



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Equalities, Human Rights and Civil Justice Committee

**Tuesday 26 September 2023**

**Session 6**



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**EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE**  
**18<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Kaukab Stewart (Glasgow Kelvin) (SNP)

**DEPUTY CONVENER**

\*Maggie Chapman (North East Scotland) (Green)

**COMMITTEE MEMBERS**

\*Karen Adam (Banffshire and Buchan Coast) (SNP)

\*Meghan Gallacher (Central Scotland) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Paul O'Kane (West Scotland) (Lab)

\*Annie Wells (Glasgow) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Alexis Camble (Convention of Scottish Local Authorities)

Allan Faulds (Health and Social Care Alliance Scotland)

Mirren Kelly (Convention of Scottish Local Authorities)

Heather Williams (Scottish Women's Budget Group)

**LOCATION**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Equalities, Human Rights and Civil Justice Committee

*Tuesday 26 September 2023*

*[The Convener opened the meeting at 09:30]*

### Decision on Taking Business in Private

**The Convener (Kaukab Stewart):** Good morning. Agenda item 1 is a decision on whether to take in private item 4, which is consideration of evidence heard, and item 5, which is an informal briefing from the Scottish Government's bill team for the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, in private. Do we agree to take those items in private?

***Members indicated agreement.***

## Subordinate Legislation

### Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc Rules 1999 and Taxation of Judicial Expenses Rules 2019 Amendment) (Telecommunications Infrastructure) 2023 (SSI 2023/223)

09:30

**The Convener:** Agenda item 2 is consideration of a negative Scottish statutory instrument. I refer members to paper 1 and note that there is no accompanying policy note or impact assessment for the instrument. As no member has indicated that they have any comments to make, are members content not to make any formal comment to the Parliament on the instrument?

***Members indicated agreement.***

## Pre-budget Scrutiny 2024-25

09:31

**The Convener:** Agenda item 3 is an evidence session as part of our pre-budget scrutiny of the 2024-25 budget. From the Convention of Scottish Local Authorities, I welcome Alexis Camble, who is a policy manager, and Mirren Kelly, who is the chief executive for local government finance. They are with us in the room. I also welcome Allan Faulds, who is a senior policy officer for the Health and Social Care Alliance Scotland—the ALLIANCE—and Heather Williams, who is the training lead for the Scottish Women’s Budget Group. They both join us remotely. I should note that Danny Boyle, who is the senior parliamentary and policy officer at BEMIS, was due to attend but is now unable to do so. He has, however, indicated that he will look to provide evidence in writing.

I refer members to papers 2 and 3 and invite each of our witnesses to make a brief opening statement, starting with Alexis Camble.

**Alexis Camble (Convention of Scottish Local Authorities):** I will hand over to Mirren Kelly.

**The Convener:** That is absolutely fine.

**Mirren Kelly (Convention of Scottish Local Authorities):** I will just note that I am not the chief executive; I am the chief officer.

Thank you for inviting us to speak to the committee. Local government is the anchor in our communities and for our most vulnerable groups; for children, young people and families; for the elderly and those needing extra support; and for our most marginalised communities in Scotland. It supports businesses, people who need help with housing and the services that protect and improve our physical and emotional wellbeing and the environment.

Local government works with diverse communities and local organisations every day to bring about change, respect human rights and equalities, embed local democracy and enable the voices of people to be heard. Local authorities run budget consultations ahead of decisions being made, which feed into the budget process. Local authorities regularly engage with marginalised groups to inform decision making. Local government is, indeed, the key partner to achieve rights realisation across Scotland. That is why local government requires a fair budget settlement.

Although local government has protected areas of the budget such as social work and education as much as possible, that has meant that cuts to other areas such as culture and leisure have been

higher, which has had an impact on rights realisation and the wellbeing of our communities.

Understanding the lived experience in the communities that we serve is a key element of what local government does. We need a holistic approach to the services that are delivered by local government—social care, education, housing, employability, leisure, transport and the local environment—because, together, they support the rights of the individual. The Verity house agreement provides a platform to achieve that, setting out a clear focus on three key areas: tackling poverty—child poverty, in particular—achieving a just transition and having sustainable, person-centred public services.

Local by default and national by agreement is a key element from a rights perspective. Tension can be created by local decision making and prioritisation, leading to perceived inconsistencies in services. That is not a postcode lottery; it is democratic decision making informed by local voice, needs and rights.

In addition to a fair settlement, the Scottish Government should empower local government to raise revenue to ensure that the maximum available resources can be used to support our communities. Positive steps have been taken in that direction with the continuing development of the fiscal framework, and we look forward to continuing to work on that with the Scottish Government. The Scottish Government should, therefore, be using the opportunities of human rights budgeting to enable and empower the public sector to support rights realisation and avoid the regression of rights.

**The Convener:** Thank you. I would like to move on to Allan Faulds.

**Allan Faulds (Health and Social Care Alliance Scotland):** Good morning. I am a senior policy officer at the Health and Social Care Alliance Scotland. The ALLIANCE is a national third sector intermediary for a range of health and social care organisations. We have a membership of more than 3,300, which includes third sector organisations, private and statutory sector bodies, and individuals with lived experience in both receiving and providing health and social care services. We are working towards our vision of a Scotland where everyone has a strong voice and enjoys the right to live well with dignity and respect.

