



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 24 October 2023

Session 6



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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
20th 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:

Justine Ehimen (Whole Family Equality Project)

Afam Ejimbe (Whole Family Equality Project)

Erika Kotyuk (Whole Family Equality Project)

Rob Priestley (Scottish Government)

Fi Robertson (Scottish Government)

Emma Roddick (Minister for Equalities, Migration and Refugees)

Shama (Whole Family Equality Project)

Yam Tsang (Whole Family Equality Project)

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 24 October 2023

[The Convener opened the meeting at 10:31]

Decision on Taking Business in Private

The Convener (Kaukab Stewart): Good morning and welcome to the 20th meeting in 2023 of the Equalities, Human Rights and Civil Justice Committee. We have received apologies from Annie Wells and Paul O’Kane.

The first item of business is to decide whether to take agenda item 4 in private. Do we agree to do so?

Members indicated agreement.

Pre-budget Scrutiny 2024-25

The Convener: Agenda item 2 is pre-budget scrutiny. In this evidence session, we have a citizens panel from the whole family equality project. I refer members to papers 1 and 2.

We all met previously during an engagement session, so I am delighted to welcome you back here. I realise that this setting is more formal than our previous meeting was. I will introduce myself and then invite the other committee members to introduce themselves. My name is Kaukab Stewart and I am the convener of the Equalities, Human Rights and Civil Justice Committee.

Maggie Chapman (North East Scotland) (Green): Hi, everyone. I am Maggie Chapman and I am the deputy convener of the committee.

Karen Adam (Banffshire and Buchan Coast) (SNP): Good morning, everyone. I am Karen Adam MSP.

Meghan Gallacher (Central Scotland) (Con): Good morning, everyone. I am Meghan Gallacher MSP.

The Convener: Thank you, members. I invite the members of our panel to introduce themselves, briefly. We will go from left to right, as I see it.

Yam Tsang (Whole Family Equality Project): Hi, everyone, my name is Yam. You can call me John.

Justine Ehimen (Whole Family Equality Project): Good morning, everyone. My name is Justine.

Erika Kotyuk (Whole Family Equality Project): Hi. I am Erika.

Shama (Whole Family Equality Project): Hi. I am Shama.

Afam Ejimbe (Whole Family Equality Project): Good morning. My name is Afam.

The Convener: Thank you. Once again, you are very welcome.

I know that you are supported by other members of your group in the public gallery; we welcome them, too. I recognise their input in enabling us to be in this position today.

I understand that John is going to make an opening statement and that each of you is then going to read out a question—or questions—that you would like the committee to put to the Minister for Equalities, Migration and Refugees in our session later this morning.

John, I invite you to begin your statement.

Yam Tsang: In August 2022, the citizens panel was established, as part of the whole family equality project of Capital City Partnership. The panel brings together representatives from ethnically diverse and economically disadvantaged communities, aiming to create a space where we can combine our lived experience to advise service providers on better practice. Over the past year, we have shared our lived experience and worked with a variety of partners, producing some powerful insights in order to address socioeconomic disparities. We have begun to engage in wider decision-making forums and developed ourselves into a consultative body, rooted in a rights-based principle that places the human rights of individuals front and centre. In August 2023, we embarked on participation in the Scottish Parliament's pre-budget scrutiny work with the Equalities, Human Rights and Civil Justice Committee.

Throughout the process, we acquired knowledge of the budget process, the committee's role and the integration of equality principles into policy. We also familiarised ourselves with ministerial responsibilities related to equality within portfolios. Our active involvement included sharing experiences, holding practical discussions and formulating pertinent questions representing community priorities. The questions might touch on various committee areas, such as housing or education, but our primary lens is equality.

We hope that, by sharing our lived experiences, we can encourage meaningful consideration of financial resources utilisation in order to improve the situation with regard to inequality. Our goal is to represent a bridge between the committee and the communities that we serve, facilitating open dialogue and collaboration for the betterment of all.

We are aware that this is a new approach to consultation for the participation and communities team of the Scottish Parliament, so we would like to take a moment to say how much we enjoyed the process. We are eagerly looking forward to actively participating in any opportunity that arises, not only to enhance our services but to participate in advocacy such as pre-budget scrutiny in the future.

The Convener: Thank you very much, John. That was very helpful to the committee. I hand over to Justine, who will give us the question that the panel would like us to ask the Minister for Equalities, Migration and Refugees. I will leave it to Justine to introduce the next person to ask a question.

Justine Ehimen: Thank you for this opportunity. The panel thinks that the universal bus pass policy has been a great way to tackle inequality and poverty and that a similar approach should be

used for free school meals. By taking away token schemes and raising the age for free meals to 18, we can remove stigma and barriers.

Here is my question. What has the minister done to work with the Minister for Children, Young People and Keeping the Promise to understand the equalities impact of the current approach to free school meals? Will she commit to carrying out work on understanding how cross-cutting successes such as the universal bus pass can be replicated in other policy areas to alleviate inequality?

The Convener: Who would you like to go next?

Justine Ehimen: Erika.

Erika Kotyuk: The panel thinks that it is important that Scottish Government ministers work together to find ways to close the poverty gap without people having to rely on charities and social security payments. Keeping the Promise is one way by which children and families could be supported, but that must be delivered by a diverse workforce. Will the minister explain how she is working with the Minister for Children, Young People and Keeping the Promise to ensure that the Promise considers, reflects and supports the cultural and ethnic diversity of all of Scotland's children?

Shama will speak next.

