



The Scottish Parliament
Pàrlamaid na h-Alba

Equalities, Human Rights and Civil Justice Committee

Shona Robison MSP
Cabinet Secretary for Finance and Local Government
The Scottish Government

20 November 2024

Dear Cabinet Secretary

Scrutiny of the Scottish Government's proposed revised National Outcomes

I am pleased to set out the Equalities, Human Rights and Civil Justice Committee's views on the proposed revised National Outcomes.

The Committee chose to incorporate scrutiny of the proposed outcomes into this year's pre-Budget scrutiny process and aimed to build on the equalities evidence gathered during the Finance and Public Administration Committee's call for views and evidence-taking. Although we were unable to schedule evidence taking with you directly, we were able to include questions on the National Outcomes when taking pre-Budget evidence from the Minister for Equalities. We note, however, that she was not in post during the development and laying of the outcomes.

This letter highlights issues and concerns which arose from the evidence we reviewed and gathered.

We look forward to receiving your response once you have had the opportunity to consider the Committee's recommendations.

Should you have any questions, please contact the Clerk to the Committee at EHRCJ.committee@parliament.scot

With best wishes

Yours sincerely

Karen Adam MSP
Convener

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Introduction

1. At its meeting on 1 October 2024, the Committee agreed its final approach to pre-Budget scrutiny. As part of that approach, it agreed to integrate scrutiny of the Scottish Government's proposed revised National Outcomes and used cross-cutting equalities evidence gathered and shared with the Committee as part of the Finance and Public Administration Committee's (FPAC) call for views to provide a structure and witness base for both National Outcomes evidence and its exploration of transparency in the Scottish Budget.
2. The Committee notes that the Scottish Government published the Thematic Gender Review undertaken as part of developing the proposed new National Outcomes on 31 October, but the timing of publication means that the additional detail this provided has not been considered during the scrutiny process.
3. The Committee would like to express thanks to the Finance and Public Administration Committee for its valuable role in gathering evidence which could be used by all committees during the scrutiny process.

National Outcomes evidence

4. In last year's pre-Budget letter to the Scottish Government, this Committee expressed that it hoped to see more consideration given to how outcomes could be measured and the data underpinning them in the forthcoming review. Given that the indicators have not yet been proposed, at this stage it is hard to assess whether the revised outcomes themselves reflect the Committee's aspirations.
5. Several witnesses raised (in 2023) how the National Outcomes linked to budget setting. Allan Faulds (The ALLIANCE) said that threading human rights through the National Outcomes would be a way of embedding a more human rights driven approach to budget setting. He said

“That would involve ensuring that, when decisions are being taken, including in-year spending decisions, those should be justified on the basis of the National Outcomes. Therefore, if Government takes a decision to increase spending in a certain area and to cut spending in another, that should be in line with the national outcome on X, Y or Z. You should be able to use the outcomes as guidelines for your reasons for spending. If Government finds itself making a spending decision but it cannot find a national outcome that the spend relates to, there is then a question of whether it should be taking a decision that does not relate to one of the core outcomes that it has committed to.”
6. Sarah Latto (Volunteer Scotland) said one aspect she felt was “incredibly important is the potential for the National Outcomes and the national performance framework to make decision making more approachable and transparent for decision makers”.
7. Dr Alison Hosie (SHRC) gave evidence to the FPA Committee on the proposed revisions on 17 September 2024. Key points linking National Outcomes to the

budget and datasets which might help understand the impact of spending decisions include:

- A call for clearer narrative stating that human rights considerations should inform the development of policy to achieve the outcomes, and not be considered in a post development impact assessment model, and more explicit connections between Outcome narratives.
- A need to include human rights-based indicators to enhance analytical potential (which links to past budget evidence on understanding the impact of spending decisions).
- Making meaningful connections between significant policy commitments (e.g. as set out within the annual Programme for Government), the annual budget and the National Performance Framework will be crucial to delivering the kind of change that stakeholders expect to see in the NPF.
- All National Outcomes must be accompanied by a full set of robust and cross-cutting National Indicators. This will require further stakeholder engagement on an outcome-by-outcome basis, rapid work to fill data gaps where identified, and the development and delivery of new data collection methods to ensure the right metrics are being measured, including people's lived experience.

