 10 people, tasked with describing the ideal participation situation in Scotland by 2007, identifying the current barriers and proposing ways of breaking these down.
- A panel and audience debate on 9 key questions, one posed by each of the nine groups.
- Graphic facilitation - use of colour, words and drawings to highlight key points voiced in discussions throughout the day - some of the graphics used in this report replicate those made on the day.

- A 'graffiti wall', a dictaphone, and evaluation forms for individuals to give independent and anonymous comment, stories or ideas.

This diversity of approaches aimed to maximise inclusion by anticipating that some people are not comfortable speaking in public, that some people need support and prompting to express their views, and that some people wish their experiences and opinions to remain entirely anonymous.

Different types of support were provided to help more people take part such as:

- Hearing induction loop systems.
- British sign language (BSL) interpreters.
- Lip speakers.
- Encouraging people to bring someone to support them.
- Payment of expenses for people who use services and their supporters, and for people who attended in their role as relatives or carers.

The structure and purpose of this report

All the material in the report is drawn directly from the people present at the conference and all quotations come directly from participants.

The information gathered, and summarised in this report, provides a powerful assessment of the extent to which people's real experience of participation in government has been positive or otherwise. The report is set out in a number of short sections. The first sections look at why people are motivated to participate in national policymaking and processes and how they do so. The report moves on to describe and reflect on their experiences. The final sections reflect on their rich range of ideas and offer points of action to help Scotland move decisively towards an increasingly participative democracy by 2007.

The core sections end with summaries of the five case study presentations made at the conference. These demonstrate in very diverse and practical ways the degree to which the founding principles of the Scottish Parliament are being achieved in the real world.

The report has been written for people in Scotland who want to take part in shaping a new relationship between the Scottish Parliament, the Executive and the people. All three partners - the Parliament, the Scottish Executive and the people - should find inspiration from the personal experiences and ideas for action shared by participants.

Public petition when Scottish Parliamentary Committees worked in a non-partisan way to get the Executive to think again

In March 2001 the Executive published Circular 2/2001 on the Conduct of Sex Education in Schools, as required by the Standards in Scotland's Schools etc. Act 2000. Scrutiny of the small print revealed that many of the classroom materials for the Sex and Drugs lessons contradicted the main guidelines and Executive assurances. Appalled by the content of some of the resources, **Rev. Iain Murdoch** met his local MSP Jack McConnell who was also Education Minister at the time. All subsequent correspondence produced official denials that there was any problem. Rev. Murdoch then wrote a letter to all the MSPs and, together with a Catholic priest, started a petition that got 12,000 signatures.

"Gill Patterson [MSP] suggested the Petitions Committee. I'd never heard of it before that. We held an exhibition to show the materials to local people so they could decide for themselves and we held a press conference and spoke on the radio."

After the election, the new Education Minister sent a 3 page ministerial rebuttal to all MSPs and Directors of Education saying there was no problem. Nevertheless the Petitions Committee unanimously held that there was a case to answer and passed the matter to the Education Committee.

Mike Russell, former MSP and then member of the Education Committee, noted the difficulties caused for Committees dealing with contentious issues where the media seize on the issue. However MSPs had been shown the materials in their surgeries and were shocked. The wide base of the petition also impressed the Committee. The persistence of the petitioners was key, allied with a natural sense of unease when Committee questions to the Executive were not answered or answered only after long delays and then without clarity. It also helped that the Committee was used to working together and rose above political disputes to look at real issues.

In April 2002 the Education Committee upheld the concerns in relation to the Sex Education materials. Initially the Minister and her official advisers declined to move. However, after 2 further requests from the Committee, they confirmed that the list would be withdrawn and reviewed. Iain felt it could have been so much easier, "if the Executive, politicians and civil servants had just been more open to considering the concerns and admitting there were flaws."

The outcome showed that persistent individuals, with a good case, could get a hearing, but there seemed also to be a lot of luck involved. As Mike

Russell put it, "systems shouldn't work by happy accident". Both Ian and Mike emphasised the energy that had been required to pursue this; not everyone has this. "How can we ensure support for people who are weak or vulnerable to come together in groups or to enlist other people to help, including MSPs?"

Accountability

- The Scottish Executive should be accountable to the Scottish Parliament and the Parliament and the Executive should be accountable to the people of Scotland.

Consultative Steering Group on the Scottish Parliament: Key principles into practice 2

2. Setting the Scene

People & Parliament

The People & Parliament project started in 1998 when a group of concerned Scots sought to:

- Deepen the debate on Scotland's new Parliament by bringing out the sense of identity of our people and their vision for the future; and
- Broaden the debate by bringing in groups and individuals usually excluded or marginalised.

The project was convened by Canon Kenyon Wright, chair of the executive of the Scottish Constitutional Convention, the body that steered the consensual political process that led to the setting up of Scotland's new Parliament.

Between April 1998 and June 1999, the People & Parliament Trust organised group discussions and conferences throughout Scotland involving 3500 people, culminating in a major report and a national conference. These looked at the actions and projects most likely to make a difference to the relationship between the people and their Parliament. The outcome of these discussions is described fully in *People & Parliament: Reshaping Scotland? The People Speak, The Report of the People & Parliament Project 1999*.

The November 2003 conference - *Sharing Power, Shaping Progress* - is part of the continuing work of the People & Parliament Trust with the people, Parliament and Executive.

The founding principles

In the lead up to the establishment of the Scottish Parliament, the Consultative Steering Group on the Scottish Parliament set out four key principles (called the 'Key Principles into Practice') for the new body:

- Sharing the power.
- Accountability.
- Access and participation.
- Equal opportunities.

In 1999, the findings of the People & Parliament project demonstrated that the people were united behind these principles and were wishing for a different relationship between government and people, based on ideals of participation and citizenship.

The November 2003 *Sharing Power, Shaping Progress* conference showed that passion for the vision was still there, although there was some disillusionment and anger. Some people felt let down and betrayed "by the Parliament", "by them". Some felt that relationships with Westminster were constraining Scotland. Others were still struggling to understand which powers were still reserved to Westminster.

The conference therefore introduced the questions: What is still to do in putting the founding principles into practice? How can it be done? Has experience altered the ideals since 1999?

What do we mean by 'participation'?

Scotland shares with other western democracies a sense that representative democracy has grown thin and that this is evidenced by widespread disillusionment with conventional politics, resulting in voter apathy. At *Sharing Power, Shaping Progress*, Joyce McMillan summed this up: "We have a tendency to sit on the sofa regarding the whole thing as a spectator sport; run by people for their own self-betterment, in a cynical way, and with a mutual cynicism between politicians and citizens which doesn't help any of us."

A participative democracy can overcome this, as it goes beyond voting for representatives, to create a different kind of democracy, where:

- Participation is not the preserve of the few and there is an assumption of participation by all.
- People have ongoing opportunities to become practically involved in making policy and have the support they need to do this
- We are all part of a civil society which takes forward and shapes its own agenda and changes the terms of political debate.
- We go beyond educating people about structures, and give people more experience of using them.
- It's not about 'us and them'; it's about 'we' - we recognise the multiple roles people play and the value all of these roles.
- It is not just about the personal or self-interested; people acknowledge and play a part in other people's agendas.

In reflecting on positive experiences, the feelings of many were nevertheless summed up by one person:

"Parliament needs to organise itself in a new way to encourage participation. Consultation often seems mechanised rather than real... we need to be involved at an earlier stage and we need evidence that our voices have been heard."

Canon Kenyon Wright reminded the conference that without a second chamber to the Scottish Parliament, the people must serve in its stead. This implies that we need a strong pre-legislative phase and even stronger methods of scrutiny, and that both need to include the active participation of the people.

Participation in land reform

Land reform is an exercise in redefining and redistributing rights and power relations concerned with ownership of land. The election of a Labour Government in 1997 and the establishment of the Scottish Parliament meant there was legislative space to do something and the political will to address an issue which had been off the political agenda for the best part of 100 years.

Andy Wightman, a land reform activist, was in regular contact with the civil servants in the Land Reform branch who have been responsible for taking forward the legislative programme. He observed that the process of participation in most cases improved the outcome and led to better legislation and policy. In some cases however there remained a deep-seated resistance to some ideas; Andy believed this was related to not wanting to drive radical change too fast or too far in a young Parliament.

The outcome has been a number of new land related laws, most prominent being the Land Reform (Scotland) Act 2003, which should come into force in Spring 2004. In Andy's view, an equally important outcome has been the adoption of land reform into the mainstream of public policy and the benefits associated with being able to talk openly and rationally about the topic.

These feelings were echoed by **Richard Frew**, speaking about his role as a member of the Executive's Bill team:

"I had a strong personal interest and commitment to it. We undertook a consultation exercise and received 3,500 responses. We took account of them all. But written consultation doesn't suit everyone. You also tend to hear from the same people about the same issues. Civil servants have to get out from behind the desk and go out and talk to people, to hear from everyone who is affected. The Scottish Executive civil servant wants their policy to work...individual issues are important because they raise points which civil servants and experts haven't always considered."