I am sure that the committee is quite familiar with the ALLIANCE by this point. On the specific subject of the budget, we have been quite active in discussing a range of alternative approaches to budgeting and the economy, most notably on human rights budgeting, which I will admit is the one we have a bit more—

**The Convener:** Allan, I am sorry to interrupt you there. We are getting a bit of feedback at our end. Our technicians are working to see whether we can hear your voice a little bit more clearly.

**Allan Faulds:** Is there any improvement at all?

**The Convener:** We have a bit of an echo. Allan, would you try again and slow down just a little bit to see whether that makes a difference?

**Allan Faulds:** Apologies. I have been told that I have the Glaswegian thing of talking just a touch too fast. I am also aware that technical issues are a long-standing problem.

To pick up on my second paragraph—convener, is the sound still a bit odd? I cannot hear the room sound at the moment.

**The Convener:** Allan, will you try again now, please?

**Allan Faulds:** Yes. Is that any better?

**The Convener:** That is fantastic. Thank you.

**Allan Faulds:** I will perhaps start from the beginning then, just to pick things up. The ALLIANCE is a national third sector intermediary for a range of health and social care organisations. We have a membership of more than 3,000. That is third sector organisations, private and statutory sector bodies and, crucially, individuals with lived experience of both receiving and providing health and social care.

The ALLIANCE has done quite significant work around the area of alternative approaches to budgeting and the economy, most notably on human rights budgeting, which is the area on which I will probably have the most to say today. We have touched on areas such as gender budgeting, the caring economy and the wellbeing economy through our general policy work and through our health and social care academy programme, which has a specific focus on transformational approaches to health and social care. One of the points that we have been making ahead of pre-budget scrutiny for the past few years is the importance of recognising not just spend as part of a human rights budgeting approach but how to approach revenue raising to deliver on human rights.

**The Convener:** Thank you, Allan, and thank you for your patience, as well. I would like to move on to Heather Williams.

**Heather Williams (Scottish Women's Budget Group):** I am the training lead for the Scottish Women's Budget Group, which is a third sector membership organisation whose mission is to promote equality through the use of gender budgeting. Gender budgeting is about asking who benefits and who does not benefit from how we raise and spend money. It is about not just what is

allocated but the impact on individuals in society of how money is spent or raised. The aim of gender budgeting is to make the process and outcomes of policy making and budget setting more transparent, equitable and participatory.

We sometimes get into a debate about how gender rights budgeting and human rights budgeting are two different things; actually, they complement each other. When we take a human rights budgeting approach, it is still essential to understand how gender stereotypes, norms and expectations impact on equality for women and to ensure that those are taken into account. Without that, we can fail to see how long-standing cultural norms and societal choices have created systemic barriers that shape decision making or how those embed and entrench inequalities, particularly around issues such as violence against women and girls, and caring, whether that is paid or unpaid, and how we value that.

The areas that are mentioned in the programme for government and the Verity house agreement in relation to poverty, climate change, equality and opportunity and the public sector all have gender dimensions. We would argue that it is not a case of either/or with human rights budgeting or gender budgeting, and that both approaches need to be considered in decision making if we are to achieve a fairer and more equitable Scotland.

**The Convener:** Thank you, Heather, and thank you to all our witnesses this morning at the 18th meeting in 2023 in session 6 of the Equalities, Human Rights and Civil Justice Committee. Those of you with eagle eyes might have noticed that I was remiss in not saying that at the top of the meeting, but it is now on the record.

We move on to questions, and Maggie Chapman, the deputy convener, will kick us off.

**Maggie Chapman (North East Scotland) (Green):** Good morning to the panel. Thank you for joining us this morning and for putting up with our tech issues.

I also thank you for your opening statements. It is quite clear that there are connections between gender budgeting and human rights budgeting. Across the committee, we are interested in a human rights budgeting approach that takes account of transparency, accountability and participation as tools for scrutiny and tools for the things that I think all of you have mentioned: how we raise, allocate and spend money, and therefore considering what the impacts of our budgeting decisions are.

I will go to Heather Williams first. You talked about gender budgeting and human rights budgeting being complementary. Do the principles that we apply in human rights budgeting capture

what we need to capture when we think about gender budgeting?

**Heather Williams:** There are lots of similarities between human rights budgeting and gender budgeting. Transparency, accountability and participation are key principles of human rights budgeting. They are also key principles of gender budgeting, and they are really important in how we make decisions about how we will raise and spend money.

When we are thinking about budgeting, another important principle that it is important for us to talk about, which is key to gender budgeting, is that it should be performance and results orientated. Gender budgeting helps to bring strategic planning and public finances closer together by linking policy targets and objectives more closely with budgets. That promotes the most effective and efficient allocation of resources and implementation of policies. It is really important that we are able to see through the budget decisions what we are aiming to do when we raise money and spend money, and how that happens in practice. Implementation and following the money is a really important principle of gender budgeting.

