



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Equalities, Human Rights and Civil Justice Committee

Tuesday 30 January 2024

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 30 January 2024

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
SUBORDINATE LEGISLATION.....	2
Equality Act 2010 (Specific Duties) (Use of Member Information) (Scotland) Revocation Regulations 2023 (SSI 2023/375)	2 2
BUDGET SCRUTINY 2024-25	3

EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE

3rd Meeting 2024, 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:

Clare Gallagher (CEMVO Scotland)

Professor Angela O’Hagan (Scottish Government Equalities and Human Rights Budget Advisory Group)

Heather Williams (Scottish Women’s Budget Group)

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 30 January 2024

[The Convener opened the meeting at 09:47]

Decision on Taking Business in Private

The Convener (Kaukab Stewart): Good morning, and welcome to the third meeting of 2024 in session 6 of the Equalities, Human Rights and Civil Justice Committee, which is fully virtual.

We have no apologies. I remind all participants that they must keep their cameras on. Our broadcasting colleagues will control your microphones, so you do not need to touch these at any point. Just watch for your mic icon to show you as being unmuted and then take a second before you speak. Thank you.

Agenda item 1 is to agree to take item 4, which is consideration of today's budget evidence, in private. Are we agreed?

Members indicated agreement.

Subordinate Legislation

Equality Act 2010 (Specific Duties) (Use of Member Information) (Scotland) Revocation Regulations 2023 (SSI 2023/375)

09:48

The Convener: Our second agenda item is consideration of one negative Scottish statutory instrument: SSI 2023/375. I refer members to paper 1.

No members have indicated that they have any comments to make. That being the case, are members content not to make any comment to the Parliament on this instrument?

Members indicated agreement.

Budget Scrutiny 2024-25

09:49

The Convener: The third agenda item is to continue our budget scrutiny. I welcome to the meeting Clare Gallagher, who is the human rights officer from the Council of Ethnic Minority Voluntary Sector Organisations, also known by abbreviation as CEMVO Scotland; Professor Angela O'Hagan, chair of the Scottish Government's equality and human rights budget advisory group; and Heather Williams, the training lead from the Scottish Women's Budget Group. You are all very welcome this morning.

As our meeting today is entirely virtual, I remind our witnesses and members to type R in the meeting chat if they would like to come in on any questions as we go through the session. I also remind members to direct their questions to a particular witness in the first instance.

I refer members to papers 2 and 3 and I invite each of our witnesses to make some opening remarks. We will start with Clare Gallagher.

Clare Gallagher (CEMVO Scotland): Good morning, convener. Thank you very much for inviting me back again today to give evidence. As you said, I am from the Council of Ethnic Minority Voluntary Sector Organisations. We are a national intermediary body and a strategic partner of the Scottish Government's equality, inclusion and human rights directorate, with the aim of developing the capacity and sustainability of our sector.

Our summary of remarks for today's evidence is that we are delighted to see more funding allocated towards the equality and human rights fund. I am looking forward to discussing in more detail the increases and decreases in certain areas in the directorate.

Overall, I think that we have made some progress from last year, but I would like to explore in more detail the use of data and the impact assessments, and how we mainstream them in a better way for the next budget process.

It was great to see some increased participation with particular reference to the whole family equality project and its citizens panel. It is a great group, and it does fantastic work. I would like to pick up on a few of its reflections from its experience on how we can get more involvement in the budget process as a whole.

The Convener: Thank you, Clare. I invite Angela O'Hagan to make an opening statement.

Professor O'Hagan (Scottish Government Equalities and Human Rights Budget Advisory

Group): Good morning, convener and colleagues. Thank you very much for another opportunity to engage with the committee. As colleagues will be saying and as Clare Gallagher has already said, the focus on participation is particularly welcome.

Today's session is being watched by women from a project on women's economic empowerment I am involved in. There are women from Glasgow Disability Alliance, the Scottish Women's Budget Group and a project at the University of Glasgow on women in multiple low-paid employment, which is trying to build knowledge, understanding and awareness of the budget process, as well as of economic policy in Scotland. For women such as those, being able to be part of the process, albeit virtually today—we have the trains to thank for that—is important, and it is important that we see those organisations starting to be involved more in the budget process and its scrutiny. I certainly welcome the committee's endeavours on that, along with those of other committees in the Parliament.

Part of that process of scrutiny and accountability needs to focus on the human rights principles. The process principles of participation, accountability and transparency have been the focus of the committee, but I would also urge a scrutiny focus on the fulfilment of rights, and the Government's obligations maximise available resources to secure the progressive realisation of rights.

I would also reflect that it has been a very busy year for the equalities and human rights budget advisory group, with the publication of the Scottish Government's response to our previous recommendations pushing for integration of equality and human rights analysis in the process. There have been some significant changes in the process and the documentation, and there is on-going work in progress. Scrutiny by the committee and externally is very welcome, as is the informed analysis of the Scottish Women's Budget Group, CEMVO and other non-governmental organisations that have contributed evidence already as part of the budget process.

As I always say, we have an open budget process in Scotland, but it continues to be hidden in plain sight. I would encourage this committee and other committees to maintain and keep energised our focus on transparency, accountability and participation.

The Convener: Thank you, Angela. I will move swiftly on to Heather Williams.

Heather Williams (Scottish Women's Budget Group): Thank you for letting us participate in the process again. The Scottish Women's Budget Group is a membership organisation that carries out and promotes gender analysis of public policy

and public finance decisions. We also try to make the link between equalities and budget processes, through our work with the Scottish Government and with local government. Often those two things do not come together in a way that makes a difference for those who are most disadvantaged in our communities. For us, that starts with looking at the impact on women, but taking an intersectional analysis.