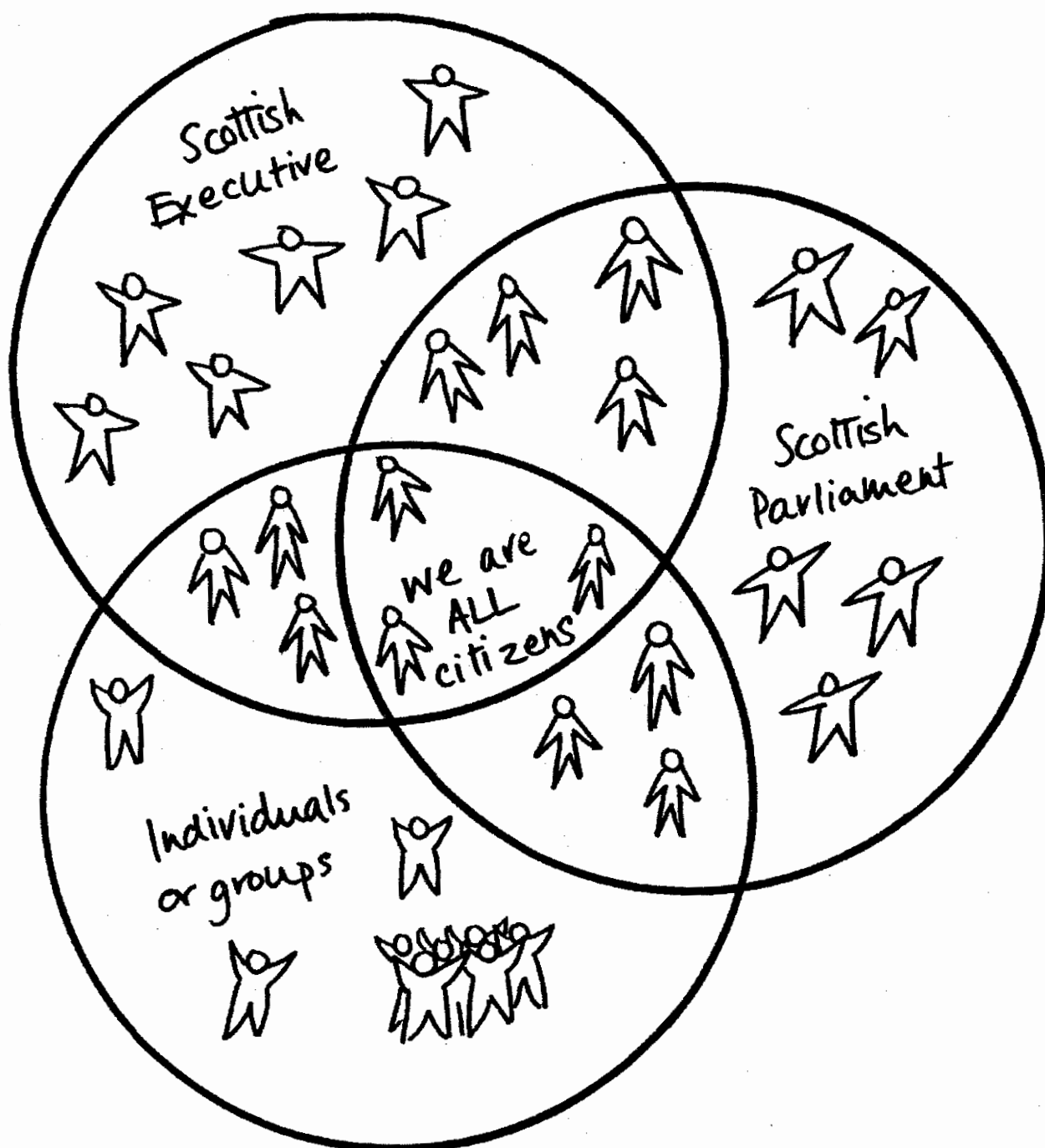
When the Justice 2 Committee scrutinised the Land Reform (Scotland) Bill, they took evidence from witnesses who had responded to the consultations - it was important to them that the participation of the public carried through the process. Open and accessible civil servants are fundamental to this, but Richard acknowledged that this does not happen with every piece of legislation or policy making.

Sharing the power

- The Scottish Parliament should embody and reflect the sharing of power between the people of Scotland, the legislators and the Scottish Executive.

Consultative Steering Group on the Scottish Parliament: Key principles into practice 1

"IT IS NOT ABOUT US AND THEM"



3. Why people participate

"This was just so important I had to come."

The range of topics which have motivated people to participate with the Executive or Parliament extend over almost every aspect of national policy: health, education, environment, social and community care, gender and age issues, inclusion and social justice, housing and land reform.

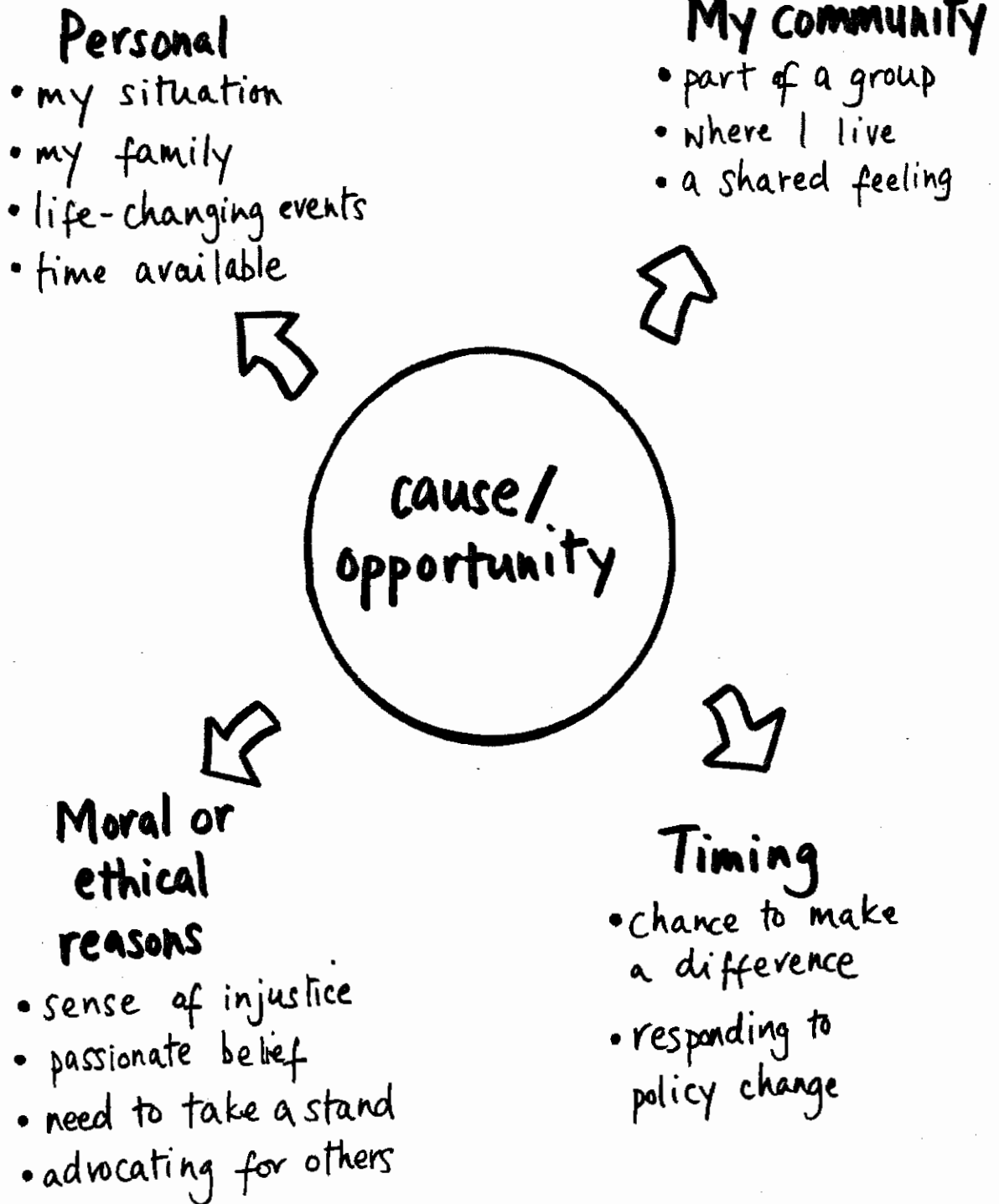
For some people who attended *Sharing Power, Shaping Progress* the initial motivation to participate with the Executive or Parliament came from a local event or situation with a direct impact on the person, their family or their community. Some people clearly felt they had no option but to become involved: "As a parent of children with special needs I had to be involved and kept informed of what the [education] policy was, is and will be - and aim to improve it!" It was striking how personal motivation later extended to embrace the agenda of a wider community and the moral, social or ethical issues affecting it.

But in many cases, powerful feelings of empathy and common humanity were the first motivation to participate - addressing injustice, sharing skills, or making a contribution.

Having both the opportunity to make a difference and being able to make the time to participate were key factors enabling both sets of people to participate, with some people making time in very pressured circumstances.

Page ²⁴~~26~~ illustrates the main triggers for participation expressed by people attending *Sharing Power, Shaping Progress*.

WHY DO PEOPLE PARTICIPATE?



Worry, concern and sometimes outrage

Most participation was reactive: people responded to something which had gone wrong for them and those they care about; or they responded to an invitation to give their views or to take part.