Shama: The panel has strong concerns about the ethnic minority pay gap, both for children growing up in Scotland and for new Scots, and about supporting people from ethnic minorities throughout their lifetime. We know that two thirds of immigrants to Scotland have a degree, yet a significant pay gap remains. How is the minister taking a cross-portfolio approach to closing the ethnic minority pay gap, including by working with ministerial colleagues to ensure that there are equal employability opportunities for school leavers and by monitoring the ethnic minority pay gap, especially in the context of the anti-racist employment strategy?

The Convener: Thank you, Shama. We turn to Afam.

Afam Ejimbe: The panel feels very positively about the opportunity that it has had to participate in the budget process and would like to see more of such work being done, especially by the Scottish Government.

My question is: how does the minister connect directly with communities, and how will she work with colleagues to make sure that there are more participation opportunities across portfolios, including policy education, awareness raising of engagement opportunities, and feedback on the outcomes of engagement?

The Convener: Do members of the panel have another question that they wish to put?

Shama: We feel that many people, especially those from diverse ethnic backgrounds, are unaware of what constitutes their basic human rights, especially when they have moved to Scotland as adults. My question is: can the minister outline her commitment to ensure that all communities and people of all ages, including new Scots, are educated on their human rights by explaining the opportunities that the upcoming human rights bill will bring, including how the bill might link to national indicators and measuring the progress of existing equality and anti-racism strategies?

The Convener: John, did you have a question?

Yam Tsang: The panel has concerns about the fact that, even though diversity education in personal, social, health and economy classes has a lot of detail on issues such as sexuality, race and gender, there is little reflection on or understanding of cultural differences. Here is the question: how is the minister working with the Minister for Children, Young People and Keeping the Promise to ensure that teachers have the appropriate equalities and diversity training to fully support the teaching of cultural diversity and delivery of PSHE in a culturally sensitive way?

The Convener: Thank you to all of you for such thoughtful questions.

We now have time for a short discussion on how you have found the experience of participation and engagement with the committee. First, I want to ask committee members whether they have a particular question from the members of our panel that they would be happy to put to the minister in our next session. We have given that some thought prior to this meeting.

Maggie Chapman: Good morning, and welcome to the committee again. Thank you for coming along and for the time that you have put into preparing for this session. We have been talking about how we will ask the questions. Shama, on your behalf, and on behalf of the panel members, I will ask the minister the two questions that you just read out.

When you were thinking about your questions, did you have in mind any examples or any part of your lived experience that you would like me to keep in my mind as I am asking them?

Shama: Can I ask John to answer that question?

Maggie Chapman: If you do not have anything to say, it is okay.

The Convener: I will give the panel a little bit of thinking time. It would be helpful for committee

members to have a little bit of insight into what made the members of the panel think to ask each particular question. Do you have an interest in that area or an example that you would like to share with us? You do not have to give an answer. Justine, can I bring you in?

Justine Ehimen: Erika will provide an answer.

Erika Kotyuk: Regarding the second question that Shama asked, I think that often, when people move to Scotland from other countries, they do not know about their rights here. It will be great to see the Government launch its programme to help raise awareness of human rights in general, to educate us. The responsibility lies on both sides, but it will be great to get more support.

Maggie Chapman: Thank you, Erika. That is really helpful. I will bear that in mind.

Karen Adam: Thank you all for your questions. I am going to be asking the question on behalf of Afam. Is there anything that I need to keep in mind while asking that question? I am particularly going to be focusing on participation.

Afam Ejimbe: I had to think quite a bit about my question, particularly with regards to the words “communities” and “engagement”. Personally, I think that using the word “communities” kind of separates the observer from the communities. As with the citizens panel, I like the idea that the community is in the Parliament, because we—MSPs and everyone—are part of a community. From our experience on the panel, I think that it would be nice to be more involved with different portfolios and to feed back on that to the wider community.

Seeing, experiencing and discussing ideas and lived experiences with MSPs close up, and sharing the environment with everyone else, has made a difference. That changes the definition of community. Overarching all that is human rights, which provide the guidelines.

10:45

Karen Adam: Thank you—that is really helpful.

Meghan Gallacher: I will have the pleasure of asking the minister John’s question about how we start in the classroom with understanding different cultures. Indeed, that is really important for us all to grasp, given that legislation that comes through the Scottish Parliament could impact on the various diverse communities that we have throughout Scotland.

I want to ensure that we ask the minister absolutely the right questions. Can we do anything to help improve such understanding? Have John and other panel members thought of anything that we could bring into the committee or the Scottish

Parliament's structures to ensure understanding of cultural differences and to address that issue in what we do here as a community?

Yam Tsang: Does anyone have any ideas?

Afam Ejimbe: Education, especially of children, is how we begin to influence our understanding of other people. For a kick-off, I would say that the term "cultural differences" causes a problem. As human beings, we are one—to use a cliché—but exposing ourselves to different languages and cultures and to the issue of geographical evolution with regard to differences in skin colour and language is important and should be at the base of everything. That would give us more tolerance.

Yam Tsang: For me, the issue is more about how the Government monitors implementation of education as a whole through the school curriculum. I have read articles about the problem of unsuitable material still being used in schools here, and parents have narrated the experience of their daughters being told to create male sexual models in a mixed-sex classroom. Human rights and cultural difference are different from sexuality and such rights.

The Government needs to monitor how teachers educate their students under the curriculum and look at the problem carefully. As Afam has said, children are our future; education is how we begin to understand diversity, and how we choose material and how children are taught are very important issues.

Meghan Gallacher: I have certainly had such concerns, so thank you for that answer. Points were made about tolerance and parental engagement—I think that we have got it.

Justine Ehimen: To add to what John has said, I would emphasise the need to constantly train and retrain teachers and others who educate our children and young people. Children are our future, and if we really want to achieve equality and diversity across the board, that has to start with the way in which we teach children. Emphasis must be placed on teachers to ensure that the vision of equality across the whole of Scotland can be achieved in the shortest possible time.