There are another couple of principles that we would argue are really important. In gender budgeting, we argue that we need to take a lifetime perspective wherever possible. It is about recognising that decisions that we take now might impact negatively, particularly on women at retirement age. It is about ensuring that we take a lifetime approach and that we consider what the decisions that we take will mean for care, particularly unpaid care. For instance, at the local authority level, a few decisions have been taken about cuts to transport and community transport in this year's budget. We would argue that we need to see what impact that has on care, which is often carried out by women. It impacts on their ability to work, their income and the level of poverty that they live in or do not live in. We need to take that into account.

09:45

There is another really important principle in gender budgeting. Often when we see impact assessments, we are told that there is no difference in terms of the different protected characteristics, or that we are not aware of any difference. That is often because there is no data or because the data has not been analysed. We would argue that, when decisions are being made, because of the differences in how men and women often live their lives, particularly with their care responsibilities, we should start from the position that there will be a different impact until we have evidence to show that there is not, rather

than starting off the other way around and saying that there is no evidence to show that there will be a different impact. We should assume that there is likely to be because of the impact that norms and stereotypes have on how people live their lives.

I hope that that answers your question.

**Maggie Chapman:** That is really helpful. It gives us quite a few different angles and perspectives to think about. Your point about data is well made. Others will probably want to pick up on that, so I will not drill down too much into it. I know that Allan Faulds wants to come in on that.

**Allan Faulds:** I will briefly add to that, as Heather Williams has significantly more expertise in that area than I do.

A really useful principle that stands out in the gender budgeting approach is its intersectional nature. It looks not just at how women are affected but at how women with different characteristics are affected. It looks at ethnic minorities, LGBTI+, age and whether they are working class or more affluent. Such things also have significant impacts on how budgetary decisions impact women. Taking an intersectional approach has been quite an important aspect, too.

**Maggie Chapman:** Could you unpick that a little? One of our questions is about where different intersectional categories might be perceived to come into conflict with each other. What is the ALLIANCE's approach to teasing those out in the broader human rights budgeting approach?

**Allan Faulds:** That is an easy question. In general terms, we would tend to say that we do not see human rights as being in conflict—they are complementary. Will you give me a second to think about the question of how we tease some of those things out and come back to me? It is a bit early in the morning.

**Maggie Chapman:** Okay. That is fine. I am sorry—I realise that that was quite a big question. While you are thinking, I will go to Mirren Kelly and Alexis Camble.

Mirren, in your opening remarks, you talked about agreement. As somebody who believes in subsidiarity—local by default and national by agreement—how do you deal with a rights-based approach where there is a universal application, universal experience, or at least universal intent? How do you balance that universality with the need for local decision making?

**Mirren Kelly:** That boils down to one of the key challenges. It is about how we balance rights rather than having them compete or conflict with one another and how we enable the public sector and everyone else to get together to build that rights realisation. Realistically, the challenge is



that different parts of the country, different places and different individuals have different needs, but that does not mean that they have different rights. In a time of limited resources, which we are all in, there are really difficult decisions on which rights might have to be focused on to build that realisation towards. From a local authority perspective, the real challenge, given the plethora of services that we are involved in delivering, is how that is balanced. That is genuinely a difficult question that councils have to wrestle with when it comes to deciding on budgets throughout the process.

One of the key things in achieving that is enabling everyone to have increased training and capacity building—I will let my colleague Alexis Camble speak to that in a bit more detail—so that people understand the decisions that they are making, the evidence is used as well as possible, and people do not perceive it to be conflicting. People say, “They’re getting that, which means I’m not getting this.” That is one of the real tensions. We see that at the individual, community and regional levels. How we work our way through that is a challenge, because we do not have unlimited resources. Not everyone has their rights realised in the way that we would like, but the situation is different in different places.

**Maggie Chapman:** Does Alexis Camble want to come in on training?

**Alexis Camble:** Yes, thank you.

I want to pick up on what Mirren Kelly said about the need for capacity building across the local government sector to ensure that rights are respected and the decisions that are made take into account the needs of the local community and the overarching frameworks that exist. That very clearly links to the human rights bill that is currently out for consultation. I hope that COSLA’s response is approved by convention this week, but our politicians, in looking at the proposed new framework for human rights in Scotland, have been very clear about the real need for capacity building across local authorities to support staff to understand what the rights are and how to balance rights, and to have the conversations that Mirren Kelly talked about, in which particular services might need to be prioritised. There might need to be difficult conversations.

In constrained financial times, members might not be surprised to hear me say that a lot of this will come down to funding. Local authorities do an awful lot in increasingly constrained circumstances, and there is a real willingness in the sector to get things right in human rights budgeting and taking a rights-based approach. However, with the bill coming down the line in particular, there are massive resource and

workforce implications for councils that we would like to highlight.