We have carried out an analysis of the Scottish Government budget this year. We have looked at the equality and fairer Scotland budget statement and other papers, and we have carried out analysis of transparency, participation and the outcome focus, and how that focus advances gender equality. Like Professor O'Hagan, we welcome the openness. We welcome the fact that those papers are available, but we still think that there needs to be better joined-up explanations of the decisions that are taken. That is something that we would like to focus on in our evidence today.

The Convener: Thank you for that, Heather. Thank you to all our witnesses for their opening statements. I will move straight on to questions.

The witnesses have given a general view of the budget. I have a question on funding as an opener. Colleagues will be probing much deeper and scrutinising things much further, so it is just a question to get us started. I would like your overall reaction to the Scottish Government's funding allocations for equality, inclusion and human rights. I heard that they were broadly welcome, but we would be interested to hear any further opinion on that. I will start with Heather Williams first.

Heather Williams: Apologies, convener—I have a tickly throat. I will try not to cough at you.

When you look at the level 4 figures and the information that is contained in them, it is difficult to get a complete handle on what the funding means and what the changes in the funding for the equality, inclusion and human rights directorate are. Often, for things that are funded through that directorate, such as the delivering equally safe fund, there not enough detail is contained within the figure breakdowns or the equality and fairer Scotland budget statement regarding how that funding will be used and what difference it will make. That would be our initial reaction: that the detail is too limited to be able to identify what impact the changes in funding allocation will have for the directorate.

The Convener: Thank you, Heather. Angela, do you have a view?

10:00

Professor O'Hagan: I have a number of things to say here. What I will not be commenting on is the amount of money allocated in any portfolio. To pick up on Heather Williams's points about the coherence across funding allocations, significant work is still needed to improve the read-across between the different elements of the documentation around the budget.

There have been efforts, and I know that officials in Government are working very hard on this, but there needs to be continuous improvement of the knowledge base and the analytical capacity within portfolios. That requires the resource of time as much as the resource of personnel. We also need to see improved cross-portfolio working, and I think that that is improving. The introduction of the senior leadership group is intended to help with that co-ordination across different portfolios, driven by the senior directorate teams.

This applies not just to the Scottish Government but across policy analysis in Scotland: there needs to be a better understanding of the structural inequalities that result in differential and different experiences, because that has a bearing on the types of analysis that we see. With that understanding, we could see better how decisions about allocations are being made in a way that seeks to address the underlying causes of discrimination: the conditions that produce and reproduce inequalities. At the moment, there is a tendency for policy analysis around inequality to focus on the very important issue of economic inequality, but not the gendered, racialised and other marginalised dimensions of that. That is still missing.

On the scrutiny, part of the consequence of all this being a work in progress and the constant drive for improvement is that we see lots of changes all the time. I suppose that that is maybe part of my role. EBAG is trying to capture some of those changes and trying to keep things a bit more streamlined.

It is difficult, as Heather Williams has said, to follow the money, and the Scottish Women's Budget Group analysis is very clear on that. The £51.9 million allocation for the equality, inclusion and human rights directorate is very welcome, but across all the different documents, it is difficult to see what has been allocated for what purposes. There needs to be improvement in the presentation.

There is a lot of detail in annex B of the equality and fairer Scotland budget statement, which I thoroughly commend to this committee and others. However, again we see some inconsistencies in the presentation of decisions around what policy

and programme actions are being taken. We do not see what is being allocated to whom, for what.

The final thing that I would say about clarity on the allocations—this has been raised in a number of comments in advance of and since the publication of the draft budget—is that there is an on-going need for an improvement in clarity on what changes have been made and what the implications and impacts of these changes are. Clare Gallagher mentioned that it is good to see an uplift in the funding, but where is it going? That clarity and consistency in the presentation still needs to come through in the documentation.

The Convener: Thanks, Angela. Colleagues will be coming back to drill down further into answers and responses. Clare Gallagher, did you have anything further to add? In a moment, I will bring in Paul O’Kane, who will continue this line of questioning, so unless there is something that you definitely want to add now, you will probably get an opportunity with my colleague Paul O’Kane.

Clare Gallagher: I would quickly like to add that I agree with what Heather Williams and Angela O’Hagan have said about consistency. The other thing that is missing is that transparency in the funding. There are decreases in certain areas, such as the equalities section, and we see an increase in the human rights section. There was a one-sentence explanation that did not offer a very insightful reason for the decision made, so there needs to be transparency regarding the evidence for why there is a decrease.

That would be the only thing I would add. I am happy to answer more in-depth questions about the funding later on.

The Convener: Thank you.

Paul O’Kane (West Scotland) (Lab): Good morning. My question will follow on from that, but not in terms only of the budget lines that we have just focused on. I am keen to understand how the budget as a whole has been looked at through the lens of equality and human rights.

My starting point is to ask this: to what extent have decisions that have been taken in other portfolio areas impacted on the Government’s ambition to achieve its wider ambitions in equality? Is there a sense that decisions that have been taken in other portfolio areas might entrench inequalities rather than combat them? I will come to Heather Williams first.

Heather Williams: From the analysis that we have carried out of the “Equality and Fairer Scotland Budget Statement 2023-24”, there have, as Angela O’Hagan said, been improvements and it is a work in progress, which we recognise.