The Convener: Thank you, Justine.

I will go next. I have the pleasure of asking your question, Erika, but is there anything further that you wish to let me know about it or your thoughts around it? You do not have to, but would you like to add something?

Erika Kotyuk: I will add a little. One of the reasons for our wanting the committee to ask this particular question is that the panel thinks that it would be great to see ethnic minority groups being represented in different work areas—for example, on children's hearings panels.

The Convener: Thank you—that was very helpful.

To reassure you, Afam, I should say that your question will be asked by my colleague Fulton MacGregor, who is on his way to the Parliament as we speak. He will be coming in a little way through the meeting, before the minister starts—he is just running late.

We have a few minutes left. Would the witnesses like to comment further? From the committee's point of view, we are particularly interested in whether the Parliament can do anything more to support citizens such as yourselves to be able to talk confidently about budget provisions. Is there anything further that can be done in that respect? If you do not have an answer just now, that is okay, but please do feed back to us on that.

While you think about that, I will ask my other question. How could more people get involved in this work? How could we enable that to happen? Afam, you indicated that you would like to say something.

Afam Ejimbe: I would like to answer all of the questions, but I will not hog them—I will take just the one.

The Convener: We do have a couple of minutes.

Afam Ejimbe: I am a bit thrown, because there are so many good questions.

I think that it would be really easy for the panel, as one, to answer the question about improving community engagement. When we sat in some of the luxurious offices in this building to have discussions and arguments and share our lived experiences, we saw MSPs walking past, looking in and wondering what was going on—some were interested in what we were doing. That is what community engagement is. You could say that, in a way, we have come to you; you just need to open the door and walk in—or ask to be able to sit in and listen to the discussions that are going on.

A lot of the time, I think that MSPs are misunderstood. They are human beings, too, but the contact is lost because of the many hoops that have to be jumped through. To improve engagement with the community, you need to have panels such as ours having meetings in here. That is what the Parliament is for; it is about sharing our lives with MSPs to help them get through these difficult times.

The Convener: Thank you—that was a very helpful and valuable insight. You are correct that the Parliament is built on the principles of transparency and accountability. I know that MSPs walk past the meeting rooms, so your point about having the door open, so that they can walk in and

listen directly, is a powerful one, and thank you for making it.

I see that Fulton MacGregor has joined us. Fulton, I will give you just a couple of minutes to find your feet. You will be asking Justine's question. Would you like any further information from Justine about why the panel picked it? That is what the other committee members have been asking, but you do not have to, as we are coming to the end of this session.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I am keen to follow up on the issue of bus passes and other universal access, as it came up quite a lot during our engagement sessions. Justine, you have seen the question and I know that you are happy with it, because you worked in partnership with the team here to draft it, but is there anything else that you want to say before the minister comes in?

Justine Ehimen: The panel agreed to bring up that particular question as well as the others, because we saw their importance, primarily as a result of our lived experience and engagement within our communities, including the feedback that we had from children who go to school. For example, some children have been finding it difficult to understand why they cannot eat with their friends. At lunchtime, they will be eating, but their friend will not be, or they will be eating something different. However, they sit together in lessons. If they can study together, why can they not eat together?

When we took that, and other feedback, into our discussion sessions, we found the bus pass policy to be effective and to work very well in equalising everyone. Irrespective of status or ethnicity, everyone uses a bus pass. Such an approach has worked very well, and we would like the minister to look at it to find a way of balancing free school meals. Perhaps there could be a cap—say, of 18 years—to ensure that, irrespective of ethnicity or status, every child was entitled to free school meals.

The Convener: That brings us to the end of this part of the meeting. I repeat our sincere thanks to our witnesses, who will now take their seats in the gallery to observe our session with the minister. I know that they will be watching and ensuring that we ask their questions, and they will be in the room to hear the answers.

I briefly suspend the meeting to allow for a change of witnesses.

10:57

Meeting suspended.

11:01

On resuming—

The Convener: Under agenda item 3, we will continue our pre-budget scrutiny. I welcome to the meeting Emma Roddick, Minister for Equalities, Migration and Refugees; Rob Priestley, head of the mainstreaming and strategy unit in the directorate of equality, inclusion and human rights at the Scottish Government; and Fi Robertson, head of the Scottish budget team in the directorate of budget and public spending in the Scottish Government.

I refer members to paper 3.

As you will be aware, minister, the committee has been engaging with a citizens panel from the whole family equality project as part of our participatory approach to pre-budget scrutiny. In our previous evidence session, representatives from the panel, who are now seated in the gallery behind you, gave us some questions that they would like us to ask you. We will go straight into asking those questions now. I make it clear that we will ask the questions on behalf of the whole panel, but committee members will say who introduced each question in our previous session.

We have agreed who will ask each question on behalf of a panel member, and the minister will then respond. I am sure that it will go very well. I put on the record that the questions that we will ask on behalf of the members of the panel are verbatim as we think it is very important that their voices are put front and centre in this pre-budget scrutiny session.

In the light of that, I will kick off with a question that comes not from me, but from Erika, who asks:

"The panel think it's important that Scottish Government ministers work together to find ways to close the poverty gap without people having to rely on charities and social security payments. Keeping the Promise is one way that children and families can be supported, but it must be delivered by a diverse workforce. Can the minister explain how she is working with the Minister for Children, Young People and Keeping the Promise to ensure that the Promise considers, reflects and supports the cultural and ethnic diversity of all of Scotland's children?"

Emma Roddick (Minister for Equalities, Migration and Refugees): That is a fantastic question to kick things off. Thank you, convener. I am very aware that the citizens panel members are behind me, and I feel a bit rude to be facing away from them. I apologise to everyone who is behind me, but I need to address the convener.