In some cases, MSPs had played a key role in suggesting a way of participating which may not have occurred to their constituent. Whatever the flaws in the process which followed, some people participated because it was positively suggested or they were directly asked. Several deaf people pointed out that they want to participate and are strongly motivated to address the barriers that exclude them from doing so. They and others gave examples of mounting campaigns and putting pressure on Parliament and the Executive without, as yet, feeling that their point is understood or respected.

"My son was 'entrapped' at Carstairs State Hospital. It was supposed to be temporary but then he couldn't move back because the local medium secure unit was full. We gathered evidence and complained to the Health Board. It took two years and during this time we involved our local MSP. She suggested going to the Parliament, the Petitions Committee, so we did. We presented evidence there and our MSP helped us to work through the whole system.

The petition was referred to the Health Committee, which thought it was very important, and we all pushed for a review of the mental health legislation. The media reaction encouraged others to come and support us. It has given me more confidence that I can participate and people with mental illness the confidence to speak up for their rights. I'm now more involved in a local group."

Taking the initiative

"My participation helps to draw the attention of various MSPs to aspects of ageing and its problems."

Some participation was pro-active - people getting involved in creating and shaping the agenda. However this was a less common experience.

For example, a group of 8 people with learning disabilities wanted information about the Independent Living Fund in relation to employment and could not get access to the information. A person

supporting the group said, "We e-mailed the questions to the Scottish Executive and the Parliament websites. This led to discussion with the Scottish Parliament Corporate Body (SPCB) about access to information and to the Parliament. The group negotiated that they would create an accessible booklet about voting. The SPCB worked with them on it and paid for publishing the booklet."

"It wouldn't have happened if the group hadn't got involved. They kept saying the Parliament wasn't accessible, so the SPCB had to respond. What made it a success was the willingness of the officials to take the time to work with the group and make sure they had a say."

Participation in the Care Commission

The Scottish Commission for the Regulation of Care (the Care Commission), was set up under the Regulation of Care (Scotland) Act 2001 to put in place a new unified system of regulating care which focuses on the best outcomes for people.

How could it, as a non-departmental governmental body, build in participation to the development of policy and their work? **Ronnie Hill**, a Care Commission regional manager and **Janis Pelosi**, a Care Commission Board member who holds one of three places reserved for service users or carers, explain the challenges.

"Before the Commission was set up there was wide consultation carried out by the Scottish Executive on national standards. We now want to be independent and impartial, to hear outcomes from people and to be transparent in what we do. But we have to think hard about how we do this.

We need to offer help and support at a local level to get people involved at the individual level, but also at delivery and strategic levels. This means we have to build confidence - of everyone involved. Some of the work we are taking forward includes:

- Seeking users and carers views at inspections.
- Bringing people who use services and carers together with other stakeholders in advisory working groups.
- Advertising on websites and other media as a means to promote involvement.
- Local meetings with service user interest groups.

The law has ensured that users and carers are represented on the Board - not to 'represent' but to make sure that expertise is sought and listened to. We still have difficulties in helping people to participate at other levels. One difficulty is geography and the other is that the rules which apply to us don't allow the Care Commission to pay travel expenses, yet our two statutory forum meetings are only in Aberdeen and Glasgow this year."

Equal opportunities

- The Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all.

Consultative Steering Group on the Scottish Parliament: Key principles into practice 4

4. From local to global: diverse ways of participating

"It began by going to an Older People's Agenda course. Then I became a member of a Carer's Forum and then I became the patient representative on the local diabetic service advisory group. Now I'm a Scottish Civic Forum member. It's about empowerment and confidence."

Formal approaches

People who attended *Sharing Power, Shaping Progress* had made a direct connection to the Executive, MSPs or Parliament by:

- Writing letters or emailing.
- Giving evidence to a parliamentary committee.
- Visiting Parliament.
- Inviting the Minister to visit.
- Petitioning the Public Petitions Committee.
- Taking part in or initiating policy or legislative consultations.

"We visited Parliament as guests of our MSP and attended First Minister's questions. Our local MSP came to one of our Seniors Forum meetings at our invitation. The Forum has lobbied the Scottish Parliament about pensions and as members of the local health care co-operative we have contributed to consultations on health matters."

Informal approaches

Informal approaches are actions taken outside, or semi-detached from, the structures of government. These were more likely to be used where people had perhaps tried a formal approach and not been listened to or not received the desired response and included:

- Lobbying and leafleting.
- Direct action e.g. demonstrations, sit-ins.

- Finding allies e.g. petitions, action groups.
- Using the media e.g. writing articles, speaking on the radio.

Some of these were pursued because people did not or do not know how to get linked into government processes. In other cases they were used in addition to participating in these.

"The campaign committee [against the Skye Bridge Toll] wrote to MSPs and organised demonstrations on the bridge. I challenged criminal law, carried out my own defence, including at the appeal court, and was imprisoned for 11 days. I also prepared and gave evidence to parliamentary committees and the National Audit office. We built confidence amongst the community on Skye and the action has got the message across to Parliament. We didn't feel we were being listened to or that reasonable consideration was being given to our points, but we can see now that the government is taking our situation seriously."

Participation or consultation?

Where people participated in actions to lobby or petition Parliament or the Executive, they were attempting to force these bodies to respond to them in finding a joint way forward. In a reversal of 'top down' assumptions, these actions constitute the people encouraging the Parliament and Executive to participate.

However there were a number of examples where 'participation' simply meant people going along to a meeting or responding to a consultation document. There was no further involvement given or sought in the process of developing the policy or legislation. This sometimes left people feeling frustrated or unwillingly passive, as one person illustrated:

"We didn't take a role as such... just putting your view forward. I feel the whole consultative process... was merely paying lip service to the need for consultation. You got the overwhelming feeling that the outcome had been decided before the consultation started... I felt I had done all I could do in the circumstances."

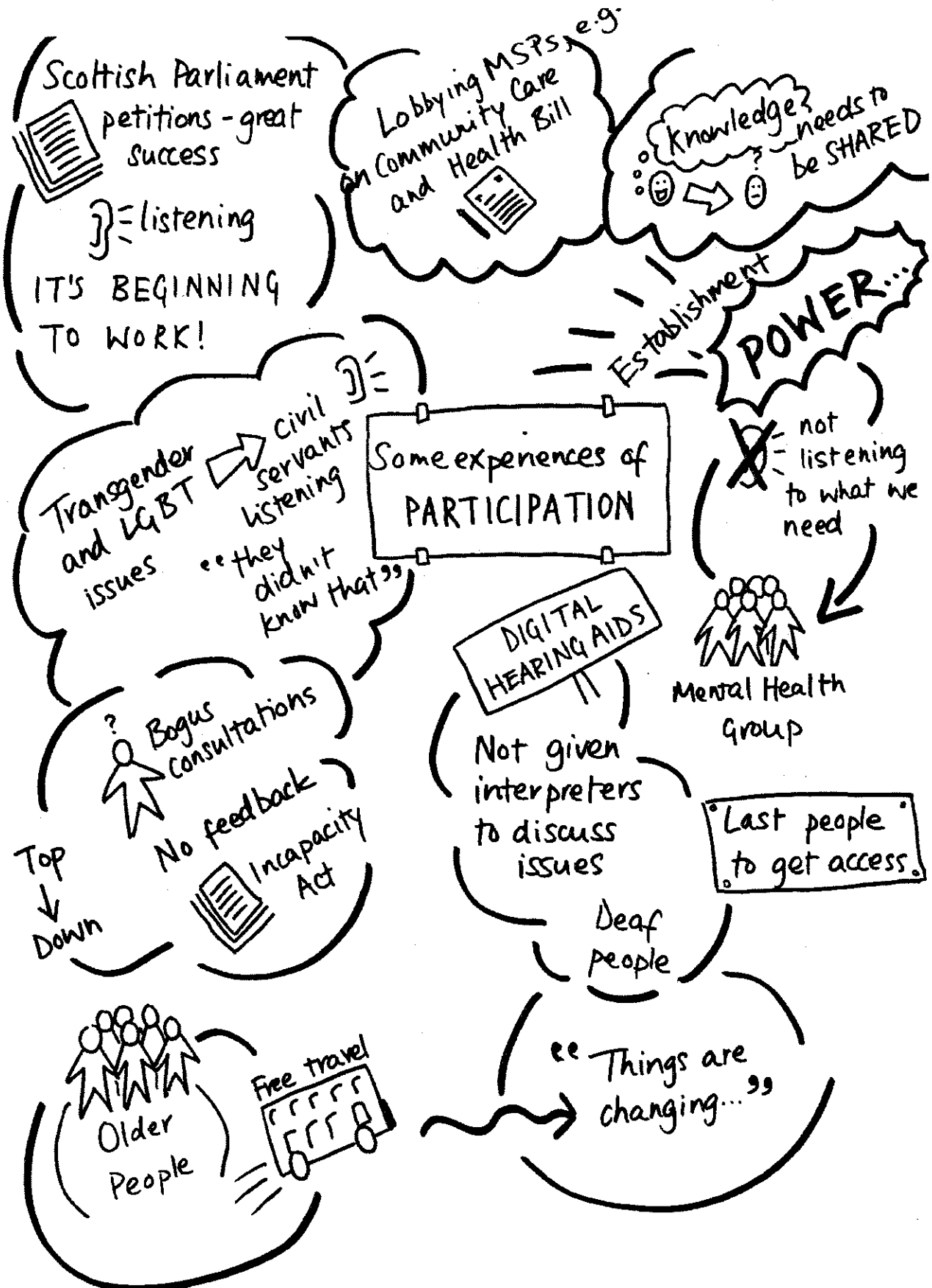
More positively, there were also examples of people working jointly with the Executive and Parliament to develop new ways of addressing issues of concern. For example, the Highland Users Group, a group of people

who use mental health services, wanted to see a national body established which would represent people who use services. They carried out work to establish what people who use services would want. They took part in discussions with the Scottish Executive Mental Health Division,, who could see that a national body would assist, and who have responded with both public support and funding.