However, it is sometimes difficult for us to see how equalities considerations have been taken

into account in budget decisions. For instance, there is recognition in the equality and fairer Scotland statement that there is a cut to funding for further and higher education spaces, but it says that it is difficult to say how that will impact because colleges and universities are autonomous organisations. I understand that colleges and universities are autonomous organisations that make their own decisions, but the Scottish Government is providing the funding, which must come with expectations.

That is an example of an area in which there is a reduction in funding that is recognised within the equality and fairer Scotland statement. There are many other areas for which there are reductions or stand-still funding that is not recognised in the equality and fairer Scotland statement.

Sometimes it feels a bit like we admire the problem: we set out what the issues are—we are good at setting out the inequalities, but we are not good at follow-up analysis. Our analytical ability to join the dots and to ask how what we do helps or entrenches and embeds inequalities is a real issue in equality impact assessment processes across the public sector in Scotland. Such analysis is often missing.

Paul O’Kane: Do other colleagues want to contribute?

Clare Gallagher: To build on what Heather Williams said, I agree that we could do impact assessments across portfolios better by taking a mainstreaming approach to impact assessments. The last couple of times I have been at committee I have spoken about how crucial impact assessments are to every portfolio. As Heather Williams said, in Scotland we are good at explaining what the inequalities are, but—as she also rightly said—we are not doing the analysis. We are also not asking about the actions that we will take to address inequalities: what mitigating steps will we take when we know about disproportionate impacts on certain groups?

On the question about decisions relating to equality in the budget as a whole, we definitely see that more thought is going on in each portfolio about the impact of decision making on equality. An example that I will draw from is social security. Social security has been awarded more money and an increase in its funding, which is great. However, we still see, in the breakdown of its data, that funding is still not reaching some community groups. We need to remember that we must, in line with our human rights guidance, prioritise people whose rights are most at risk. What are we doing to make sure that we give more funding to Social Security Scotland? How are we making sure that the recipients of payments are those whose rights are most at risk? Are we doing targeted advertising? Are we helping people to

overcome the barriers to their accessing the service?

I have used social security as an example, but we could also look into other areas a wee bit more. We are giving more money, so let us make sure that we are reaching the people who are at greatest risk. That would be good and would fit with the principle of transparency within the budget process.

The Convener: Thank you, Clare. I will bring in Professor O'Hagan.

Professor O'Hagan: "Angela" is fine.

Paul O'Kane asked about how the budget as a whole has been looked at from an equality and human rights perspective. That is the ultimate goal, is it not? That should be the starting point for scrutiny and analysis in any policy area. What are the current inequalities? What is the extent of realisation of particular rights? Where are the gaps? How do we work collectively as a Government and across public agencies to close the gaps and to realise those rights? That must be the starting point for policy making. Scotland is not alone in not having that as the starting point, although we certainly have in Scotland a strong narrative on that around the budget and policy making. The focus on values and equality has come over very strongly in this budget.

We are seeing some significant changes in the process. They might not be very exciting to the outside world, but they are very exciting to me, because I spend a lot of my time trying to promote such changes. Internally in the Government, there is now use of six key questions on the budget, encouraging policy officials to think through the its implications, the outcome that the policy aims to achieve, what they know about existing inequalities, what impact decisions will make, and how budget decisions will contribute to the realisation of rights. Can the budget be used differently to address existing inequalities? How will it be evaluated?

Those are all very important questions and they have been around for a while. I think that they have made a difference this year, but practice is needed in taking that approach. That analytical approach needs to be more embedded and it needs to become stronger within portfolios and within committees.

The other thing that I will say is that there are multiple elements—there are so many bits of documentation related to the budget process. I would like to see equality and fairer Scotland budget statements and their annexes being much more visible parts of the full suite of budget documentation. They contain a lot of useful information that shows not all but some of the workings in the margins—for example, the

distributional analysis and "Annex B: Detailed analysis by Portfolio", which I have already mentioned. The statement is informed by lots of other documents, including impact assessments. That, as colleagues have said, continues to be a process that requires a lot of improvement in analytical capacity and in terms of the time that it is given. Those are ways in which we can see how the budget as a whole is inching towards improving equality and human rights scrutiny.

A couple of other things about this year's process are important to note. The programme for government and budget process have started to become more aligned. It might sound strange, certainly to external people, that budget commissioning and development of the programme for government did not previously all happen at the same time. It is a major breakthrough that that has started to happen this year. One of the lessons that is emerging already from the current process is that that needs to happen in the same way, but earlier.

The other innovation this year was the introduction of ministerial challenge workshops, one of which was about the equality and fairer Scotland statement. That brings much more scrutiny from across the Cabinet into the process. I think that that has been an important development.

10:15

I am obviously talking about the process issues. Colleagues from a range of external organisations have already made representations to the committee and elsewhere about the impact. That relates to Paul O'Kane's other question about portfolio decisions and knock-on effects. Much more cross-portfolio working is needed in order to identify the implications of decisions.

Colleagues from the Joseph Rowntree Foundation and elsewhere have highlighted the implications relating to child poverty and child poverty targets. Glasgow Disability Alliance and others have highlighted the impact of on-going care charges on disabled people; funding of social care remains a priority. And so on and so on—there are lots of things that others have commented on relating to the knock-on effects of spending decisions.

The Convener: Thank you, Angela. I will bring in Heather Williams. If answers could be brief, that would be very helpful, as I am mindful of the time. We have a range of questions to get through, so I remind everyone that succinct and focused answers will enable us to cover the wide range of scrutiny that we wish to undertake this morning.