To build on what Mirren Kelly said about having difficult decisions and balancing rights, and to link to your question to Allan Faulds, there are opportunities for greater alignment of services so that identities’ intersecting needs can be addressed with particular services. For example, the policy area that I focus on is employability. Obviously, that policy area cuts across an awful lot of local government work. More can be done to explore the way in which services can have a wider impact than, essentially, what it says on the tin. The Verity house agreement and the focus on child poverty have meant that there have been lots of discussions with COSLA, local authorities and Scottish Government colleagues about how services such as employability services can have an impact on tackling child poverty and how that work can be more widely spread among local government colleagues to ensure that the right people get support.

**Maggie Chapman:** I will come back to Allan Faulds briefly on that question around intersectionality. To focus on budgeting, which is what we are asking about, what are your thoughts about teasing out the differences and the distinctions but also ensuring that there is a balance rather than the process being about pitting different communities or individuals against each other in terms of rights?

**Allan Faulds:** The point that Mirren Kelly made earlier about resources sparked a thought in me about offering choice to people. For example, in relation to the basic human right of access to food, and particularly food through social care, at the ALLIANCE, we have heard repeatedly about whether we are making sure that there is a choice and that the budget is there for culturally appropriate foods to be offered. We have heard of people being offered just sandwiches, but is that culturally appropriate for every group? Is that what they expect to receive? It is about building that choice into budget processes, rather than just getting the cheapest thing available and giving the same thing to everyone.

Similarly, how do we deliver things such as social care in a way that respects the differing cultural norms in the provision of care? How do we do that in a way that ensures that the person who is accessing that care gets the support that they deserve to participate in society? Disabled people have a right to equal participation in society and to independent living. How do we deliver that while respecting what might be different cultural norms around the provision of care through extended families?

That is perhaps not the most detailed example, but it was just something that briefly sparked in my

mind on those differences. There are different cultural groups and different age groups who might approach delivery of care slightly differently in Scotland.

**Maggie Chapman:** There is quite a lot in all those answers, but I will leave it there for now.

**The Convener:** There is a lot in there—thank you. I think that we have had a good shot at that issue, although Heather Williams wants to come in briefly to finish off on Maggie Chapman's line of questioning.

**Heather Williams:** Apologies, convener—my information technology is a bit glitchy.

On the question of how we balance different rights, part of it is about what our priorities are. Gender budgeting is about using data and thinking about who is most disadvantaged in our communities. What does that look like and who is it that we are trying to support? It is about using the data to identify the priorities and targets and what we are trying to achieve, which should then drive the budget, rather than what we often have at the moment, which is budgets and equality impact assessments that often sit there and very rarely do the two ever meet properly.

We argue that, if we are taking a gender budgeting approach or even a human rights budgeting approach, we should use the data to identify the most disadvantaged people in our communities and what we need to do to ensure that their human rights are met. If we do that, by all accounts, we will most likely design and deliver services that meet the needs of the majority of people. We have things a little bit back to front at the moment, in that we do not take into account or use equalities data to set targets or think about what we are trying to achieve and what budget decisions need to fall with whom to enable that to happen. That is sometimes where the lack of transparency in decision making comes in, whether that be at national or local level.

**Maggie Chapman:** That is helpful.

**The Convener:** The Scottish Government has said that the committee scrutiny process is key to providing accountability in the budget process. With that in mind, will the panellists comment on whether this is the most effective approach to ensure that the Scottish Government's human rights obligations are met?

**Mirren Kelly:** That is a tricky one. There is a question to everyone as to how much opportunity the committee approach gives to influence the budget. That is the key bit. If the scrutiny is successful, you have the ability to influence and make changes. Certainly, COSLA submits evidence to most committees during the pre-budget stage. We participate when we are invited,

and we hope that that leads to discussion of the information and decisions to make changes that take into account the issues that are raised.

It can potentially be difficult to see where the change in decision is, just because of the way the process works. In the pre-budget scrutiny, we do not have a draft budget that we are trying to influence. It is positive to have conversations before decisions are taken, but they need to feed in and influence the change before it comes in.

**Allan Faulds:** Committee scrutiny is obviously valuable and it has the institutional support in terms of clerking and reporting, which is invaluable. However, it might be quite narrow in scope. I am sure that the committee aims to hear from a broad range of voices, but the reality of committee evidence is probably that it will always come from expert or voluntary sector contributors rather than from those with experience of on-the-ground impacts of the budget.

One thing that we know about humans in general is the power of stories. It can still be relatively easy to dismiss the negative human rights impacts of budget decisions when those are seen as statistical or anecdotal. For example, we have seen the significant negative impacts of the United Kingdom Government's welfare reforms. Those impacts have been catastrophic for women, children and disabled people, but if you hear about that in only an anecdotal and statistical way, that is not necessarily as powerful as hearing directly from an individual about how they have been impacted.

10:00

The question is whether you can get such evidence in the formal and sometimes slightly intimidating setting of a committee evidence session. It is not that members of the Scottish Parliament are intimidating to me—you will be relieved to hear that I do not think that the general public are frightened of you, either—but it is a formal setting where people might feel that they need to talk or dress in a way that is different from normal. It might not necessarily be comfortable or natural for people to communicate in that way.