James, speaking as a member of the Equality Network Transgender Issues Forum expressed his view of their progress since 1999:

"We used to be outside the building campaigning; at least now we're inside talking to people."

SOME EXPERIENCES OF PARTICIPATION



Participation in gender recognition for transsexual people

The UK, including Scotland, does not provide legal recognition of the acquired gender of a transsexual person. The European Court of Human Rights found against the UK in July 2002 and the UK was then obliged to remedy the ECHR breaches at the earliest opportunity.

The Scottish Executive had to consider carefully and reach a view on what legislative outcome was sought and on the best means of achieving legislation. They realised that the input of the potential users of the legislation was essential to ensure that a comprehensive gender recognition solution emerged and that the issues and day to day problems were properly understood and owned by everyone involved. The Equality Network (who campaign for human rights for lesbian, gay, bisexual and transgender (LGBT) people in Scotland) and the Justice Department jointly arranged meetings between civil servants and a broad spectrum of Scottish transsexual people during 2003.

Claire, a civil servant, spoke about this experience:

"It was nerve wracking. We didn't know what to expect when we went into the room the first time: we feared hostility from a group of people who'd been battling with government for their legal rights for a very long time; we were frightened of inadvertently saying the wrong thing and offending people; but we also thought people might be relieved that finally something was going to happen. There was tension on both sides but we relaxed into it and it became a very rewarding and useful process.

What did I feel overall? It was valuable; it has made a difference to identifying gaps in the law that the Executive simply hadn't thought of. The law will be better as a result. The process made us, as civil servants, move out of our comfort zone in dealing with difficult or controversial or new issues. We will be more able and confident the next time, building on this experience."

James from the Equality Network Transgender Issues Forum reflected:

"I started out sceptical. I thought civil servants would be stuffy and arrogant and not interested in talking to anyone under the age of 30, but I was surprised at how down to earth and keen to listen the civil servants were.

The Equality Network was instrumental in helping transsexual people to prepare for participation. The Executive people didn't

dismiss our concerns with platitudes or empty promises. We could debate even difficult and controversial issues and disagree with respect. Civil servants and transsexuals were equals in the discussion and civil servants went the extra mile, beyond the legal issues, and helped to broaden out discussions; for example they set up a video-conference with the Association of British Insurers on insurance issues.

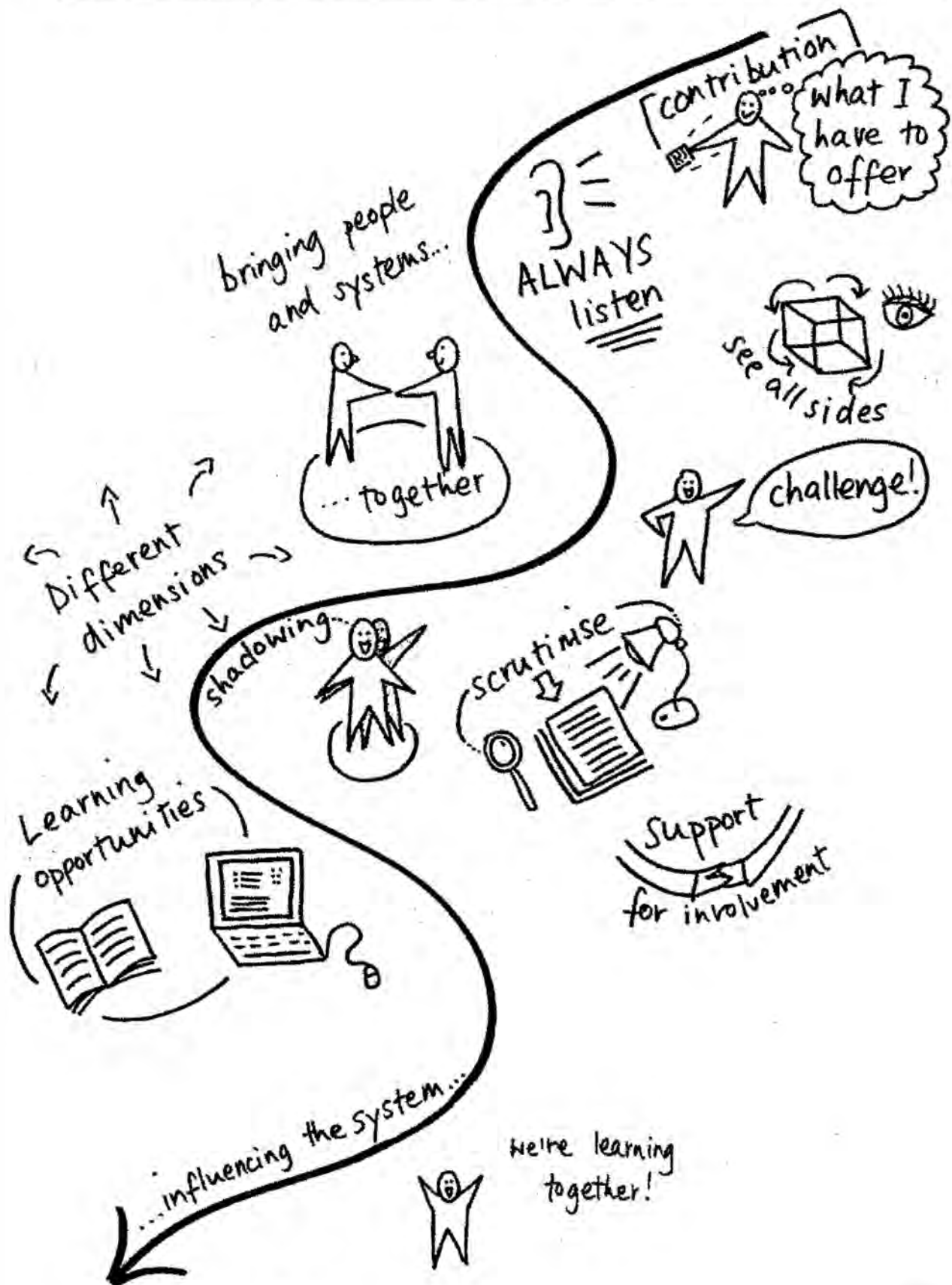
We learned about the Scottish Parliament legislative processes and how they interacted with Westminster. The participation meant we felt this wasn't just about the Scottish Parliament being forced into action by the ECtHR, it was about making legislation relevant to our needs. We had a better understanding about how the legislation would work and what the difficult aspects would be and this was vital to trusting that the government was trying to help rather than harm us. The whole thing has encouraged us to get involved in further participation. Scottish transsexual people are now helping people in France, South Africa and America to improve their legal gender recognition situations."

Access and Participation

- The Scottish Parliament should be accessible, open, responsive and develop procedures which make possible a participative approach to the development, consideration and scrutiny of policy and legislation.

Consultative Steering Group on the Scottish Parliament: Key principles into practice 3

THE LEARNING CURVE



5. How was it for you?

The experiences of participation and associated emotions were as diverse as the ways in which people participated.

Benefits of participation

As people spoke about their experiences they shared information about the benefits of their participation.

- Developing skills and knowledge.
- Taking part in new activities.
- Influencing the outcome and achieving results.
- Learning something new.
- Meeting new people.
- Achieving something new.

Some people saw participation largely as a means to an end, although sometimes it had deep personal benefits.

- Meeting like-minded people.
- "The support of others has been an enriching experience".
- Growing confidence.
- Shared learning.
- "Feel valued and appreciated".

These were the elements that kept people involved or made them try again where they felt that had not had as much impact as they would have liked.

As we will see, people also spoke about the costs of getting involved. Yet (with some notable exceptions) even where the experience or the outcome seemed negative, the effect of taking part seemed as likely to build capacity and confidence as to build cynicism or despondency.

A number of people commented that a benefit of participation was that they now "knew the system for good or bad". This contrasted with those who had not yet become involved with the Parliament. For example, one

person said " I want to know how and when things can be put to the Scottish Parliament and what is required to get one's voice heard?"

There were several examples of mutual benefit: people felt their contribution was valued and would lead to direct improvements of policy or legislation affecting them or those they cared about; policymakers recognised that the support of, and information from, people with direct experience made for effective policy and legislation and smoother implementation. This sometimes had a striking impact on civil servants and changed their views about the value of speaking to different people:

"We held a series of consultations with young people, parents and teachers - they all had different viewpoints. Children told us different things, defined success and failure in different ways. It was hugely influential in setting a new agenda, getting us to ask different questions, looking at trust and relationships rather than concentrating on procedures for protection."



But did we get a result?

"It's given me confidence, made me go places, I'm recognised. I hadn't been out of Edinburgh for years - the first time my daughter took me down to the bus I was so nervous. I hope it has helped highlight the hearing issues. We're still fighting and it's a slow process but the government has made a Bill about hearing awareness and loop systems."