Heather Williams: I will be quick. In terms of the impact of the budget as a whole, one of the

reasons why it is often difficult to analyse and identify exactly how equalities have been considered is that there is a lack of targets. The budget documentation at a high level links to the national performance framework and national outcomes, but we cannot identify what we can expect to change. For example, when we interrogate money that we are putting into employability programmes, who do we expect it to benefit? What impact will it have and how do we assess that? That is a thing that I think is missing, but which would allow us to analyse the impact of spending and the change that it has made, and to see whether it is making the change for the people for whom we want it to make a change.

The Convener: Thank you. Paul, is there anything further that you would like to ask at this point?

Paul O’Kane: No. Heather Williams answered my second question, which was about the quality of assessment of decisions in the budget. That was a useful conclusion.

The Convener: We will now look at the theme of participation, with Karen Adam.

Karen Adam (Banffshire and Buchan Coast) (SNP): Good morning. I have a question about citizen participation as part of our human rights budgeting approach. Where do you feel that such participation is best placed? Is that best done in committees or should the Scottish Government play a more direct role when it comes to citizen participation?

The Convener: Who would you like to direct that to?

Karen Adam: I will go to Clare Gallagher first, please.

Clare Gallagher: With regard to participation and the involvement of citizens, there is a huge difference between this year’s process and the process that we went through last year on post-budget scrutiny, which is welcome. There has also been other involvement outwith the committee. I was pleased to read that the Scottish National Investment Bank was working with Black Professionals Scotland, which is a great group that does some amazing work. There are different pockets where we can involve citizens in the budget process.

As to where such participation would best sit, there is always a need for the committee to have citizens involved in the budget process. It is important for them to continue to be able to access the committee on specific issues that they have raised. I know that the citizens panel from the whole family equality project raised some questions for the committee to take to the minister. That is a direct route. When we talk about

accountability, having such direct access is a good step.

As a whole, my answer is that both routes should be used. We need to embed participation much more widely across the Parliament and the Government. We are making budget decisions about people, and we know that a budget decision affects people in very different ways. A budget decision will impact no two people in the same way. We would welcome that direct link with the committee continuing, but we would also like that approach to be mainstreamed across the Government and the Parliament.

Heather Williams: The work that the committee has done this year has been interesting. The analysis of the open responses that the committee got to the survey that was put out over the summer gives us interesting information about the level of understanding that exists of the budget process and about how connected people feel to it.

I would say that that has come out in the work that we have done. As Angela mentioned, we have been doing work with a group of women, in conjunction with the WiSE centre for economic justice at Glasgow Caledonian University. We have also been doing sessions recently with Amina in Glasgow and with Fa’side women and girls group in East Lothian. People constantly tell me that all that they see is that what they pay has gone up and that they do not see the benefit of the taxes that they pay.

The optimist in me would like to think that we could have good conversations about taxation and public services, and that we could take some of the politics out of it. The optimist in me hopes that we can have proper conversations that help people to participate in and to understand the process, because how the Scottish Government is funded, where the money goes and who implements it is complicated. There are lots of different moving parts in the process and, unfortunately, politics sometimes gets in the way. I am not naive enough to expect politicians to stop doing politics, but sometimes it would be nice if we could have a bit less politicking and a bit more honest, grown-up conversation about where we are as regards our financial situation and the decisions that need to be taken. That is my plea.

The Convener: Thank you, Heather. We hear you. Thank you for making reference to the way that the committee engaged in citizen participation. We got excellent feedback from the citizens who took part. They felt more connected to the process. I hope that that could be rolled out across other committees. Thank you for acknowledging that.

Karen Adam: It is great to get that feedback on the committee's deliberative approach. As a member, I found it very beneficial to be in touch with citizens in that way. It was part of an educational process.

With regard to how we proceeded with our work, do you feel that other committees would benefit from our deliberative approach towards participatory budgeting? You mentioned cross-portfolio and collegiate working. Would it be beneficial for other committees to do that, too?

Professor O'Hagan: Your previous question was about where such participation is best placed. It is best placed with the Government and with the Parliament, across the committees. There are different things that different committees can and should be doing. The points that colleagues have made are important.

It is also important to separate out information, involvement and participation, because they are different things. We need the Scottish Government and the Scottish Parliament to provide good information that is accessible and is available in a range of formats so that it supports involvement and increased participation. I do not think that what is going on is participatory budgeting. It is participation in commentary around the current budget process. That is an important distinction. The Parliament's founding principles of openness and transparency, accountability and equality should all be driving an openness when it comes to people understanding and participating in the budget process.

To come back to my opening point, there are different roles for different committees there. There is the overview of the budget process, which this committee looks at and which the Economy and Fair Work Committee and the Finance and Public Administration Committee also look at, but the subject committees also have a role to play. There needs to be a much wider range of engagement and participation in the work of the subject committees, involving a wider range of people, whether on social care, training and employment, education or whatever the policy focus happens to be. That is what we need to see. An equality and human rights perspective needs to be taken as part of those committees' scrutiny of the spending allocations and outcomes. I have said this before: it is not just this committee's responsibility to look at the equality and human rights dimensions; that responsibility extends to all the committees.

Clare Gallagher: My point slides in very nicely after what Angela has just said. The responsibility to consider equality and human rights sits with all the committees. One of the points that members of the citizens panel that the committee worked with raised was that they would like to be involved in

more portfolios and more committees. Equality needs to be embedded throughout the process; it should not be siloed. If we keep it to ourselves, we are not mainstreaming equality.