Is there perhaps a way for more targeted and less formal engagement? I am very much not offering the ALLIANCE's services here—I have not been sent with the right to do that—but we often do engagement work on behalf of the Scottish Government to hear directly from people with lived experience. Through other organisations, the committee could hear in a smaller way those direct stories from people, perhaps by taking pre-recorded video evidence, which people might be able to do at home on their smartphone.

Those are some of the things that I have been thinking about. Committee scrutiny is useful and good, but it is very formal. How do we hear about that more direct lived experience?

**The Convener:** I take your point on widening our inclusion of voices that we hear. For your interest, we are trialling a model citizens participation panel. We have started that process and it is going well at the moment. We are getting good feedback from citizens directly from their communities, so that is in the offing. However, we will take note of your suggestions, which are helpful.

**Heather Williams:** From a gender budgeting perspective, we see three stages to the budget process and how scrutiny can happen. There is the ex ante phase, which is prior to the budget setting. There is the concurrent phase while the budget is drafted, decided on and executed. Then there is the ex post phase, which is when we audit and report on the budget. Similarly to Allan Faulds, we would say that committee scrutiny is important but we would question what happens with that scrutiny. How does that make its way into the budget process? As Mirren Kelly said, it is important that people who participate and give information find out what you are doing with it and what difference it has made. Otherwise, people end up thinking that there is no point in taking part.

One bit that we would focus on, which we think is missing, is the ex post phase and what happens after the budget is set. The budget process happens and then what happens next? It is very difficult to follow the money. What happens when money is provided for an area such as social care, health or public transport? Where does it go? What outcomes did we get from it and how do we know that it has been spent in the way that was intended? That is one of the bits that we would say is missing. Following the money is an important part of the gender budgeting process. We need to see it as a circular process: we need to use the data, set our targets or what we are trying to do, set our budgets and then follow the money to see what happens. We can then use the data that we capture to set other targets and try to achieve better outcomes and efficiencies.

In the way in which our budget processes work, at national Government and local government level, there are real difficulties in being able to do that, often because of the conveyor belt and the short timescales. We need to make our processes more regular and on-going rather than one-off consultations. Rather than going out with a budget consultation, it should be about what the priorities and targets are and what we are trying to do, which then feeds into the budget. I think that we have it the wrong way around.

**The Convener:** You are suggesting a continuous scrutiny cycle.

**Heather Williams:** Yes.

**The Convener:** That is interesting.

Some of the points that the panellists have mentioned lead very well on to my colleague Annie Wells's line of questioning.

**Annie Wells (Glasgow) (Con):** Good morning, panel. Heather Williams and the convener have knocked the nail on the head there when they said that it has to be a continuous cycle. My question was going to be about when you feel that your participation is of most value—is it during the budget setting, during the budget scrutiny or in considering the outcomes of past decisions? I think that you have all answered that question for us, so I will go to the second part of my question.

Where should the responsibility lie for enabling participation and ensuring that the process is accessible and meaningful? That probably goes back to Allan Faulds's point. It might include education on the budget process and providing data to support people engaging. It is about citizen participation. How do we encourage more people with lived experience to come and give evidence? Allan Faulds gave a bit of an example, so I will go back to him.

**Allan Faulds:** There is a role both for the Scottish Government and for the Parliament and its committees in enabling participation. I do not think that the responsibility lies with one side or the other. In our evidence last year in pre-budget scrutiny, we made a point about what resources the Government could make available for the budget. It is not just about publishing the budget and saying, "Here you go—here's a 90-page PDF, have that." Instead, there could perhaps be multimedia engagement. For example, cabinet secretaries, who I know are very busy people, could do a short five-minute video to say, "Here are the things that the budget will achieve in my portfolio area, and here are the policies it will deliver and live up to." We could put more easy-to-access bite-size information out there on what the budget is, how it will impact people's lives and how it intends to impact people's lives.

Parliament can do a similar thing, as I have touched on. As parliamentary evidence, we could perhaps get short videos from individuals. People could be asked to fill out less formal surveys. In the pre-budget scrutiny survey this year, I could see that there was an attempt to direct it at all levels. The questions were understandable and phrased in quite a simple way, so I think that there has been progress in trying to make the pre-budget scrutiny survey at least a bit less formal and less verbose. Those are some quick thoughts.

**Annie Wells:** Does anyone else want to come in on that?

**Alexis Camble:** Very briefly, I wanted to reflect on the fact that, as Allan Faulds said, there is certainly a role for the Scottish Government and the Scottish Parliament in enabling participation, but there is a lot of good work going on at local level, from local authorities but also in the third sector, on participation, be it participatory budgeting, lived experience panels, feeding into local employability partnerships or all the other things that will be happening in your constituencies.

I just want to come back to the principles of the Verity house agreement and placing decisions on local need in the hands of people in that area. A lot of learning could be taken from work that is already on-going and existing networks could be tapped into. I do not necessarily mean the same people, because we do not want to have consultation fatigue and the same faces always asked. On participatory budgeting in particular, such good work has been happening in local authorities. That model could be applied to the budget process.