Submissions to FPAC

8. Submissions to the FPAC's call for views on the proposed revisions to National Outcomes detailed several areas of interest and relevance to the EHRCJ Committee including concerns around:
 - Gender equality as a link to gender budgeting and understanding the impact of spending decisions on women and girls.
 - Tackling inequalities, in particular bridging the gap between policy intent and implementation including adequate funding and resources for delivery partners such as third sector organisations.
 - The importance of continued monitoring and data collection to track inequalities trends.
 - Challenges in defining and measuring inequality which can impact evaluation of any budget decision aimed at tackling inequality.
 - Efforts focussed towards reducing specific inequalities including in rural healthcare and housing policy.
 - The need for National Outcomes to better incorporate policy from across sectors and be designed with an understanding of how different outcomes influence each other.
9. The Committee explored these areas in more detail at its meeting on Tuesday 29 October when it heard from:
 - Catherine Murphy, Executive Director, Engender
 - Lewis Ryder-Jones, Advocacy Adviser, Oxfam Scotland and

- Catherine Robertson, Policy Officer, Zero Tolerance.
10. Evidence taken from Sara Cowan, Scottish Women's Budget Group (also an external member of EHRBAG) during pre-Budget evidence is also included here given the overlap between the sessions.
 11. On 5 November 2024 the Committee took evidence from the Minister for Equalities, Kaukab Stewart. She was accompanied by officials Nick Bland (Deputy Director Mainstreaming and Inclusion) and Matt Elsby (Deputy Director Fiscal Policy and Constitution). The focus of this evidence session was pre-Budget scrutiny but questions on National Outcomes were included.

Integration of gender equality

12. Catherine Robertson of Zero Tolerance emphasised the benefits of weaving gender into the fabric of everyday life and that the Scottish Government's proposed new National Outcomes are missing vital opportunities to embed gender equality. Catherine Murphy of Engender said in her opening statement that Scotland is behind the curve on equalities and gender mainstreaming.
13. All witnesses agreed that there should be a Gender Inequality outcome, in line with Sustainable Development Goal 5 and international best practice, but that gender equality should also be woven throughout the other outcomes. Catherine Murphy (Engender) suggested that the Scottish Government stance has been that gender equality is woven into mainstreamed emergency practice but argued that this goes against evidence from EU and international institutions on best practice which suggests using specific and visible outcomes alongside mainstreaming.
14. Catherine Murphy (Engender) spoke about the importance of women's representation in decision making spaces, saying that it was necessary to have people with a diversity of experiences in the room, around the table, and making decisions. She linked this to competence in the civil service, and the need for officials to understand what they know, but also what they do not know.
15. All witnesses highlighted the need for collecting more nuanced and intersectional data on homelessness and poverty, particularly among ethnic minorities and women. Engender stressed the importance of qualitative data, community engagement, and diverse representation in decision-making to capture cultural differences. Lewis Ryder-Jones of Oxfam emphasised that ethnic minority women face compounded challenges and that accurate data on these communities is essential for effective policy. Catherine Robertson of Zero Tolerance added that public services require more resources for training staff to support diverse groups effectively.
16. Witnesses noted that a thematic gender review had been completed. However, they expressed concern about a lack of transparency and limited public access to its findings and recommended the results and methodology used should be shared.