An example that I would like to touch on is the introduction of the case studies in the annex. I thought that that was a very demonstrative way of showing the impact of budget decisions. The questions are laid out very clearly, although I notice that there was a lot of inconsistency in some of the questions. One of the questions related to the existing inequalities of outcome in relation to budget decisions. In some budget areas, an explanation was provided of each protected characteristic—for example, socioeconomic background—and the impact that the budget had on it. However, in other budget areas, that was not done. We need to be a wee bit more consistent.

When we talk about mainstreaming equality throughout directorates, committees and portfolios, it is so important to have citizens' views at the heart of that. In the drugs and alcohol budget area, for example, it was said that there was no data broken down by race, but we know from the situation in England that although the use of alcohol and drugs is lower in ethnic minority communities, there are people from those communities who struggle with alcohol and drug use. It is the barriers that they face to accessing those services and the fear of accessing those services that stop them from accessing support.

What I am trying to say is that that demonstrated a lack of awareness of the barriers that people from such communities face, particularly when it comes to the use of drugs and alcohol, which means that they are furthest away when it comes to accessing support. In our breakdown of the budget, we did not have anything to show on that. That is why it is important to get citizens involved to explain those barriers and the cultural differences that exist in relation to how we talk about drugs and alcohol, so that they can reflect on the specific barriers and challenges that they face in their own communities.

The Convener: Karen, is there anything else that you wish to pursue?

Karen Adam: No, thank you.

Annie Wells (Glasgow) (Con): Good morning. Clare Gallagher spoke about this briefly in answer to Karen Adam, but I wonder whether our witnesses have any other views on the way that ministers responded to the questions that the citizens panel developed. I am thinking, in particular, of the potential issues with mainstreaming. Perhaps Heather Williams could respond first.

10:30

Heather Williams: Clare Gallagher has already mentioned this, but one of the things that struck me when I read what the panel had said was the idea of recognising that people do not live their lives in silos. Equalities and human rights impacts on all aspects of people's lives. Some of the ministers' detailed responses could have been stronger, but that goes back, in part, to what we have been saying about the lack of analysis that gets done across different portfolio areas.

I often talk about how we need to show our workings. I am of an age where we did maths exams. That is what we were told: show your workings. I do not know whether kids still get told that. That is the bit that is sometimes missing.

Difficult decisions have to be made in relation to the Government's priorities. We might not always agree with the decisions that are taken. One example is the council tax freeze. We do not think that that is the best way to address inequality, but that is a decision that has been taken. No explanation of that is provided in the documentation or the paperwork. There is no evidence and no information to show the Government's workings on why that decision was taken. That lack of cross-portfolio analysis sometimes leaves ministers unable to answer people's questions.

In the public sector—and sometimes in the third sector and the private sector, too—we think and work in silos, and we do not always lift our heads to consider what doing something in one area will mean in another area. That bit is often missing.

Annie Wells: Thank you. I do not know whether anyone wants to come back in on any of that.

The Convener: That was a pretty comprehensive answer. I do not see any indication that anyone else wants to come in. Do you have any further questions, Annie?

Annie Wells: Yes, I do.

The Scottish Government has promised an easy-read version of its guide "Scottish Budget 2024 to 2025: Your Scotland, Your Finances", but, unfortunately, that has not been published yet. Do you have any views on the accessibility of the 2024-25 budget? Where does responsibility lie for making the budget process accessible to citizens? That is probably to do with Heather Williams's point about getting the public more involved, so perhaps she will want to respond. I see that Clare Gallagher wants to come in. Would you mind answering that for me, Clare?

Clare Gallagher: Actually, I want to respond to your question about mainstreaming, which I will briefly touch on, if that is okay.

Annie Wells: Yes.

Clare Gallagher: One of CEMVO Scotland's main roles is mainstreaming equality and human rights, specifically race equality and human rights. One of the challenges that we face when working with directorates and groups within Government is that the priority that they give to equality is different. How important is mainstreaming equality to certain directorates and portfolios? The importance of that to them is completely different and their commitment to it is different.

We need a more strategic approach to mainstreaming and what that looks like. Right now, what is considered to be a good approach to embedding equality and human rights into our delivery looks very different across portfolios. We need to be much more strategic in how we approach mainstreaming. Some directorates are doing amazing work in terms of participation and involvement, whether that be in the co-design of services or something else, but that approach is not being transferred to other areas. We can learn a lot from each other around that.

On your question about the promise to provide an easy-read version of the budget guide, I am pleased that there is such a commitment—I think that we all welcome that—but the document should be published at the same time as the budget.

We know that there is need for an easy-read document, but it is very hard to become involved in the budget process when that has not been published and we have now reached the post-budget scrutiny process. Therefore, the question is: is this or is it not a priority? I think that publishing both documents at the same time really should be a priority.

We can do things to improve the situation. When I was previously before the committee, I spoke about the need to show how budget decisions relate to people. Some decisions can seem far removed from them. Heather Williams talked about the council tax freeze. People want to know how the decisions affect them, because those might seem like superdistant ideas. People are paying more in tax and they are getting a council tax freeze, but they are not seeing any changes. We could maybe do a bit of work around how budget decisions relate to people and their communities. *[Interruption.]* Excuse me—I also have a bit of a tickly throat.

The main point is that both documents must be published at the same time if we are to encourage meaningful participation from our citizens.

The Convener: Thank you.

Annie Wells: I think that Heather Williams wants to come in, convener.

The Convener: There will be plenty of opportunity for Heather Williams to comment. The witnesses are segueing their answers into different areas, so we will just go along with that.