I completely appreciate the work that has been put in here and the fact that the questions come

from members of the public. That possibly means that they will be even more difficult to answer than usual. I emphasise that my portfolio is equalities, migration and refugees, and I will do my very best to answer the questions within the scope of that remit. Equalities is so broad that it might be quite difficult to tie things in, but I am more than happy to bring in my officials and we are happy to write to other ministers and directorates, as appropriate, to get the committee fuller answers if we go into depth on colleagues' portfolios.

When it comes to working with Natalie Don around the Promise, convener, you will be aware of the programme for government commitment to set up a Cabinet sub-committee on the Promise. Its membership is still a work in progress, but it is a demonstration of our wider mainstreaming approach. Although the Promise is not my area of responsibility, I am committed to ensuring that equality and human rights are embedded in all that we do in government, including the delivery of the Promise.

We are delivering that change in a number of ways. You will be aware of the proposed human rights bill, our consultation on which has recently closed. Among other things, legislating on those human rights will ensure that the Scottish Government takes a human rights-based approach in how we legislate and how we treat our citizens. We are reforming the public sector equality duty, which will make sure that other public bodies are acting in the same way. We are focusing on building capacity and changing culture within Government, on strengthening leadership, including at senior levels, and on making better use of the equality data that we have.

I will continue to work with colleagues, including the Minister for Children, Young People and Keeping the Promise, to ensure that, across all our services—for example, in care, health, social services and education—we meet our ambition for Scotland to be an equal and fair place for any child to grow up in, no matter their background. That will require lots of portfolios to work together, which is reflected in the need for the Cabinet sub-committee.

The Convener: Thank you for that, minister. In our communications with members of the panel, and during the participatory process, what has come through is that members of the public do not see the portfolios in silos. Their lives are interconnected, and lots of issues impact on them. There is crossover in all of those—for instance, between housing and education. Their question is about the different portfolios and different departments working together in order to produce a budget that is relevant and appropriate in that way.

Can you or Rob Priestley give us further information about delivering a diverse workforce? I think that the intent behind that question was that a diverse workforce would be reflective of the diversity of the children that those people will work with.

Emma Roddick: I understand that the subject of equalities in particular involves a great deal of crossover. That is reflected in the cross-Government work that we constantly undertake. My only fear would be in trying to go into detail on processes that I am not party to, on behalf of colleagues who could themselves come to the committee and be far more helpful in that regard.

The point about a diverse workforce is very important. However, as you will know, convener, teachers have to comply with professional values such as integrity, trust, respect and social justice. All teachers should be positive role models and ensure that everyone that they encounter is treated with respect.

Specifically, when it comes to an anti-racist approach to employment overall, you will be aware that, last December, we published our new anti-racist employment strategy, which seeks to respond to the scale of institutional racism and provides practical guidance and support to help employers take an anti-racist and intersectional approach to addressing racial inequality in the workplace.

I ask Rob Priestley whether he has anything to add.

Rob Priestley (Scottish Government): Work is under way in the Scottish Government on diversifying the civil service workforce. I do not have details on that with me, but I would be happy to have colleagues write to the committee to provide more information. That relates directly to Scottish Government civil service work. More broadly, that feeds into the mainstreaming work that the minister has already referred to, which is about how we work equally with other public bodies—sometimes learning from them and sometimes supporting them—on diversifying the workforce. Their acknowledgement and understanding of that workforce is also critically important.

The Convener: Thank you for those responses. I know that, especially in the teaching profession, there have been many initiatives over the years to increase the diversity of the workforce. I think that we would all admit that, unfortunately, we are not making the progress in that area that we would like to, but it is heartening to hear about the continued work and the focus of the Scottish Government on that.

I pass over to Meghan Gallacher.

Meghan Gallacher: Good morning. John is the author of my question. He says that the citizens panel has concerns that, even though diversity education in personal, social, health and economic classes has a lot of detail on issues such as sexuality, race and gender, there is little reflection on or understanding of cultural differences. He asks:

“How is the minister working with the Minister for Children, Young People and Keeping the Promise to ensure that teachers have the appropriate equalities and diversity training to fully support the teaching of cultural diversity and delivery of PSHE in a culturally sensitive way?”

Emma Roddick: I thank the committee and the citizens panel again for an in-depth question.

I suppose that I would hesitate to take such a broad-brush approach. I know that there are very good examples of PSHE education led by very hard-working teachers throughout Scotland. As I have mentioned, all teachers are required to adhere to the General Teaching Council for Scotland professional values, so they should be demonstrating, welcoming and encouraging inclusive behaviours to ensure that everybody in schools is treated with respect. It is the responsibility of all staff—not just teachers—in Scottish schools to promote and facilitate a culture of equality and diversity and to address individual and institutional discrimination, including where that stems from cultural differences.

I can give a specific example of our delivering appropriate training for teachers. We are currently consulting on revised statutory teaching guidance for relationships, sexual health and parenthood education that is aimed at enabling children and young people to build positive relationships as they age.

I appreciate—the convener has alluded to this—that diversity education has come a long way in 20 years, but there is still much work to do. We recognise that, and I welcome the scrutiny of that aspect. Additionally, I welcome the approach that my colleague the Minister for Children, Young People and Keeping the Promise is taking with the statutory guidance to help to ensure that teachers are empowered to deliver PSHE education in a culturally sensitive way.

Meghan Gallacher: The phrase “culturally sensitive” is perhaps one of the most important aspects of this. We certainly want young people from all different backgrounds to feel included, not excluded. That narrative is certainly coming through. Is a review of PSHE teaching formats appropriate, so that we look at the new dynamic of diverse learning? Would that be appropriate to consider, to ensure that we include all cultures in the classroom and not just the cultures that we might have in the Scottish Parliament?