Costs of participation

In most cases there were also significant costs attached to participation: "the amount of effort to the detriment of other matters, my college course foregone, my family, the financial cost." For most people the costs related to:

- Time and energy, sometimes leading to absence from work or family - "too many late nights reading draft bills...absence from work and then some!"

- Money - "I don't do enough paid work because of campaigning."
- Personal stress - "It's emotionally stressful, talking about the effect something will have on your kids."

Others experienced stigma as a result of 'coming out' about an issue, and for some the regrettable cost of trying to participate was a greater sense of mistrust, and disappointment or disillusionment.

A recurring theme was that sometimes people are driven to participate, even when the personal cost is high: "If we had not stirred the waters, would anything have been done?" Yet many of the stories of participation inspire with the sense of retained optimism and humour, despite the setbacks and costs. The question, perhaps, is what can those with power do to minimise the time and stress on those who need to participate or those who want to participate?

The abolition of poinding and warrant sales

"I'm an anti-poverty campaigner and activist. My mother lived in fear of the Sheriff knocking on the door and taking things away. I appeared before the Committee [social justice] to talk about our experience. I asked my mother to speak but she said it was too shameful, so she wrote it down and I read out my Mum's own words. It was the early days of Parliament and we were among the first ordinary people to give evidence. I was nervous because I'd never done anything like that before but I felt so strongly I faced it, and once I started speaking my mother's words I wasn't nervous. I'm very proud of my mother, her experiences being read out in Parliament.

It helped that the Committee was a human sized group of people and I didn't have to travel to London - coming to Edinburgh wasn't too bad. Also I had the support of other people with the same experience - people in Scotland share experience of poverty. When I came out I thought 'if I can do this, I can do anything' - it was amazing for my confidence and when the Bill was passed, we felt that together with other people our pressure had had an impact. We've encouraged other people. I would have liked more feedback directly after though, from the Committee - we didn't know what to do, so we went to the pub.

My original hope and optimism has been squashed a bit. It feels like it's been put in a box and someone has sat on it, because another Bill was brought in which reintroduced poindings and warrant sales through the back door. But we've got to push the lid up. I'm confident we can do it."

What helped people to participate?

These were some of the factors that contributed to positive experiences of participation:

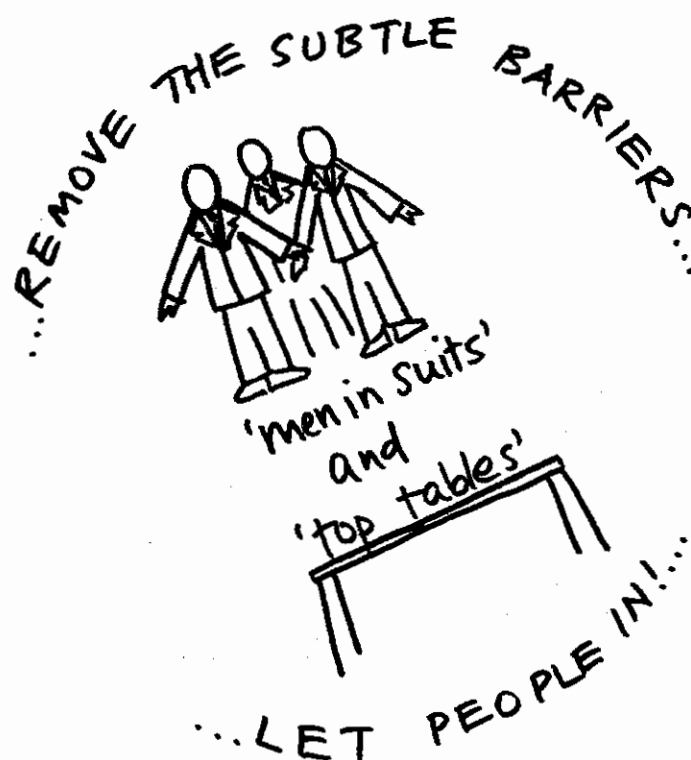
- Being asked.
- Support for less experienced people; a sense of teamwork and joint endeavour.
- Shared experience e.g. of disadvantage or perceived policy failure.
- Perseverance, determination and commitment: "It's like steering a ship, sometimes we had to tack but we kept our eye on the destination, which is now in sight."
- Passion.
- Accessible MSPs "willing to get [her] hands dirty".
- Accessible buildings - "For the first time I had a voting booth at the right level for my wheelchair."
- A welcome e.g. from Committees.
- Support and commitment from officials - being taken seriously.
- Honesty and transparency.

What made participation more difficult?

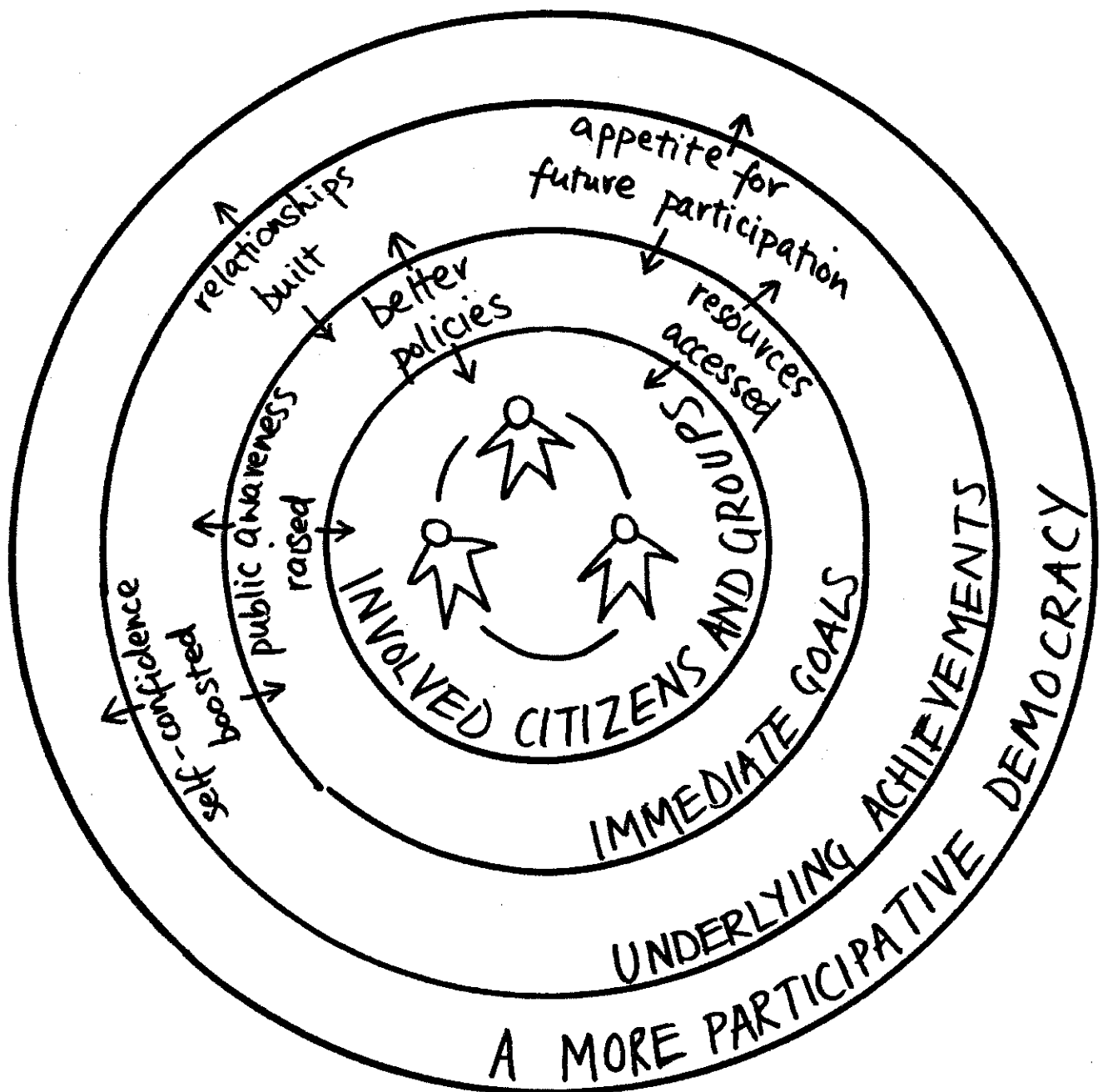
- Lack of knowledge or information: not knowing how to ask the right questions and of whom.
- Stereotyping: "People get judged by the way they dress and talk."
- Fear amongst those in power of admitting flaws, or of giving the bad news as well as the good news.
- Feeling that people 'in power' are not listening or are not open to concerns.
- Lack of supports to communication e.g. BSL interpreters, alternative formats.
- Lack of trust e.g. perceptions that consultation is 'lip service' and that some consultees are more equal than others.
- The time participation often takes.
- The stress participation often causes.
- The financial cost of participation.

"What does the Scottish Executive mean by 'consultation'? The consultation over the Adults with Incapacity Bill involved a lot of academics and I doubted their independence. The people who got involved were those who were invited and it's always the same people - they need to talk direct to the people affected by the issue, not to representatives. There was no feedback and the final legislation bore no resemblance to the consultation I was involved in. Did anyone listen?"