Policy coherence

17. Stakeholders highlighted that the NPF's effectiveness could be undermined by a lack of coherence with other initiatives, particularly the Equally Safe strategy. For example, greater integration of primary prevention of violence against women and girls across relevant outcomes, such as those on communities and education, was seen as essential.
18. Catherine Murphy of Engender expressed concern over the lack of policy coherence in the NPF on gender equality and broader equality issues. Despite the NPF's role as a guiding structure for policy priorities, resources, and accountability, significant goals like gender equality were not integrated adequately. This lack of coherence she argued risks isolating initiatives like the National Advisory Council on Women and Girls, the women's health plan, and public sector equality duties.
19. Witnesses argued that a more explicit commitment was needed to reducing inequalities through dedicated outcomes on gender inequality and violence against women. Additionally, they argued that the decision not to introduce a human rights bill and a scaled-back public sector equality duty (PSED) review had the potential to further weaken accountability and policy coherence.

Disaggregated data

20. There was broad support for better disaggregated data collection. We heard that collecting data that accounts for gender differences and other demographic factors is necessary to accurately monitor progress.
21. Sara Cowan (SWBG) agreed that there is a need for data improvement but that this should not be a barrier to starting analysis on the potential lifetime impact of policy decisions. That analysis itself should highlight where there are data gaps, and that there is a need for improvements to quantitative data but also to qualitative data. She said that better collection and disaggregation of data has long been called for but was missing in the most recent analysis for the EFBS, and that protected characteristics are still looked at in siloes.
22. Lewis Ryder-Jones (Oxfam) suggested that there is a need to be frank about the data underlying existing indicators before discussing what comes next, both in reference to the current indicators which have no data sets, and the wealth of data available on inequalities which is not currently used in indicators (such as fuel poverty and homelessness). He also suggested that there needed to be more nuance around the way GDP is used as an indicator, noting that there are both good and bad aspects of GDP growth.
23. Engender and Zero Tolerance emphasised the Scottish Government's limited approach to gender data in its recent review, which relied only on sex-disaggregated data without the use of an intersectional lens. This approach they argued overlooks the distinct experiences of diverse groups of women such as black and minority ethnic women, LGBTQ+ women, and disabled women who often experience additional marginalisation.

24. Engender also highlighted that only using sex-disaggregated data gives an incomplete picture and may fail to capture the different ways women experience homelessness compared to men.

Alignment with Sustainable Development Goals (SDGs)

25. Witnesses broadly welcomed the Scottish Government's commitments to align the NPF with the SDGs and emphasised that clearer alignment, supported by specific, measurable targets, would enhance the framework's impact. This approach they told us is particularly important for outcomes on poverty, economic inequality, and climate action.

26. Lewis Ryder-Jones of Oxfam highlighted the need to strengthen Scotland's NPF by integrating National Outcomes more deeply into policy and spending decisions. Beyond legislative support, he emphasised a cultural shift within government institutions to prioritise the NPF in everyday decision-making. He highlighted a lack of public awareness and engagement with the NPF, contrasting this with Finland, where SDGs are widely visible and understood by the public. He also expressed concern that the NPF may be deprioritised and recommended that the Committee continue to scrutinise proposed indicators.

27. He also stressed the need for a comprehensive implementation plan, ideally for each national outcome, that is developed in consultation with relevant experts. He emphasised aligning the NPF indicators with statutory targets, such as those in the Child Poverty (Scotland) Act 2017, to ensure policies are interconnected.

Ministerial evidence

28. The Committee was unable to take evidence from the Cabinet Secretary for Finance and Local Government, however we were able to pose some questions to the Minister for Equalities and accompanying officials during pre-Budget scrutiny. We appreciate that the Minister came into her role shortly after the proposed outcomes were laid in Parliament and did not play a part in their development, but we were keen to understand her views.

29. When asked about policy coherence, Nick Bland (Deputy Director Mainstreaming and Inclusion) explained that his team works with those leading on other strategies within Government to support mainstreaming, and said:

“The national outcomes have also sought to take that mainstreamed approach. The thematic gender review looked specifically at the issue of gender in the renewed national outcomes. That review was published last month, and has led to a number of specific inclusions of references to gender equality in some of the extended definitions of the NPF. It is about not having a specific outcome on gender, but mainstreaming it across all of the NPF outcomes.”