That would, however, require resourcing and capacity building and a bit of investment in workforce and staff to support people. My concern would be that, if it were done without any additional resourcing or capacity building, be that training or extra staff, people might feel that they were not fully supported to participate and could potentially be put off. It comes down to tapping into what is happening locally and thinking about whether additional funding and resources are needed to support that to expand.

**The Convener:** Heather Williams would like to come in, followed by Allan Faulds. I encourage people to be as succinct as possible, because colleagues have a range of questions, and you might be covering some of those already.

**Heather Williams:** Very quickly, on participation, one thing that is important is that we know who we are hearing from and who we are not. Particularly with the online consultations that we have seen on budget processes, often no demographic data is asked for. We know that for women in particular and minority ethnic groups the word “budget” can put people off. Often, it is the idea that women do not do numbers. That is nonsense, obviously, but it is a stereotype that is out there and it can impact on people when they are thinking about whether it is something for them.

We talk about participation and hearing from different groups, but we need to ensure that we are doing that and that we know who we are hearing from and who we are not. Therefore, we

should not have online consultations that do not ask for demographic details. That should be basic, if that is the limit of what we are doing. We need to know who we are hearing from and who we are not. Similarly to Allan Faulds, we would argue that we need wider consultation but, as a minimum, we should ask whose voices we are hearing and whose voices we are not hearing.

**Allan Faulds:** I have a brief comment on a point that Alexis Camble made about participatory budgeting, which sparked a quick thought in me. I just want to re-emphasise a point that the committee may have heard before. If we are inviting people to participate in the budget process, and particularly in budget setting, they need to be given meaningful options and control rather than just handed a list of cuts and asked to pick between them. Participation has to be meaningful; it is not about passing perhaps difficult decisions on to the public and saying, “Cuts have to be made, but we’ll let you guys decide.” It has to be more meaningful than that.

**The Convener:** I have a quick supplementary for our COSLA representatives. I am glad that you mentioned the good practice that is going on, especially around participatory budgeting, which I know has benefited many constituencies, including my own. Can you give the committee some examples of how you capture how effective that has been and how meaningful it is for the local people who are part of that process? How do you gather feedback?

**Mirren Kelly:** The best person to answer that is the policy manager who leads on participatory budgeting within COSLA. Councils will be collecting and collating that information, and I believe that there is an annual report on it. After the meeting, I can find that and share it with the committee.

**The Convener:** That would be brilliant—thank you.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** My line of questioning follows on particularly from Heather Williams’s remarks. The committee has heard many times that particular groups who rely on public services are most impacted by budgeting decisions—for example, disabled people; black, Asian and minority ethnic people; and women. What more can the Scottish Government and the Scottish Parliament do to make sure that their voices are heard? We have talked a wee bit about this and you have heard from the convener about something that the committee is trialling, which so far looks to be doing well.

**Mirren Kelly:** This has been touched on. One of the things that Heather Williams said is key: it is necessary to identify the voices that you are not

hearing. Lots of people are articulate and motivated, and maybe they shout loudest, so information that helps you to identify the people whom you have not heard from is key. Local authorities and the third sector have a lot of experience of going into difficult-to-reach communities. The conversation should be brought to them, rather than it being expected that it will be brought to us, so that we can all benefit and have the conversation as equals.

10:15

**Heather Williams:** It is about using the old community development worker approach. We talk about hard-to-reach communities, but are the communities hard to reach or do we not listen well enough in gathering our information, or think enough about whom we gather information from and how we disseminate it?

We have been working with a women's group in the Fa'side area of East Lothian. We had a room in the town and we set up a gazebo and some chairs, where we got folk to come and talk to us about the cost of living and how that is impacting on them. We have also been working with Glasgow Disability Alliance; we got a group of disabled women together to talk to us about their experiences.

We sometimes expect people to come to us to give us their information, but some people's lives are so difficult and hard that they are barely surviving—especially at the moment, with the impact of the cost of living crisis coming on the back of the Covid pandemic and so on. We need to tailor our approaches to different groups. "Lived experience" is a big buzzword at the moment, but tailoring the approach is difficult, and if it is to be done properly it must be resourced—both for the people who are listening and the people who are taking part.

A feedback loop is needed. There is no point in asking people questions if we are not going to tell them what we will do with what they say, even if it is just to get back to them to say, "That's a good suggestion, but we are not able to do it at the moment because of A, B or C", or "We've decided we will not do that at the moment because of A, B or C". We need to make our communication a conversation rather than it being extractive.

**Fulton MacGregor:** That brings me on to my follow-up question. You have predicted where I am going today, Heather.

I think that the Scottish Parliament and the Scottish Government are, a lot of the time, quite keen on high-level stuff. Even the engagement here is about national scales. You gave a good example, but how can the Scottish Parliament and the Scottish Government get more into the

decisions that actually affect people? For example, in North Lanarkshire, which is my area, there is a lot of talk about shutting down libraries, swimming pools and so on. There will be big debates about that in the next few weeks, as the subject is aired more. How do we get to the people we have spoken about to hear their views on those things and their impact? What more can the Scottish Government and Scottish Parliament do? Today's discussion, apart from the Fa'side example, has been quite high-level—at Scottish Parliament and Scottish Government level. What about the stuff that is impacting people on the ground? Does anybody have ideas about what more we can do to allow people's voices be heard?