The graphic on page ⁴²~~44~~ summarises the multi-layered benefits of participation identified at *Sharing Power, Shaping Progress*. The next sections reflect further on these experiences and start to identify what needs to change and actions for change.



WHEN PARTICIPATION WORKS FOR INDIVIDUALS AND GROUPS



Public petition on haemophilia and hepatitis C

In 1999, the Haemophilia Society in Scotland petitioned the Scottish Parliament to hold an independent public inquiry into hepatitis C and other infections of people with haemophilia from contaminated blood products received between 1970 and 1990. They were also asked to consider financial assistance similar to that already provided for people with haemophilia affected by HIV. 80 MSPs from all parties supported the call.

The Petitions Committee is one of the strongest elements enabling participation in the Parliament and anyone can bring a topic to this Committee, providing it is not the first point of call. **Philip Dolan**, petitioner for the Haemophilia Society, found the process and the Committee 'excellent'. The Petitions Committee directed the issue to the Health Committee, which had to decide whether it would investigate. **Margaret Smith**, MSP, the then Chair of the Health Committee commented: "The Committee took ownership of the issue and shared the anger of the individuals they were talking to - we wanted to do something quickly and get some modicum of justice for the campaigners - it had been dragging on so long."

The Health Committee took limited evidence from a range of people including 5 members of the Haemophilia Society. They rejected a report by the Scottish Executive Health Department, which had failed to interview haemophiliacs. The Committee and the members of the Haemophilia Society spent the total life of the first parliament working together on this issue and the support was 'dogged', unanimous and cross-party - it was not seen as a political issue. The Committee was supported by the petitioners who were giving good information all along.

The current position is that an Expert Group, set up by the Scottish Executive and chaired by Lord Ross, has recommended compensation for anyone infected and relatives where the person has died. The Minister's response has been to consider payment at less than half the recommended amount and no provision for relatives of those who have died. The Health Committee in the new Parliament is not taking it forward, but Phillip Dolan and his co-petitioners do not know why, asking, "is it now a political issue?" Philip was aware of discussions held between Ministers and civil servants of Scottish and Westminster Parliaments and believes the Scottish decision was made with reference to Westminster.

Margaret Smith believes that "a difference was made even though people didn't get everything they wanted" and that the Scottish

Parliament changed the view of the Westminster government, which had set its face against compensation. However the impact on social security payments, where powers are reserved to Westminster, has still to be resolved and so is delaying settlement.

Philip Dolan sees it differently. After a time consuming and personally stressful, but generally positive, experience of working with the Scottish Parliament, he now asks:

"What is the point of voting for a Parliament that has to look to Westminster before it can make decisions? Why were announcements made after secret meetings with Westminster ministers or officials, which then did not reflect the recommendations made by the Scottish Executive's own Expert Group? Is the Scottish Parliament still in thrall to Westminster?"

Accountability

- The Scottish Executive should be accountable to the Scottish Parliament and the Parliament and the Executive should be accountable to the people of Scotland.

Consultative Steering Group on the Scottish Parliament: Key principles into practice 2

6. Reflecting on experience

"Before the Scottish Parliament, we would write letters and contact our MPs and we didn't get much joy. Now we get a positive response from Ministers, they agree to talk to people. Yes, there are flaws, but they will be ironed out."

Building in scope for reflection about processes is important in order to keep learning - from successes and failures. The experiences shared at *Sharing Power, Shaping Progress* brought home:

- The price people sometimes pay for participation: in terms of the occasional stigma of 'coming out' as an activist, the financial cost, family and personal stress, and even imprisonment.
- That the Executive and MSPs rely on the knowledge, information and support of people on the ground.
- That civil servants and the government may be as nervous of talking with people who have been denied their rights as those people are about how far they can trust the government and civil service.
- That there are significant knowledge gaps for some people - about where to go to have their voice heard, about the Scottish Executive and Parliament, about Holyrood's relationship with Westminster.
- That sometimes the only way for people to get their issue noticed and given priority, is to go outside Scotland, e.g. to the European Court of Human Rights.
- The benefits to communities wishing to raise issues in having a wide range of allies in their group, in ensuring that new people are welcomed, and in ensuring that all contributions are valued.

Where people were disappointed in their experience of engagement with the government, this disappointment was deeply felt. Where the experience had been successful, this conference seemed for many to be the first chance to celebrate and reflect on this, cross-fertilising ideas with different people and groups. From the diversity of policy areas, of ways of participating and of outcomes, common themes emerged about how the experience of participation could be made richer. These themes are listed under the four headings below.

"The Scottish civil service culture is changing. There is no doubt that the civil service and MSPs are committed to facing outwards - we are thinking about how we can help people participate - because it will help us to make better decisions. But we aren't always that good at it and we can be constrained by protocols which get in the way of direct and genuine communication."

Improving the process of participation

- People need to be involved earlier in the process, and actively to feel that their contribution is heard and will make a difference.
- We need to find ways of making people mix - from the Executive, Parliament and people from different backgrounds or interests - such as more ways for people to work together on an activity.
- There are questions about the legitimacy of professional 'spokespeople' - processes need to allow more direct talking and less representation.
- Meetings need to be better designed and managed, to enable attendance: "it's rather difficult to explain to an employer that you'd like time off work to attend a meeting on gender recognition for transsexual people."
- There needs to be more respect, "not being considered an idiot."
- The process needs to be action centred, "not a talking shop" and enable people to ask more and better questions.

Support around participation

- More guidance and support is needed on processes to make it easier for people to be confident about participation.
- More information needs to be provided beforehand e.g. copies of agendas, information about Committee processes, information about roles of different civil servants, better introductions and repeated introductions. "During the whole of the first meeting I was confused about who was who and didn't have a clue in what capacity Claire, for example, was involved with the bill".

Participation practicalities

A host of simple practical improvements would make it easier for people to participate:

- More BSL interpreters.
- Help with transport.
- Better information to inform debate.
- Payment for expenses and for time: "Are we really still talking about whether we can pay expenses, when it is fundamental to enabling people to participate?"
- Longer lead-in times for individuals and groups to respond or to make arrangements which would allow participation.
- Better access - physically e.g. roving Committee meetings, and to information e.g. widening methods of communication at every stage.
- A menu of consultation approaches used by the Scottish Executive, where there is always more than one choice i.e. moving away from written consultation as a primary means, and the Executive publicising and building capacity to provide for a particular need.

Reinforcing participation

- More frequent feedback about what is happening between meetings, "even just to say 'We're working away and it's all going according to plan'. Otherwise it is difficult to trust."
- Provide evidence that advice and views are listened to and acted on - acknowledgements, summaries of responses.
- Always issue minutes of meetings.

Taking the experiences as a whole

It seemed clear that people are committed to the relationship with Parliament and to improving it. Some key messages emerged when reflecting on experience:

- There is still a strong sense of 'us and them', of a hierarchical power relationship, with the people at the bottom. This is reinforced by a gap between 'consultation' and 'participation'. People who were consulted did not generally perceive this as power sharing, although they nonetheless valued being asked for their opinion. The constitutional assumptions for a different kind of democracy require a different kind of participation. This in turn requires a culture change.
- Effective consultation enables and supports people to respond in different ways and ensures they get direct feedback about how their views have made an impact. Effective consultation plays a powerful role in building confidence about participating in breaking down barriers between 'us' and 'them' and in preparing people for a different kind of democracy.
- People do not always know what the processes and systems are for engaging with government and many do not know how to find out. One person summed this up: "Participation is about knowledge. What is missing for a lot of people is knowledge about where to go to influence. It is about relationships, you have to meet people and know where they are." People learn by doing. But to 'do', people have to have the opportunity and support to 'do'. This is especially the case for people who feel disempowered or marginalised.
- There is mistrust of systems which rely on 'self appointed' professional spokespersons or on organisations which claim to represent particular groups. People, groups and organisations have a responsibility for ensuring their own democratic accountability.

If these are reflections on the experience of people participating in a devolved Scottish Parliament over the last 4 years, what needs to change by 2007 to fulfil the four founding principles of sharing power, accountability, access and participation, and equal opportunities? And how can we all act on this?