Emma Roddick: I hope that you will appreciate that that is not something that I can go into in great detail, because that is not an area of responsibility that sits with me. However, I know that the Minister for Children, Young People and Keeping the Promise is as keen as the rest of Government is to ensure that we do all that we can to promote diverse culture in schools. I am more than happy to pass on any comments to her from the committee and any others in the education portfolio to make her aware of the asks from the committee and the citizens panel.

In my area of responsibility, we are doing lots of work at pace to launch the anti-racism observatory. I think that the data, guidance and evidence base that we can get from that institution will allow us to respond to the systemic issues that we know exist, and that policy that is based on that new evidence—such evidence has perhaps previously not been collected as much as it should or could have been—will allow us to be truly anti-racism as well as simply not racist.

Meghan Gallacher: Thank you, minister. Convener, this might be for discussion in private but perhaps we could send a follow-up letter to the Minister for Children, Young People and Keeping the Promise to mirror what we have asked this morning.

11:15

The Convener: I will be happy to discuss that; that is fine.

Minister, you mentioned the observatory. Since you brought it up, where are we in that process? What is the status of the observatory at the moment? At what point will we see it having an impact? Those are questions that have been raised with me about the observatory.

Emma Roddick: You will appreciate that I am working closely with the anti-racism interim governance group co-chairs on what the observatory will look like, its functions and its constitution. I am not in a position to share all that with the committee at the moment, but I will keep you updated as things move on. As I have said, we are moving at pace and, as is reflected in the programme for government, we expect to launch the observatory by the end of the year.

The Convener: That will be great. Thank you very much.

We move on to questions from Maggie Chapman.

Maggie Chapman: Good morning to you and your officials, minister. I have two questions to put to you on behalf of Shama.

Shama writes:

“The Panel has strong concerns about the ethnic minority pay gap, both for children growing up in Scotland, and for New Scots, and feel that closing this gap is crucial to closing the poverty gap and supporting people from ethnic minorities throughout their lifetime. We know that two thirds of immigrants to Scotland have a degree, yet there still remains a significant pay gap. How is the Minister taking a cross-portfolio approach to closing the ethnic minority pay gap, including working with Ministerial colleagues to make sure there are equal employability opportunities for school-leavers and monitoring the ethnic minority pay gap, especially in the context of the anti-racist employment strategy?”

Emma Roddick: Again, I appreciate the spirit of the question. It goes back to what Meghan Gallacher and I were discussing about institutional racism and the need for systemic change, which has only grown as we have become more aware of its effects on people, including those who are seeking to work in Scotland. To put it simply, we want Scotland to be a place where everyone has an equal opportunity to enter, sustain and progress in work in an inclusive labour market.

In December 2022, we published our new anti-racist employment strategy, which is underpinned by a series of actions that we are undertaking in partnership with key stakeholders, including evaluation of the minority ethnic recruitment toolkit to ensure that it continues to support employers in their recruitment of people from racialised minority backgrounds. We are developing the next stage of our anti-racism workplace training framework, which will support public and private employers to assess their own training needs and provide learning pathways that will build the capability of employers to address racial inequality in their workplace. We are also developing guidance to show how employers have used positive action to address underrepresentation, retention and progression of staff in their workforce.

We will continue to encourage and support public sector leadership to build that understanding of institutional racism and its impact, and to address the recommendations of this committee’s inquiry into race equality, employment and skills. All of that is being taken forward in the context of our new fair work action plan, which will help us to meet our ambition of becoming a leading fair work nation by 2025.

Maggie Chapman: Thank you for that response, minister. There are quite a few bits and pieces in it. With reference to one of your earlier answers about the anti-racism observatory, time and time again, year after year, the committee has heard that we do not necessarily have the right data and that we do not monitor comparable data effectively, whether it be geographically, sectorally or in any of the other stratifications that we might need to use.

You have outlined the anti-racism employment strategy and the action plan, which I expect will

link into the fair work action plan. What are the relationships between those strategies and the work of the anti-racism observatory? There is no point in all that good work going on if it does not join up. If those elements do not connect, we will not see the impact of good work or the gaps where things are falling through the cracks.

Emma Roddick: That is exactly what we are trying to do. Covid was not the only or the first example of a situation in which not having intersectional inequalities data led to poorer outcomes for various groups. However, it certainly brought together the anti-racism interim governance group, which eventually recommended the establishing of the anti-racism observatory. The impact of its work will therefore be far more wide ranging than simply addressing the inequalities that became clear through the pandemic.

As for connecting pieces of work, it is important to note that the observatory is not the answer to racial inequality; it is part of the solution. It will allow us to create stronger evidence-based policy. It is also not the only approach that we are taking to obtaining data as we recognise the requirement for intersectional information.

You will be aware that we are currently considering a review of the operation of the public sector equality duty. Recently, I wrote to stakeholders to outline the next steps on that, which we propose should include two key regulatory changes, including revising the current pay gap reporting duty to include information on ethnicity pay gaps. Pay gap reporting is an important means of driving action to spotlight and reduce pay inequalities that affect certain disadvantaged groups, and extending the requirement to report on pay gaps between men and women to include reporting on those relating to disability and ethnicity will encourage public bodies to take more effective action on equalities issues that affect their disabled and minoritised staff.

Maggie Chapman: We have identified gaps in the data, and you have explained the work that is under way to plug those. Our aim is to have evidence-based policy, but the challenge is that we already have evidence of inequality. I urge the Government to focus on action rather than just collecting stuff on areas that we already know are problematic.

I take on board what you said about the various elements having to work together and some of the strategies being new. I am sure that I speak for the committee when I say that we would welcome updates on the different strands of work that you have outlined, not only as part of our pre-budget scrutiny but on an on-going basis.