**Mirren Kelly:** It is important that we respect the joint spheres of government—local government and Scottish Government. It is challenging to consider those things, given the budgets that we have. I hope very much that the Verity house agreement will enable greater mutual understanding and processes that include everyone, and that there will be mutual assurance and accountability so that everyone understands the consequences of budget decisions—how they filter down and what they mean at the local and more minute levels.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I would like to get some examples, if possible, that paint a picture of where you feel mainstreaming has not worked to tackle inequalities and to reach human rights aspirations. Would people's participation in those areas have helped us to gain a better understanding of the impacts of policy making and would it have made a difference?

**Heather Williams:** For us, it is clear that we are failing to address inequalities and human rights aspirations in care. Care provision for those who need care has been affected by Covid, but that has also impacted on the people who have to pick up unmet care needs—they are primarily women. In the surveys that we ran this year, both the national and local surveys—[Inaudible.]

**The Convener:** I apologise, Heather—you are breaking up a wee bit and we are not able to hear you just now. I will come back to you, and bring in Allan Faulds.

**Allan Faulds:** I will perhaps make one of the points that Heather might have gone on to make, if technology was not our enemy this morning.

In social care, there are significant inequalities that have not yet been fully addressed. A particular issue recently has been the on-going issue of non-residential care charging. The Scottish Government has committed to abolishing those charges, but progress has been slow. They have increased significantly in recent months; I

think that the figure is 60 per cent in Glasgow. The increases in care charging are having a serious impact on people's ability to access their rights to independent living and equal participation in society.

Another area in which there is a useful interplay between human rights budgeting and gender budgeting is social security. There is a human right to social security in the United Nations Universal Declaration of Human Rights, and we know that women are more likely to have some or all of their income coming from the social security system. That can be due to inequality from lower rates of pay. As Heather Williams said, responsibility for care, whether it is social care or childcare, continues to fall mostly on women, which can reduce their earning potential.

The Scottish Government has made a lot of welcome investments in social care and social security. That is very good and it is genuinely making a significant difference, but there are still areas where it has not gone far enough and where there needs to be more work—I suppose that that is an easy thing for a third sector to say—that is not constrained by saying, “Oh, well. The financial situation is tough”. In recognising that, although the financial situation is tough, these are essential services that deliver on human rights and address inequalities, what approach do we take to revenue raising? How do we raise the revenues to deliver those essential services? That goes back to what was said at the start of the meeting, when Mirren Kelly or Alexis Camble talked about ensuring that local government has a fair funding settlement because so many of the services are delivered by local councils.

**The Convener:** Thank you. We will try Heather Williams again. She will switch her camera off to see whether we can hear her better. We will have a go.

**Heather Williams:** I apologise for that. I hope that you can hear me.

**The Convener:** We can. Thank you.

**Heather Williams:** Wonderful.

Allan Faulds has made a lot of the points that I was going to make in relation to care, in which I think there are still huge issues. All the surveys that we have done this year have raised issues about decisions that have been taken by health and social care partnerships, local authorities or health boards about social care and early years childcare that have had a negative impact—primarily on the women whom we have surveyed. We know that there has, in relation to social care—Allan Faulds mentioned charging—been a real negative impact on disabled people.

Earlier this year we looked at the budget papers that were available from local authorities and the publicly available information. Not all local authorities published equality impact assessments or integrated impact assessments of their decisions on cuts to early years provision or on raising charges. Similarly, equalities considerations around decisions by the Scottish Government are not always clear.

On mainstreaming, we are not very good, or as good as we think we are, at doing that in practice and thinking about the impact on specific groups and other service areas. In the current financial situation it is even more important—at Scottish Government level and local government level—that we do that and are very clear about the impact of decisions to raise charges or to cut costs, so that mitigations can be put in place, if they are required.

**Paul O’Kane (West Scotland) (Lab):** Good morning. I have the last few questions, so I am keen to try to pull together the themes we have been discussing. A lot of what I will ask about has come up already.

Transparency is obviously a key issue in terms of people being able to make informed contributions to budget consultation processes. The committee wants to look at transparency in more detail in the next budget process, so I am keen to understand to what extent a lack of data, or a lack of accessible data, hinders people's participation. The subject has been woven through the answers this morning, but is any particular data missing? Could we make data more accessible?

**Mirren Kelly:** It is not always the case that data is not available, but there is not necessarily the capacity and time to analyse it and apply that in the decision process in the most meaningful way. Local authorities have been making difficult decisions about budgets for a long time. Sometimes questions are thrown about a bit disparagingly about what back-office staff are doing, but the back office is where the deepest cuts have been. There has, over the past decade, been a huge reduction in back-office staff. Many of those staff were the people who 10 or 15 years ago might have had the time to analyse data and to provide a comprehensive view. There is a capacity issue.