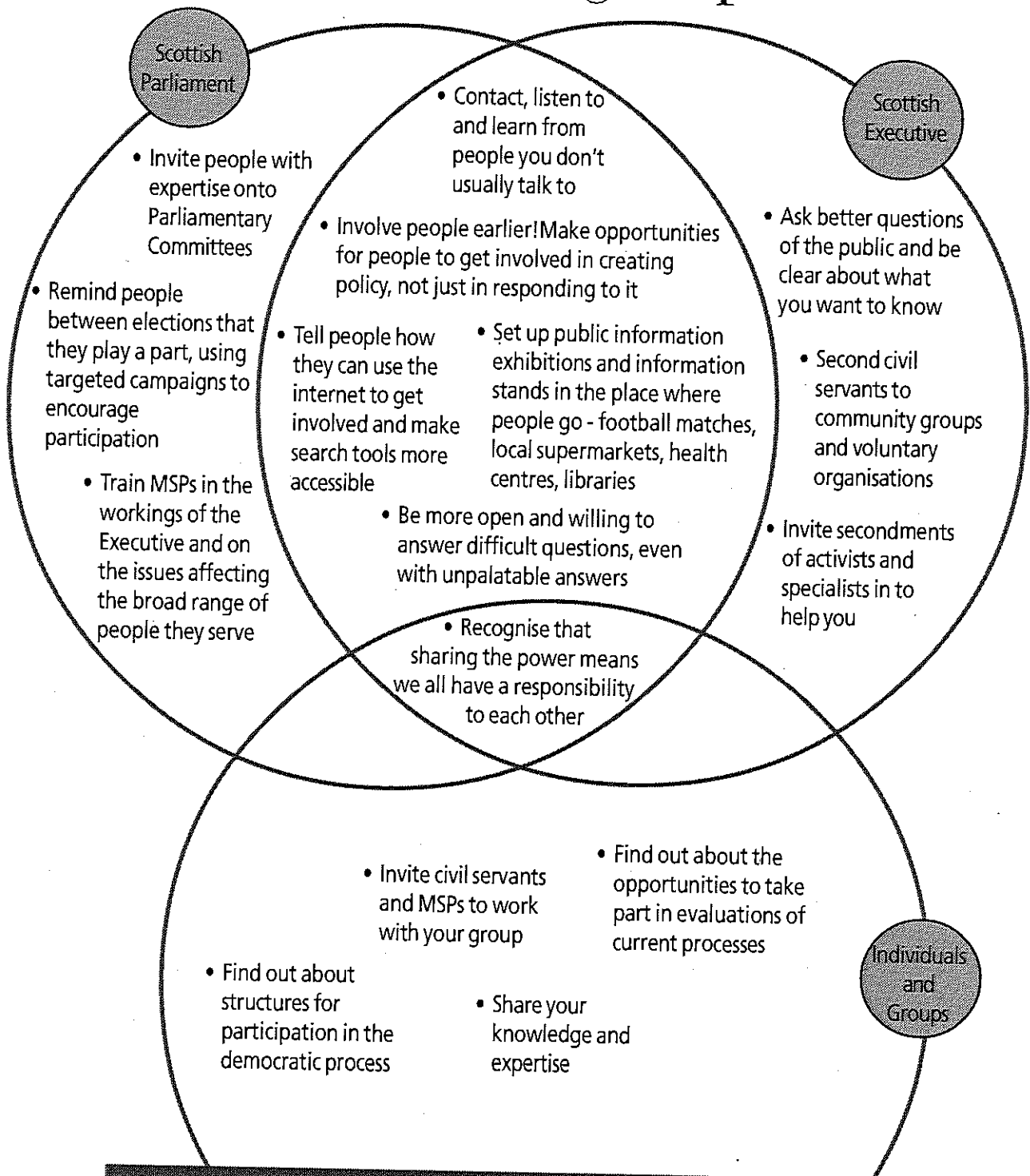
7. Participation: an action plan

The overarching vision is for a Parliament in 2007 that the people of Scotland can trust; that is open, accountable and responsive. It recognises that participation is about process - it is not about always getting what you want. There will always be a need sometimes to go outside the system in order to be heard and it should always be open for people to do so, non-violently. It is vital that the Scottish Executive and the Parliament keep in mind why people participate - not just for the sake of it, but for deep-seated personal, community, moral, social and ethical reasons (see Chapter 3). The diverse means and meaning of participation needs to be recognised.

From the experiences of those represented in this report, a performance assessment of the relationship between people and parliament might read 'improvements welcomed, but can still do better.' Starting from the four founding principles of the Parliament, people at the conference identified where change is needed and developed ideas for actions which individuals, groups, the Scottish Parliament and the Scottish Executive can take towards achieving a more participative democracy.

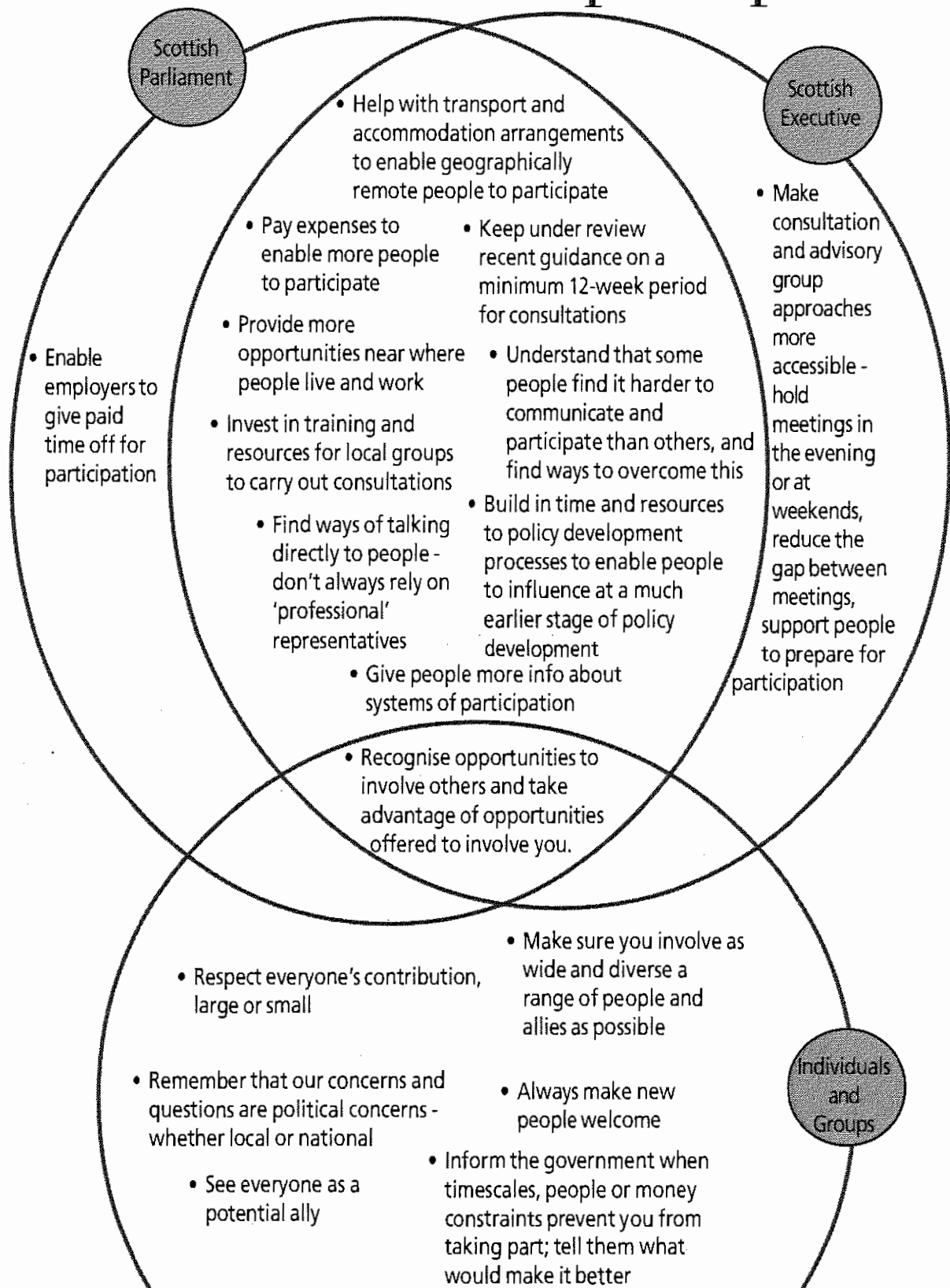
The proposals people made at the conference are shown graphically over the next four pages, in what constitutes an 'action plan'. On each page is a quotation which exemplifies views strongly expressed at *Sharing Power, Shaping Progress*. Some actions in the action plan are actions for individuals and groups to take. Some are actions for the Scottish Parliament or Scottish Executive to take. But crucially, many require joint or complementary actions from two or all three groups together - an essential part of enabling relationships truly to start changing, and for Scotland to move decisively towards a participatory democracy.

How can Scotland get better at sharing the power?