Shall I move on to my next question, convener?

The Convener: Yes, please.

Maggie Chapman: This question is also from Shama, who writes:

“The panel feels that many people, especially those from diverse ethnic backgrounds, are unaware of what constitutes their basic human rights, especially when they have moved to Scotland as adults. Can the Minister outline her commitment to ensuring all communities and people of all ages, including New Scots, are educated on their human rights by explaining the opportunities that the upcoming Human Rights Bill will bring, including how the Bill might link to national indicators and measuring the progress of existing equality and anti-racism strategies?”

Emma Roddick: I am glad to hear the word “opportunities” being used to describe the introduction of the proposed human rights bill, because it is an important and exciting part of what we are doing. The bill’s aim is not simply to incorporate the four treaties into Scots law as far as we can, but to offer an opportunity to inform people about and raise their awareness of the rights that they currently have and those that they will have once the treaties are incorporated.

Implementing and communicating effectively that ambitious piece of legislation will be as important as passing it, which is why we have established an implementation working group to develop early thinking in that space, including on how best to raise awareness of the rights in the bill. It is essential that the work is targeted, and we will ensure that the communities that, at the moment, might be furthest from accessing those rights and from power have a greater understanding of what the bill will do for them.

The bill will create a duty on ministers to publish a human rights scheme that will require regular reporting on what the Scottish ministers are doing to implement the bill, including on awareness raising. We will continue to develop our thinking on how that links to the national performance framework, as well as broader work across Government, including on anti-racism.

Maggie Chapman: I appreciate what you say about it being a work in progress and the political discussion around the bill being a phenomenal opportunity to talk about rights more generally across society. You speak about targeted work for the people who are furthest away from power and who are most often marginalised and excluded, and that is really important. We have had discussions in the committee before about easy-to-ignore groups of people—people who do not have a voice. The panel is an opportunity to try to redress the balance, although it does not go the whole way in doing so.

I have a question that arises from what you said. People need to know about their rights in order to know whether they are accessing and realising

them. Information is needed—probably for people in this building, too—about what we mean when we say, “You have a right to housing.” What does that actually mean? What kind of house? Is it about just any form of shelter over a person’s head or does it have to be warm and secure? I am interested in the implementation group’s work, and perhaps there is something around building an understanding of what we might describe as a definition of the minimum core in terms of our obligations.

Emma Roddick: That is certainly forming a key part of the discussions around the human rights bill. We have focused on access to justice, because rights have to mean something and not having them realised or not being able to access them has to mean something. I hope that I can count on Maggie Chapman’s support in spreading awareness of those issues throughout the progress of the bill. We need to get it right. I appreciate the input that we have had so far from stakeholders and the public, and I hope that that continues throughout the process.

The Convener: I have a quick supplementary question. Who is the implementation working group responsible to?

Emma Roddick: I will bring in Rob Priestley on that question.

Rob Priestley: The implementation working group is one of a number of groups that support the implementation and formation of the bill. They report through the directorate that I work in, which is the directorate of equality, inclusion and human rights. Ministers and the cabinet secretary are kept updated regularly on the work of the working group and what is coming from it.

The Convener: We move to Fulton MacGregor.

Fulton MacGregor: Good morning to the minister and her team.

My question is from Justine, who is here today. He writes:

“The panel think that the universal bus pass policy has been a great way to tackle inequality and poverty, and that a similar approach should be used for free school meals, including removing stigma and barriers by taking away token schemes and raising the age of free meals to 18. What has the Minister done to work with the Minister for Children, Young People and Keeping the Promise to understand the equalities impacts of the current approach to free school meals, and will she commit to carrying out work on understanding how cross-cutting successes like the universal bus pass can be replicated in other policy areas to alleviate inequality?”

11:30

Emma Roddick: Again, that is a very important question on a key policy area for the Scottish Government.

I highlight that we have the most generous free school meal offer anywhere in the United Kingdom. It saves parents £400 per eligible child per year, so it is an incredible investment. We remain absolutely committed to the expansion of universal free school meals, and our programme for government set out that we will work with the Convention of Scottish Local Authorities to prepare schools and infrastructure for the expansion of school meals to primary 6 and 7 pupils who are eligible through the Scottish child payment. The next step is working with local authorities to undertake the planning work that is necessary to deliver that, recognising that there is a big infrastructure and resource requirement on schools to deliver those school meals every day, which needs to be worked through on a local basis.

More broadly, I point out that such commitments clearly require significant funding, and we are in a very difficult budgetary situation this year and next. However, that is an example of how our on-going work on equalities and human rights budgeting is making a difference, and of the fact that we are still prioritising a social justice response to poverty, climate change and our interconnected goals.

We are committed to further embedding equalities and human rights budgeting, which is the role that I have not just with regard to the Minister for Children, Young People and Keeping the Promise's portfolio but across all of Government. I recently met the equalities and human rights budget advisory group, along with the Deputy First Minister, to discuss what more we can do.

We have produced an equality statement alongside the budget for more than 10 years now, which represents an unbroken and consistent commitment to examining, through an equalities lens, the impact of the Scottish budget on Scotland's population.

In September, we published our response to the equalities and human rights budget advisory group's recommendations. In that response, we shared an overview of current and planned activity that progresses action on the recommendations. At the heart of that response is continuing to improve how equality analysis improves decision making, such as with the example of free school meals. We have a ministerial workshop on equality and the budget planned for early November, and I will take to that workshop the request about cross-portfolio working.

Fulton MacGregor: Thanks very much for that thorough response. I think that you predicted the supplementary question that I was going to ask, which was about your role with other departments and ministers. I am conscious that a lot of the questions that we have asked today have been

about other ministers, and you have answered them really well, but I want to ask about the specific work that you are doing with ministers and how you are doing it.