Certainly, local authorities have a lot of data; we generate a lot of it and we report to the Scottish Government in hundreds of ways. Discussions come up about the national performance framework and how we measure outcomes, which is always tricky. I do not think that there is a lack of data, but there is maybe a lack of ability to utilise data in a meaningful way that would allow us all to

make informed decisions and scrutinise the level of success of what we do with resources.

**Allan Faulds:** One of the points that the ALLIANCE has repeatedly made in a number of consultations on a lot of areas is the importance of collecting comprehensive intersectional and disaggregated data. I will possibly slightly contradict Mirren Kelly by saying that we might not currently have data for particular minority groups in the population. I am thinking about social care, which is one of the key areas for the ALLIANCE. We have a lot of data on social care more generally, but as we discovered through our “My Support, My Choice” research about self-directed support, which we did with Self Directed Support Scotland a number of years ago, there is a particular paucity of data from people from minority ethnic backgrounds and the LGBTI+ community on their experiences of social care and whether it meets their needs. If we do not have that data, we do not know what is happening in service delivery for those groups. Therefore, more participation by those groups might help our understanding.

The particular groups that I have highlighted—minority ethnic groups and LGBTI+ people—can be seen as such small minorities of the population that, when it comes to statistics and gathering information, it is easy to brush off findings as being statistically not significant. That compounds the difficulty in understanding how minority groups are affected. We need to take a more serious and comprehensive approach to gathering data, and not just brush the matter off by saying that that is hard to do because a group is a small minority. Those people might be a small minority, but they matter.

10:30

**Paul O’Kane:** Thank you. Both responses were helpful in understanding the importance of data.

My next question is about barriers. Many of the groups that we have spoken about this morning are, in a broad sense, represented by organisations, but often there are barriers to getting everyone’s point of view. The committee is keen to understand what you feel the barriers are to people feeling that they are part of a representative voice. How might we address that better and how might we get to the root of people’s issues?

**Heather Williams:** One of the things for me in this is that we talk about transparency, but at times there is a lot of misunderstanding and misinformation about how money is raised and what it is used for, and about taxation and benefits. By “benefits” I mean the services that the public service delivers and provides to society

generally. People’s perceptions can be coloured by lots of different things, so we probably need a clear conversation about that at every level. At the moment, within the UK and Scotland we have an expectation of Scandinavian-level services from United States-level taxation. The two do not mix, so there are issues.

On how we measure success in our economy, we talk about carers as being “economically inactive”. Nobody is economically inactive: if we are buying things, we are contributing to the economy. There are a lot of things to consider in terms of how we have that conversation and what we need to talk to people about—for example, what the budget process is, because it is not just about spending money, but about how we raise money and the impact of that on various groups. We need to consider that, as well.

The citizen participation stuff that we have talked about is partly about how we have those conversations with groups. How we make the conversation relevant to different groups is important in terms of equalising things and sharing the decisions that we have had to make and why we have made them in an easily accessible and understandable way, so that we take people with us as much as possible. If decisions are made that people do not agree with, they will at least understand why they have been made. Sometimes decisions and the reasons for them—at local and national levels—can get lost in the hubbub of politics and in the hot air that can be generated through the adversarial approach that sometimes exists. We need to get better at communicating about the whole process and we need to make it more easily accessible for people because it impacts on them and we need to take them with us.

**Alexis Camble:** I want to pick up on something that Heather Williams mentioned in an answer to a previous question about the importance of taking a community development approach. That is particularly pertinent, because if we are asking people to share their experiences and to grapple with tricky or complicated issues and the potential impact of spending decisions, we need trusting relationships.

From a local government perspective, we need resourcing for staff who are trained and who can support people to meaningfully participate, and who are able to engage in appropriate ways with communities that have maybe felt that there are barriers to them participating or have felt excluded. The process should be built on trust, especially when we ask people to share their lived experience and opinions, and to share something that has happened to them. That links back to feedback and is tied into having resources for that to be properly supported.

**Allan Faulds:** Barriers for organisations that represent groups come down fundamentally to time and resource: people need time to participate and they need the resources to do so. That includes being able to pay staff to enable participation and having funding for access needs. For example, for in-person meetings, perhaps travel expenses could be paid for people to come along and participate, or assistive technologies that they might require could be provided.

For third sector organisations that support groups—for example, disabled people's organisations or citizens advice bureaux—the situation right now is just so tough with stretched finances that they might not have any capacity at all to enable participation. They do not have the funds to support people beyond core-service delivery. Engagement in participative budgeting processes might be an additional area of work that they just do not have the time, the capacity or the money for. That is key.

**The Convener:** Thank you very much. That concludes the formal part of our business this morning. I take this opportunity to thank all my colleagues and our witnesses for their patience with tech issues. I think that we managed very well. I also thank the witnesses for their contributions. They have been extremely helpful, as part of our scrutiny process. I wish you well and a good morning.

We move into private session to consider the remaining items on our agenda.

10:36

*Meeting continued in private until 12:31.*



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