That discussion was mainly about participation. I will move us on to the topic of transparency. The witnesses have already spoken about transparency in their opening statements and in their answers. I want to focus on the fact that both stakeholders and the committee made several recommendations last year on how the equality and fairer Scotland budget statement could be improved.

Changes have been made to the statement this year, including the removal of detail on how the impact of spending might have changed. It would be interesting to know what your views are on those changes. Do they increase or reduce transparency? I will come to Heather Williams first.

Heather Williams: As Clare Gallagher mentioned, one of the changes to the statement is to include a case study, which has been quite an interesting approach. However, in terms of transparency, that is about showing your workings, as has been mentioned. I will give an example. One of the case studies that the Government has provided is on employability. When you look at the education and skills budget, you see that the employability budget has reduced. I am assuming that part of that is to do with the fair start Scotland service ending and the no one left behind programme taking over. However, there is no explanation in the case study or in the information in annex B of the document about what seems to be a reduction in funding and what the impact of that will be.

Although the approach to use case studies is welcome as a means of providing some understanding of the decisions that have been taken, I would say that, for a couple of areas, the level of information that is provided does not link to the budget decisions that have been taken this year. The Government needs to get better at explaining that. The information needs to set out how the decisions that have been taken in the budget address inequality or potentially embed and entrench it further.

The Convener: Thank you, Heather. Would either Clare Gallagher or Angela O'Hagan like to come in on that one? They may wish to come in on my next question.

The committee intends to focus its pre-budget scrutiny of 2025-26 on transparency. What should our priorities be? What is paramount? I bring in Angela.

Professor O'Hagan: There is quite a lot to say on transparency partly because quite a lot is going on in that area.

I agree with Annie Wells's comments. I miss "Your Scotland, Your Finances". We definitely need from Parliament and Government easy-read accessible summarising reports, and work is going on in that regard.

Separate from the equality and human rights budgetary advisory group—EHRBAG—another project is running on fiscal transparency. That is examining the publication of information on Scotland's public finances on a big scale. The impetus behind that huge project, which has been running for a while, was open government. It would be really worth while following through on what is coming out of the project both in terms of the products that will change as well as the information that is coming, which will be made more widely available, more accessible and more understandable. I suggest that the next step for the project would be to look back through the budget process much more.

Colleagues' comments on the equality and fairer Scotland budget statement and the new innovations and iterations this year are really well made. Those will certainly form part of our discussions in EHRBAG's lessons-learned meeting in a couple of weeks' time, when we will look back on what differences have been trialled this year, what has worked well, what has worked less well and what some of the omissions and changes have meant.

The very strong message in that regard is that there needs to be not just the important follow-through across the documentation. As this committee, and as many contributors to the committee and elsewhere have reiterated, including Audit Scotland, much more attention needs to be given to the impacts when changes and allocations are made. We will certainly be taking that point back. I know that the committee is looking for those kind of changes as well.

As you work towards and through your pre-budget scrutiny on transparency, it would be very helpful to hear from the committee what information you use, how you use it and what would be helpful to see in future iterations.

The other thing that I would encourage the committee to do in its pre-budget scrutiny on transparency is to draw on the Scottish Human Rights Commission's forthcoming analysis on using the open budget initiative and looking at transparency and the budget process. This is the second time that the commission has run this exercise. It is in the process of finalising the analysis, which will be published in March. That will be really helpful for the committee's next steps.

Officials within Government are already saying that they recognise the need to bring forward the

process that aligns the programme for government and budget commissioning. As colleagues, particularly Heather Williams and Clare Gallagher, have pointed out, there is a need for alignment to read across budget documentation. As Heather said, there are lots of moving parts and documentation. I know that officials are working really hard on trying to get alignment, but that also needs better cross-portfolio working, leadership and engagement from the Exchequer.

One of the things that the Scottish Human Rights Commission's open budget initiative is likely to flag—this has been flagged previously—is the need for timely, in-year publications when they are changes to the budget.

I think that that is a long enough list for you for now.

The Convener: Thank you very much for that extensive but very useful list. I will bring in Clare Gallagher.

Clare Gallagher: My point picks up a lot of what Heather Williams said. The priority should be explaining why decisions are made. A fundamental part of the budget process is to enable people to understand, and increase their knowledge and awareness of, the budget process.

As Heather said, we know that difficult decisions are sometimes made, but we need to be a bit more transparent about that. For example, in my introductory summary, I spoke about the overall increase in funding to the equality, inclusion and human rights directorate. Such increases are always welcome. However, when we look at it more thoroughly, we see that there is a decrease in certain areas. For example, the equalities pot of money has decreased by 2 per cent this year.

10:45

I will make a couple of points with regard to that. Equalities is so vast that it is hard to understand who the decrease will impact and what the impact will be. Disability rights, women's rights and the race sector all fall within that part of the budget.

There is also a significant increase of 63 per cent in the human rights budget. As a human rights officer, I always welcome more money being allocated to human rights. However, I would like an explanation of the workings to be prioritised, to understand the position a bit more.

We know that the human rights bill is progressing quickly in Government just now, which is really welcome and needed, but what does the bill mean for the equalities sector, as we have labelled it in the budget? What will the impact of that be? That could mean that we need to start building our capacity and viewing equality issues as human rights issues. We still sit in silos in

which, for example, racism and women's rights are viewed as human rights issues. Will money from the human rights pot—we know that the amount has increased—go to directed and targeted areas?

We need to remember that we are incorporating international law into Scots law and that means that we should follow guidance, where needed, from these bodies. All the conventions call for the prioritisation of those groups, whether it be persons with disabilities, women or people from an ethnically diverse background.