I think that you have already answered this, but I will just give you a chance to reiterate your answer. Is the policy of universal free school meals—of which I am a big supporter, as is Justine and the other members of the panel—something that comes up regularly at the meetings that you have described?

Emma Roddick: I suppose that all policies come up, because we are keen to constantly scrutinise what we are doing, including any measure specifically aimed at supporting children and families out of poverty. After all, that is a core mission of the Government, and a substantial amount of our budget is currently focused on it. For example, we are spending more than £3 billion on policies aimed at tackling poverty and supporting people, which will have an impact on how people make it through the cost of living crisis and other events that they are facing.

As for working with other ministers, my portfolio lends itself to that. A lot of the work that we, including Robbie Priestley, are doing is about mainstreaming—that is, encouraging other ministers to think about things through an equalities and human rights lens and requiring them to do so through the changes that we are making to the budget process and the equality duties.

Fulton MacGregor: Thank you.

Karen Adam: Good morning, minister. I have two questions. First, I want to ask a question on behalf of Afam, and my second question is based on stakeholder evidence.

Earlier, I asked Afam whether there was anything I should bear in mind when asking his question. His answer was quite poignant; I am sure that he will correct me if I get this wrong, but he said that when we talk about “communities”, communities themselves often experience that word as othering or see it as something at a distance from the person who is doing the engagement with the community. He said that we should keep in mind that we are all one community and that communities equal diversity within the community of the whole human race.

This is Afam's question:

“The panel feels very positively about the opportunity it has had to participate in the Budget process and would like to see more of this work being done, especially by the Scottish Government. How does the Minister connect directly with communities, and how will she work with colleagues to make sure that there are more participation opportunities across portfolios, including policy education,

awareness raising of engagement opportunities, and feedback on the outcomes of engagement?"

Emma Roddick: That is another excellent question. First, I am glad that the panel members feel so positive about the process; I feel positive about it, too. It is a good experience to come to the committee and hear directly from committee members how they have been influenced by the work that the committee has undertaken in engaging with the public. I feel very positive about it.

In terms of my direct engagement with communities, my equalities migration and refugees portfolio is very people focused, and over recess—and, indeed, throughout the parliamentary session—there is a lot of direct engagement with people who make use of services. I go back to Maggie Chapman's use of the term "easy to ignore"; it is a far better descriptor than the term "hard to reach", which is used too often. We know where a lot of the people are. I engage with people directly through the Scottish Refugee Council and other bodies that we know assist people who require extra help to engage with those in power and to deal with councils, as well as other support networks that engage directly with people. Through them, I can meet clients and people who might not think to e-mail a minister or otherwise try to get in touch with me.

I am proud of the Scottish Government's vision of public participation and the importance that has been placed on ensuring that people's expenses and time are paid for when they engage and that engagements are designed with a wide range of needs and circumstances in mind. After all, we must bear in mind that people might be travelling from rural or island communities, or might require accessibility measures to be put in place before they are able to contribute fully.

The important thing for us now is to ensure that the participation offers result in change that we can meaningfully demonstrate. I would like to be able to come back to the committee and say, "Look, this is how participation has changed direction" or "This part of our policy making has been broadened as a result of listening to what people have taken the time to explain to us."

I hope that that answers the question.

Karen Adam: Yes. I find what you are saying about the need to reach out to these communities to be really interesting; indeed, Afam mentioned that the communities are there and that the door is open. It is important to note that it is up to us to make that effort.

You might have already covered my second question slightly. The witnesses in the committee's scrutiny process have said that one of the

challenges is to understand the impact of committees on the budget. Indeed, the committee's own work has shown the value of increasing participation in the process, but that doing so is resource intensive and time consuming, especially given the lack of public awareness of the budget process.

That is the preamble—here is the question. How will you work with colleagues to promote participation by ensuring that budget documentation more effectively demonstrates the changes and decisions that have been made as a result of committee scrutiny? We are transparent and the information is there, but how can we ensure that that information is understandable and digestible?

Emma Roddick: I will bring in Fi Robertson in a moment, but I can give you some initial reflections. For something that describes a piece of work as large and as complex as the annual budget, the equality and fairer Scotland budget statement is an incredibly accessible document. However, I appreciate that we do not want people to be involved only at the end of the budget process and in looking back over it; we want them to be involved throughout the process.

We are therefore committed to improving the budget's accessibility. Through successive open government action plans, we have worked closely with civil society partners to improve the understanding and accessibility of public finances, and our current plan commits us to improving the accessibility of our fiscal data and information, to benchmarking our fiscal transparency against international standards and to improving public engagement and participation regarding public finances.

By using our own research and international best practice, we have developed a prototype fiscal portal to bring together and present our fiscal data and information in a more accessible, open and understandable way. We are working to produce a fully functional minimum viable product by the end of 2023.

Fi Robertson might have more to add on the subject.

Fi Robertson (Scottish Government): I do not have much to add, but I should say that we are also working on a research paper for a citizens budget. It is going through the clearance process at the moment, and once that has happened, we will get back to you in writing to let you know what is involved.

Karen Adam: That was really fascinating—thank you.

The Convener: I have some questions. In previous years, and this year, stakeholders have

told the committee about a lack of connection between policy and budget documents and have voiced concerns about the lack of meaningful detail in the equality and fairer Scotland budget statement. The Scottish Government's response to recommendations from the equality and human rights budget advisory group includes a commitment to better align the programme for government and the budget process.

In that context, minister, can you explain how the committee's previous concerns about a lack of clarity between documents will be addressed in the coming budget round and how the equalities assessment process will influence that? That concern comes not only from the committee but from the citizens panel, whose members we spoke to earlier, because that lack of connection has been raised at community level. The average citizen does not always see the connection between the decisions that are made and the direct impact that those have on their lives and communities. How will you address that?