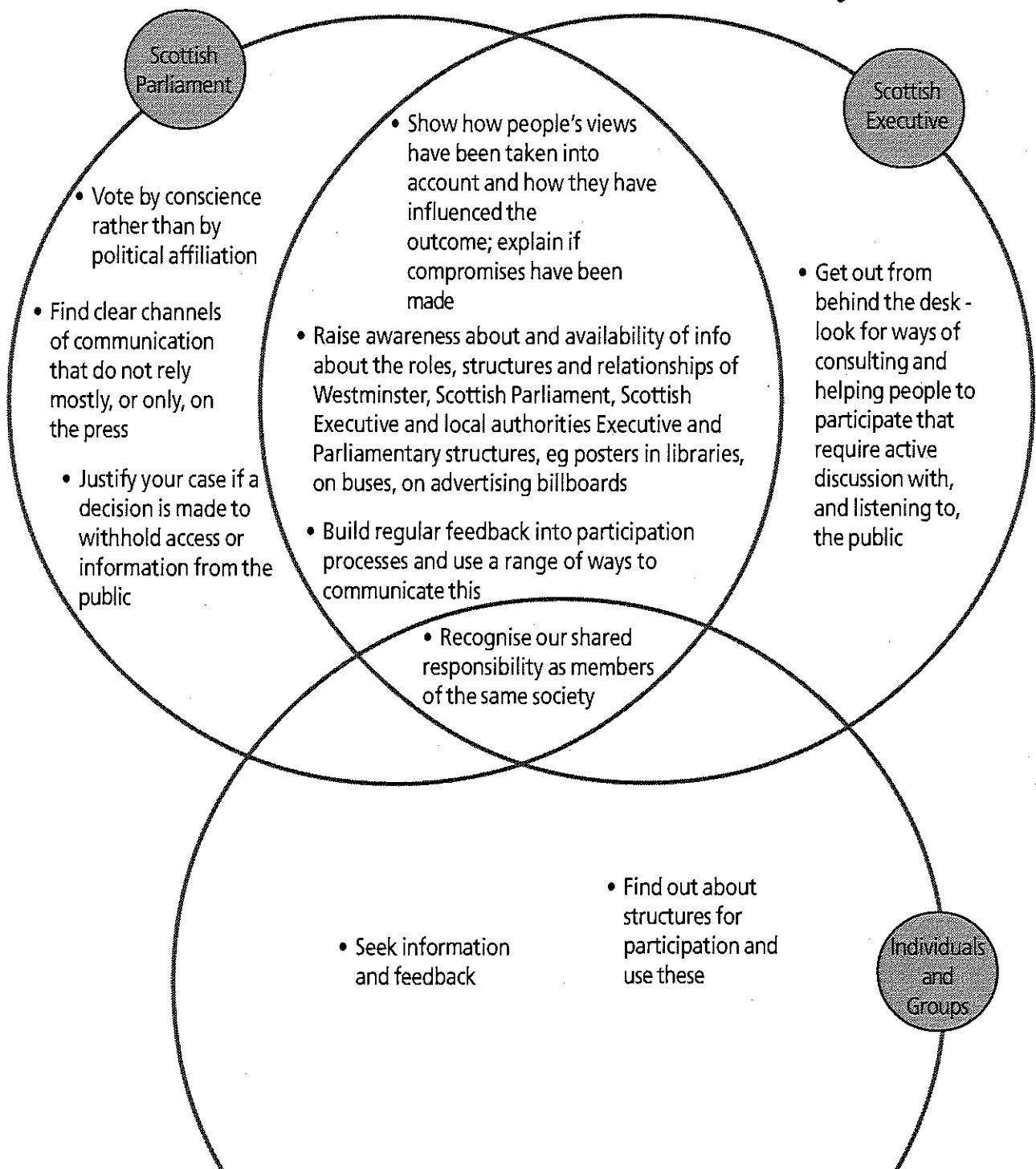
"Scotland needs to change the culture from 'the establishment versus the people' to one where we develop a shared agenda and there are equal relationships between the people, Parliament and the Scottish Executive."

How can Scotland improve political access and participation?



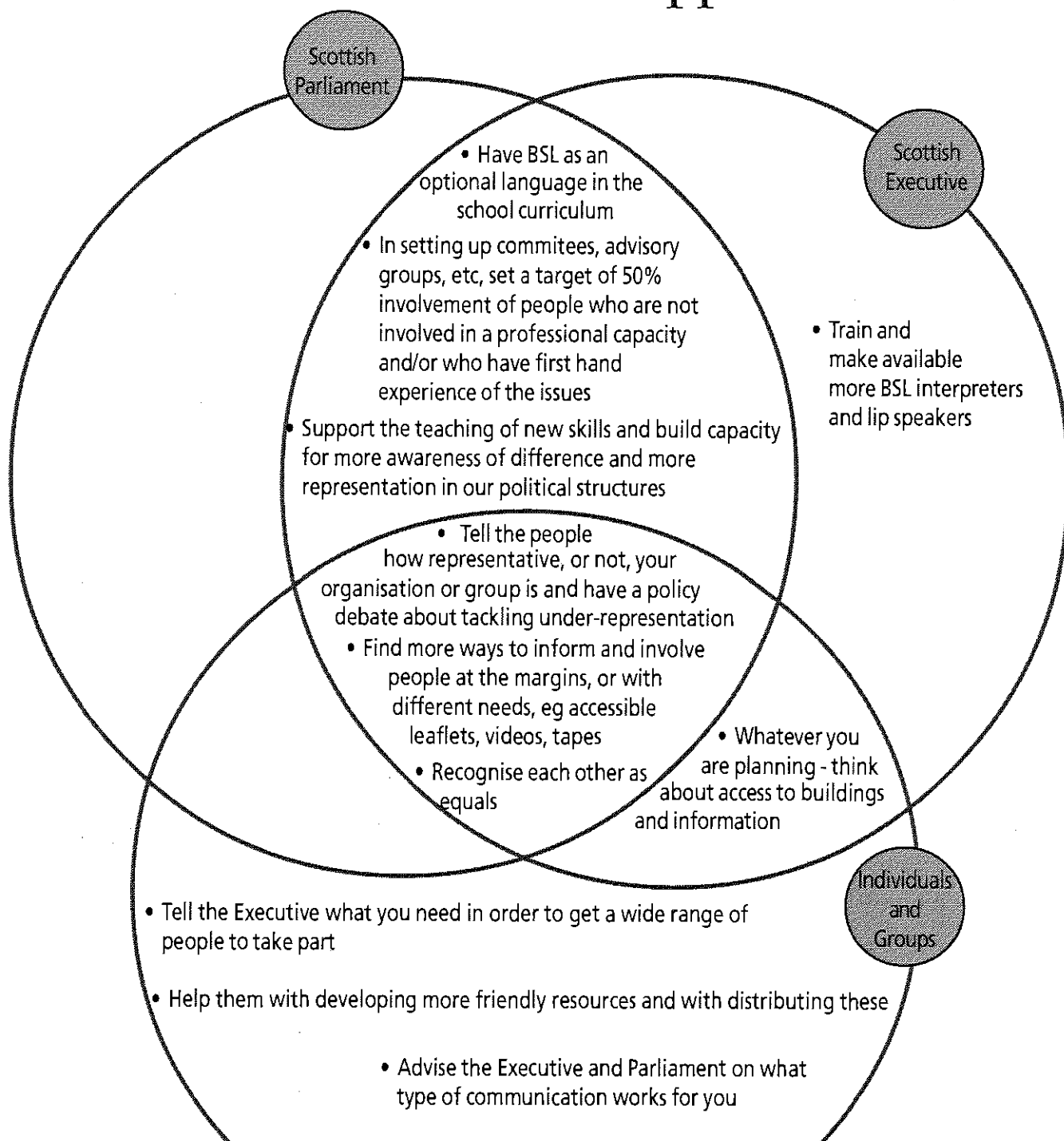
"Scotland can stop talking about 'consultation' and start doing 'participation' - find ways for people to know what policy makers are thinking before the consultation documents are produced."

How can Scotland increase accountability?



"Scotland needs an accessible civil service, MSPs and ministers accountable to the Scottish Parliament and to the people; a more transparent and accountable Executive and Parliament which do what they say they will do."

How can Scotland expand equal opportunities?



"Scotland must achieve a more diverse Parliament and Executive, representative of the people in terms of gender, disability, age, sexuality and ethnic origin; have equal rights, equal access and equal opportunities to participate."

8. Towards a participative democracy – reflections by the People & Parliament Trust

The wealth of personal and practical experience brought to the *Sharing Power, Shaping Progress* conference, and the methods used by Scottish Human Services Trust to make it easy for people to share experiences, combined to make this a uniquely productive and stimulating event.

The warm and encouraging messages received from the First Minister, Jack McConnell and from the Presiding Officer, George Reid, give us confidence that this report will be taken seriously. We believe it should be read carefully by all concerned, and must lead to action by the Parliament and Executive, along with citizens, groups and the voluntary sector. If it fails to bring real change by the time of the next Scottish Parliament elections in 2007, we will all be the losers.

The Constitutional Convention planned for a Parliament '*different from the rituals of Westminster, more creative, more participative, less needlessly confrontational.*' The Consultative Steering Group (CSG) envisaged '*the central institution of a new political and community culture*'. In 1999 the People & Parliament project showed that these radical hopes and expectations were widely shared by the people of Scotland.

This report now demonstrates clearly:

- Despite some disillusionment, the vision is very much alive.
- Many people have good experiences of working effectively with the Parliament and Executive.
- Participation is a process, and there is still 'far to go and much to learn' if the people are genuinely to feel 'partners in power'.

This report has set out clear practical ideas for what can be done to improve consultation and move on to real participation.

It is time to begin to plan for more radical change, building on successes achieved. The three partners named in the four founding principles (Executive, Parliament and 'The People') should now develop together a coherent Strategy of Participation to 2007, implementing and building on the activities proposed in the Action Plan contained in this report.

In the process of creating that strategy, there are two equally important needs:

- **To make 'consultation' more effective by improved and extended information and by better feedback; and**
- **To move decisively beyond 'reactive' Consultation towards 'pro-active' Participation – and to identify and develop the attitudes, mechanisms, institutions and resources that will enable the people to share both in short term policy formation, and in longer term strategic thinking and planning.**

If we can do that in the coming years, Scotland will pioneer a new and better democracy in which the people are sovereign; a society capable of meeting the global challenges of the 21st century.

*Canon Kenyon Wright CBE
On behalf of the People and Parliament Trust*

9 References and contacts

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3. Scottish Civic Forum. 2002. Audit of democratic participation in Scotland.
4. Scottish Office. 1998. Report of the Consultative Steering Group on the Scottish Parliament. Shaping Scotland's Parliament.

For more information about any of the above reports contact Scottish Human Services Trust, or the named organisations, at the contact addresses below.

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