For next year, I would like to see prioritised an approach that shows the workings and explains the reasoning behind budget decisions. The reasoning behind the decrease in inequalities funding might be because we are increasing the funding for human rights, and that is where the funding will be fitted in. An explanation was not offered, so that is just speculation on my part and that might not be true. However, adopting that approach for next year would help to improve transparency.

The Convener: Thank you for that, Clare. You are right to highlight the challenges that exist around intersectionality. On the other side of that is silo working, and many people have grappled for a long time with incorporating one and breaking down the other.

That brings us nicely to the area of accountability and I will bring in my colleague Maggie Chapman.

Maggie Chapman (North East Scotland) (Green): I really appreciate the comments of the panel so far this morning.

You have all touched on the importance of accountability and I want to delve into that in a little bit more detail. You have said that it is sometimes difficult to follow the money, and the convener made a comment there about issues with siloing. Could you give us your views on the links that you see or do not see within the budget documentation and process, the links to programme for Government asks and, importantly, the national performance framework? Are we closing the gaps? Are there clear lines of accountability at different levels of government? I will go to Heather Williams first.

Heather Williams: Accountability for how funding has been allocated and the impact that it will have on outcomes is an area where there still needs to be some improvement. The documentation tells us at a very high level which outcomes the directorate will aim to achieve or the funding that it will support, and it also sets out what human rights obligations it will support. However, the link between specific funding, what we hope it will achieve and how it will address

those things is not always clear. We would certainly like that to be addressed.

There is another thing that we would like. If something is mentioned in the equality and fairer Scotland budget statement, I want to know what has been allocated to it. For instance, this year's document mentions the National Advisory Council on Women and Girls, as well as women's health plans and other action plans like that, but there is no mention of what funding has been allocated. Has it increased or decreased and what do we hope to achieve with it? There is still work to be done in terms of how budgetary decisions impact on the national outcomes. There is still a number of national outcomes for which little data is provided so that we can monitor them.

An example in the report that we did was the funding for modern apprenticeships. The education and skills section in annex B of the equality and fairer Scotland budget statement talks about the funding that has been provided and the gender budgeting work that was done a number of years ago now. There is however nothing about the impact of the funding that was given to address gender segregation and issues with disabled people and people from Black and minority ethnic communities accessing modern apprenticeships. We have had funding for five years but there is no information about what difference that has made. We are still not joining the dots between the funding that is provided and the impact that it is having.

Maggie Chapman: I suppose that, as we look ahead to human rights legislation, that link between funding and outcome and impact will be even more important. Angela O'Hagan wants to come in on this.

Professor O'Hagan: I whole-heartedly agree with Heather Williams's comment. Using the national performance framework as an overarching framework that justifies actions and requires the evaluation of outcomes and progress towards those outcomes needs real improvement. The documentation needs to support the process, which I think sometimes gets a little bit overshadowed by other very welcome equality pronouncements that have had a very useful framing effect this year. From the Bute house agreement through to the policy perspective in the spring, those framing devices have all been very helpful, but the NPF is meant to anchor all of that, and there needs to be a lot more clarity and much more robust or stronger linkages.

We have seen a significant shift in the narrative and understanding of the relationship between portfolios and the framing narratives around equality and human rights. We are seeing quiet but significant improvements in the processes behind the scenes, but there still needs to be

significant improvement in the read across the documentation.

To pick up on what Heather Williams said about the equality and fairer Scotland budget statement, it has some useful descriptions about what the programmes are, but there is not enough detail either about the value of allocations, where they are directed and where they are to be found in the budget. I will certainly be working on that with colleagues. The budget needs to tie much more explicitly into annex B. SPICe has made a couple of points about how it is very dense and challenging to analyse.

We need to recognise the value of annex B in the equality and fairer Scotland budget statement. A huge amount of work has gone into it and it needs to be better used and better understood, and we need to better understand its deficiencies and which can be improved upon rather than saying on the one hand, "We want lots of detail" and then when the detail is provided, saying, "It is too dense". Perhaps some of the answers to that are about improving the connections between those documents, which all have to tie back to draft budget. Evaluation is the next big development in terms of the process improvements.

Maggie Chapman's final point was about human rights and taking an approach whereby resourcing allocations are made in such a way that they ensure that we respect, protect and fulfil human rights obligations, and that is also the evaluation framework. To what extent have human rights been respected, protected and fulfilled in the allocation spend and outcomes? The frameworks are there.

There is a question around building capacity with the Scottish Government and, with all respect, also within Parliament so that those frameworks are effectively operationalised. We have a great opportunity with the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Bill but that also needs resource to build capacity and give people the time to improve their expertise.

Maggie Chapman: Thanks, Angela. I might come back on a couple of points, but I know that Clare Gallagher wants to come in.

The Convener: I point out to members and our contributors that we were scheduled to finish this meeting at 11 o'clock. I can allow a little bit of leeway, but I would like people to focus on succinct answers. There is no need for repetition and that goes for members because we have questions coming up that might have already been covered.

Clare Gallagher: For the most part, we can see which national outcomes link to specific portfolio

areas but it is unclear how that links to the spending. One of the questions that was in my mind was about how we evaluate that. How do we link the national performance framework, national outcomes and protecting, respecting and fulfilling human rights? A lot of linking can be done. The framework is there but, for example, if you are providing funding to the equality and human rights fund, how do we make sure that the outcomes all link to human rights and also link to our national outcomes and our national performance framework?