Emma Roddick: I hear that criticism. We are trying to improve exactly those issues of accessibility and transparency within the process. It is not that we are not committed to showing our work on equalities budgeting, but we must consider how best to build that into the process and how to explain that in an understandable format.

I will bring in Rob Priestley soon to talk about the detail. The programme for government and the material in our policy prospectus about equality, opportunity and community have given ministers and cabinet secretaries a clear focus. The mandate letters that went to cabinet secretaries regarding their portfolios communicated very clearly what this Government's expectations are and how we should prioritise our core missions.

I hope that that has gone some way to helping people to see how the policy prospectus, programme for government and budget interconnect and how ministers are putting in the work to ensure that all that we do builds towards the missions that the First Minister has clearly set out. However, I appreciate that there is always more that we can do to increase participation and understanding more widely.

11:45

Rob Priestley: I will come in on the point about the equality and fairer Scotland budget statement and the feedback from the equality and human rights budget advisory group, specifically the question about how we increase the alignment between the equality analysis that is done around the time of the programme for government and the EFSBS—that is not a catchy title—work.

This year, we have taken on board the feedback from the committee and the advisory group and made a number of significant changes. We piloted a new approach to reviewing the equality information that is contained in the PFG and feeding it directly into the EFSBS, so that we aligned those two pieces of equality analysis. We will illustrate that through the published equality and fairer Scotland budget statement.

We have also moved some of the analysis that is done to earlier in the year, which allows it to better inform decision making. The critical point that we are trying to reach is for it not to be a post hoc analysis but for it to directly inform decision making.

The minister mentioned that, in November, she, the Deputy First Minister and others will attend a ministerial workshop on equality in the budget. The information will feed into that to allow the discussion to be well informed by evidence early on in the budget process.

The improvements are incremental. We continue to increase the alignment and, importantly, as the minister mentioned, our ability to show transparently how we are doing it.

The Convener: I want to get a wee bit of further reassurance about the Scottish Government's commitment to implementing the equality and human rights budget advisory group's recommendations—in the interest of inclusivity, I do not use just initials, so that we all know what it is.

Will the minister explain the funding implications of implementing the recommendations? Are they significant or process-driven changes that can be met within existing budgets?

Emma Roddick: Rob Priestley would answer that more ably. However, there has certainly been a focus on the process when I have met the chair of the equality and human rights budget advisory group. The focus has been on culture, processes, the turnaround of the budget and how we can show our working throughout the process, not just at the end. A lot of it has been about culture change and putting in place checks and balances to ensure that any minister, regardless of their portfolio, has equality and human rights budgeting in their mind, so that it becomes habit rather than something that we have to drive through constantly.

Rob Priestley: We are talking about a process improvement, so the cash cost is about staff time and, critically, capability. It is about the capability not of a small number of specialists in the area but of broader staff to understand and work with equality data and budgeting to inform decisions. We are aware of the staff time question but are working on the staff capability.

An example of that is that we are working with the Organisation for Economic Co-operation and Development, which is running a couple of pilots for us on gender budgeting. A key part of the remit that we have agreed with it on that is that the OECD will focus on developing staff capability. I refer to the broad staff capability, not that of the small number of specialists who work in the area, such as me and Fi Robertson.

Fulton MacGregor: I have a follow-up question to the discussions that we have been having. The response to the equality and human rights budget advisory group makes it clear that the Scottish Government does not intend to greatly increase direct engagement with the public on the budget process yet, through our engagement sessions and through doing things a wee bit differently, we have heard the citizens panel and the wider public ask for such engagement. The importance of understanding lived experience in the context of spending outcomes has been emphasised to us.

Do you acknowledge the calls for more opportunities for the public to engage more directly with the Scottish Government on the budget process? If so, will you outline why citizen-led approaches that reflect lived experience have not been incorporated into budget setting?

Emma Roddick: We have committed to exploring opportunities to improve public engagement with the budget process and continuing to make the process more transparent, which includes exploring a citizens budget. There is a strong commitment and a will in the Government to hear more from people who have been empowered to comment on the budget in a way that allows us to take that into account. That means not just opening up opportunities for people to speak to us but making the process clearer, more transparent and easy to digest, so that the set of documents is not inaccessible.

Those two things go hand in hand. If people are empowered to understand what we are doing and why we are making our decisions, they will be able to comment and scrutinise in a far more informed way, which the Government absolutely welcomes. We are committed to exploring more opportunities for people to engage with the process.

Fulton MacGregor: I know that you are personally committed to that.

The Convener: I have a wee follow-up question, which you might not be able to answer today. Retrospective analysis came up in our discussions with the citizens panel. Citizens asked what work is done, after budgets are set and policy is followed, to analyse the impact and see whether the money reached the right people. I am fully prepared for the fact that you might not have

answers today, but it would be good to hear what work the Government does on impact analysis.

Emma Roddick: Our equality and fairer Scotland budget statement links spending that has been undertaken with national outcomes. Through an equalities lens, that document links what we have spent money on with how that has changed things for people. More generally, in response to equality and human rights budget advisory group recommendations, we have made the commitment that officials will be resourced—to go back to Rob Priestley's points—to mainstream issues, take a retrospective look and analyse what spending has resulted in.

The Convener: Thank you—that concludes the evidence session. We will take time to reflect on the evidence that we have heard. We will be grateful to accept offers from the members of the panel to supply further information on matters that arose during the session and we look forward to getting that information. We will also write to the Scottish Government in due course. I thank the minister and her officials—Rob Priestley and Fi Robertson—for their attendance.

11:54

Meeting continued in private until 12:27.

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