30. On the inclusion of equalities in the National Outcomes, he later went on to say:

“One of the original recommendations from the National Advisory Council on Women and Girls was for a gendered review of the national performance framework. As the NPF team has been going through its statutory review process, it has undertaken a gender thematic review, which has led to a number of decisions around the wording and the extended definitions within NPF outcomes. We now have a care outcome with a very explicit focus on the gendered aspects and on the economic value of unpaid care, which is something that the NACWG among others has, rightly, really pushed us on.

“We also have an expansion of the equality and human rights outcome to make specific reference to the advancement of gender equality and tackling violence against women and girls. That is one specific example of a gender lens being applied to the NPF, but one of the purposes of the NPF as a whole is very much to drive this and every other Government’s focus on equality and human rights, and we have that specific equality and human rights outcome to express that.”

31. When the Minister was asked her view on stakeholders’ calls for a specific outcome on gender inequality, she explained that she had heard concerns about the potential for women and girls to be seen as a homogenous group and for intersectional experiences to be lost, and about the damage an overabundance of data might do. She said that she was still weighing up these issues and did not offer an opinion on whether there should or should not be a specific outcome.

Conclusions and recommendations

32. Broadly, the Committee welcomes the increased focus on equalities within the proposed National Outcomes, but there are aspects that could be strengthened and aligned. The implementation approach will be crucial to success.

33. The evidence that the Committee reviewed and took was in many ways familiar. We have heard for several years now during budget scrutiny, concerns about the lack of coherence between the NPF and decision making, issues around the data underpinning outcomes, concerns about siloed working and equalities mainstreaming, and a lack of citizen participation.

34. We note that the Thematic Gender Review was published on 31 October, almost six months after the proposed revised outcomes were laid in Parliament, and at a point when most committees had concluded evidence-taking. **We seek assurances from the Scottish Government that detail underpinning the decision-making process be made available alongside proposed policy to allow for transparency and support comprehensive scrutiny.**

35. The lack of information on potential indicators has, as stakeholders have raised, limited the scope for scrutiny of the proposed new outcomes. The Committee agrees that the indicators used and data underpinning them are integral to the successful use of National Outcomes in policy development and scrutiny. **We ask that the Scottish Government ensure that outcomes have relevant and**

measurable indicators, with a focus on capturing the intersectional and lifetime impacts of policy on achieving outcomes.

36. We are concerned that there is national data available which could prove useful in measuring progress against outcomes that is not currently used, such as detail collected on fuel poverty and homelessness. We are also concerned that where there have been opportunities to explore intersectional impacts, such as within the Thematic Gender Review, only a single characteristic has been used. **We ask that the Scottish Government consider how to make full use of existing data in setting out indicators, and that indicators are structured in a way which allows an exploration of impact beyond the population as a whole in a nuanced and intersectional way.**
37. We note the challenges around data where smaller demographics are concerned but see this as a reason to ensure that more is done to understand the intersectional impact of policy and spending decisions and to avoid seeing protected characteristics in siloes. **We recommend that the Scottish Government consider how lived experience and qualitative data can be better used within indicators to overcome barriers with small sample quantitative data.**
38. Stakeholders have made a compelling case for the use of a twin-track approach to mainstreaming gender within the National Outcomes, which used both mainstreaming gender across all outcomes as the Scottish Government has proposed and including a specific outcome on Gender Inequality in line with Sustainable Development Goal 5. This approach would balance the concerns expressed by the Minister. **We recommend that the Scottish Government adopt international best practice and take a twin-track approach to gender mainstreaming by adding a specific National Outcome on Gender Inequality.**
39. As we have noted, rich, detailed and relevant data to underpin outcomes, the use of lived experience and effective intersectional analysis and gender mainstreaming are our priorities for implementation of the revised National Outcomes. We recognise that capacity and education around the use of data will be needed, and **recommend that the Scottish Government ensure that its implementation plan includes resourcing and a capacity building programme to support successful use of the revised outcomes.**