There is an exercise to be done to link them all together and trace the outcomes using things like key performance indicators, which is a term that is often used. We always need to remember that our national outcomes or our national performance framework are all embedded because we want to protect and respect our human rights. The links are all there; we just need to join up the dots, which would be a really useful exercise.

Maggie Chapman: There is some work to do by looking back and understanding so that we can focus and make those links. I will leave it there.

The Convener: Thank you, Maggie. That is appreciated. I will move swiftly on to Fulton MacGregor, please.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning to the panel. A lot of the issues that I was going to ask about have been covered, and the responses have been full, which I really appreciate. However, there is a particular question that I want to ask, which is about this committee and our scrutiny.

Your opening speeches were really helpful. All of you thanked us for having you back again and for being able to come and speak to us again. You are all familiar faces to the committee, and it is great to see you again. As a member of the Equalities and Human Rights Committee in the previous session, I know you from then. You are used to coming to committees.

How do you think the Government responds to the committee? Obviously, people will watch such sessions and read our reports. Do you think that your input into the committee and the reports that we put forward have any impact on the human rights budgeting process? Do you see a link between what we say in our committee reports, based on your evidence, and actions?

The Convener: That will probably be the last question, so I will give all of you the opportunity to respond to it. Heather Williams can start, followed by Angela O'Hagan and Clare Gallagher.

11:00

Heather Williams: How to answer that? The impact of committee reports is still not entirely clear. Earlier, Angela O'Hagan talked about the accessibility of documentation. A supplementary document was provided in the Scottish Government's responses to all the committees this year, and it was not always 100 per cent clear what it had done with the suggestions that had been made. For instance—I know this is not for yourselves—the Finance and Public Administration Committee suggested that there should be comparative actual year-on-year spend because of the in-year changes, but we have not seen that provided.

To be honest, some of the recommendations on transparency, accountability and participation that this committee has made have been similar for a number of years. However, that is work in progress, as Angela O'Hagan said. We are at the point of building capacity and increasing understanding of that. Similar things have been recommended for a period of time, but some improvements have been made. However, there is definitely some way to go.

I will leave it there and hear what everybody else wants to say.

Professor O'Hagan: That is definitely work in progress. With the repeated visits and asks, I sometimes feel like a hologram. I have been in the process for a very long time, but I would have had to chuck it in if I did not see some changes. That would be even more soul destroying.

From my perspective as chair of EHRBAG, committee scrutiny is really important to help to present and understand some of the hidden, behind-the-scenes developments that are going on. It is really important to get feedback from the committee and colleagues.

The external evidence that the committee scrutinises is really important. That is a really important driver for change. It is not just me or others in an advisory group setting who draw on that evidence, which highlights the omissions and deficiencies in the process but also where progress has been identified, where it has been positively received, and what lessons there are for improvements. I know that women from the women's empowerment project watch intently. That is a huge part of scrutiny and building awareness. I also know that the secretariat of EHRBAG will be watching very intently.

I hope that the reports, the scrutiny and the external interest in committee activity are as intently looked at and received by the senior leadership group in Government and senior directors, because that is where the changes in processes need to happen.

Many of the asks have been repeated—I know that, because I repeat them. This is not an apology; I recognise that there are significant resource limitations on that work because there are not enough people to do all the things that are required in Government, and a lot of the changes have been down to a very small number of people. That is why pressure from the committee is very helpful. The leadership of the Scottish Government directorate and, indeed, of the Cabinet is also needed. We have seen some changes at the political level in respect of that engagement. That is really important.

It is good to be back, but there are others with other views. That is part of opening up diverse perspectives and experiences in the scrutiny and transparency process. There are others out there who also have plenty to say about all of this.

Clare Gallagher: I will not take up too much time. Heather Williams and Angela O’Hagan have provided a useful synopsis in answering the question.

One of the biggest things that we have to acknowledge and the key theme that I have taken away from the meeting is that it is really hard to trace the impact. Some recommendations and some things that we have said have been taken forward, which is great. Such forums are very important in being able to do that. However, there are things that the committee has recommended a few times. I have certainly sat here a few times and badgered on about impact assessments and how we need to improve their use and mainstream them. That is not a committee-specific or directorate-specific issue; it is an issue across the board. I would really like to see that have more of an impact, because we have all mentioned that numerous times. That is one small thing, but impact assessments are not necessarily very difficult. It is about getting the framework right and in place, and using the resources.

My catchphrase is always, “We don’t want to do more work.” It is about changing the way that we work in our processes, because resources are tight. We all know that, and nobody would expect more from the amazing work that people are already doing.

I will leave it there.

The Convener: Thank you, Clare.

Is Fulton MacGregor content with those responses? Would you like to come back in, Fulton? I see that he is content.

That concludes our formal business this morning. I thank all of our witnesses for joining us and for playing such a valuable part in our work as scrutineers. Once again, I thank them very much

for their attendance. I hope that the rest of the day is enjoyable.

We will now move into private session.

11:07

Meeting continued in private until 11:39.

This is a draft *Official Report* and is subject to correction between publication and archiving, which will take place no later than 35 working days after the date of the meeting. The most up-to-date version is available here:
www.parliament.scot/officialreport

Members and other meeting participants who wish to suggest corrections to their contributions should contact the Official Report.

Official Report
Room T2.20
Scottish Parliament
Edinburgh
EH99 1SP

Email: official.report@parliament.scot
Telephone: 0131 348 5447
Fax: 0131 348 5423

The deadline for corrections to this edition is:

Friday 1 March 2024

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba