OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 28 September 2021

Session 6

The Scottish Parliament
Pàrlamaid na h-Alba

Tuesday 28 September 2021

CONTENTS

EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
5th Meeting 2021, Session 6

CONVENER

*Joe FitzPatrick (Dundee City West) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Pam Gosal (West Scotland) (Con)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Chris Birt (Joseph Rowntree Foundation)
Emma Congreve (Fraser of Allander Institute)
Eilidh Dickson (Engender)
Rob Gowans (Health and Social Care Alliance Scotland)
Jatin Haria (Coalition for Racial Equality and Rights)
Dr Alison Hosie (Scottish Human Rights Commission)
Dr Angela O'Hagan (Scottish Government Equality Budget Advisory Group)
Adam Stachura (Age Scotland)

CLERK TO THE COMMITTEE

Katrina Venters

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 28 September 2021

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Joe FitzPatrick): Welcome to the fifth meeting in session 6 of the Equalities, Human Rights and Civil Justice Committee. We have received no apologies.

Under agenda item 1, the committee is invited to decide whether to take in private items 3 and 4, which are consideration of the evidence that we will take under item 2 and of our approach to longer-term development work on pre-budget scrutiny. Do members agree to take those items in private?

Members *indicated agreement.*

Pre-budget Scrutiny 2022-23

10:00

The Convener: Under agenda item 2, we begin our pre-budget scrutiny. We will take evidence from two panels of witnesses today. I welcome our first panel. Dr Alison Hosie, research officer at the Scottish Human Rights Commission, and Dr Angela O'Hagan, chair of the equality budget advisory group, join us virtually, while Emma Congreve, knowledge exchange fellow at the Fraser of Allander Institute, and Chris Birt, associate director for Scotland of the Joseph Rowntree Foundation, join us in person. You are all very welcome.

I thank you all for your helpful written submissions. I will invite each of you to make a short opening statement, starting with Dr Alison Hosie.

Dr Alison Hosie (Scottish Human Rights Commission): Good morning. Thank you for inviting me to join you today.

From the commission's perspective, we want to reiterate that resources are critical to ensuring that we have the funding for the Government policies, plans and programmes that are needed to protect our rights from the impacts of the pandemic now and to build a fairer and more resilient economy as we move forward.

The Government has an obligation to maximise its available resources to guarantee those rights, which means that money must be raised, allocated and spent in a way that targets the inequalities that we have seen being amplified by the pandemic. We need to tailor the responses to people's lived realities.

As a response to the pandemic, it has been agreed that there is a need for a massive mobilisation of resources in order to protect people's health and prevent huge economic devastation. Many countries, including the United Kingdom and Scotland, have been pretty radical on the spending side, but we are still left with the question of how we go about raising the necessary funds to pay for recovery and ensure that that is done fairly.

In our submission, we view taxation as the most sustainable, effective and accountable way for Governments to raise money. However, over the past 40 years, we have seen a growing inequality of wealth, which is partly due to how and what we tax. We treat earned and unearned income differently. We tax wealth at very low rates compared with earned income, and we allow money to be hidden overseas, which has resulted

in unprecedented levels of wealth concentration and soaring inequality.

The pandemic has dramatically amplified stark inequalities of all sorts, and economic disadvantage has translated into a key underlying precondition for the worst impacts of Covid-19. In the UK, the death rate among people on low wages was three times the rate among those on higher wages. How Governments finance their Covid-19 responses has the ability to affect those inequalities, and we must ensure that at least the minimum levels of rights are enjoyed in the recovery process.

It is really encouraging to see the Scottish Government's current work on the Scottish taxation framework, which is currently under review, and we would encourage more explicit recognition of the Government's human rights obligation to maximise the resources that are available within that framework.

We welcome the committee's explicit focus on a human rights perspective in its budget scrutiny. The forthcoming new human rights legislation will bring our obligations closer to home, but those obligations already exist. Embedding those obligations explicitly in the budget process will help with the successful implementation of the new legislation.

We welcome the explicit human rights focus of the committee's questions in its call for views, and we look forward to engaging further on the subject today and in the future.

The Convener: Thank you very much. We will now hear from Dr Angela O'Hagan.

Dr Angela O'Hagan (Scottish Government Equality Budget Advisory Group): Good morning. Thank you for the invitation to come along.

I echo Dr Hosie's comments in welcoming the committee's embarking on a human rights approach to budget scrutiny. As she set out, such an approach is welcome and essential.

However, within that approach, it is necessary to maintain an equalities focus. Some of the committee's questions in its call for views reflect the understanding that policy decisions affect people differently. Covid did not create the structural inequalities that exist—they were there before the pandemic—but it has laid them bare. It has massively exposed the trenchant inequalities that exist in Scotland, which must be addressed.

As I did in my written submission, I will focus my comments this morning on the need for scrutiny from an equalities and human rights perspective. The committee has asked about the size of the pie, as it were—the extent of the resource that is available—but the issue is the efficiency and effectiveness of that spend. That is improved when the spend is better directed, and it is better directed when an understanding of the status quo is obtained by generating and using good equalities data. The starting point is to understand the status quo and to move on from there. That means having equalities and human rights goals and ambitions as the starting point for remedial and progressive action that is transformational in terms of the outcomes.

To do that, there needs to be effective and consistent scrutiny not just by this committee but across the parliamentary committees. EBAG is working with officials across the Scottish Government to improve the processes by building in equalities analysis, building competence and building knowledge. However, as I said in my submission, some of the recommendations to improve the work that is done by the Government also apply to the Parliament. Knowledge and confidence must be built in the Parliament, too, and today's session, in which the committee is embarking on a human rights approach to budget scrutiny, is a welcome step in that regard.

I again thank the committee for giving me the opportunity to give evidence.

The Convener: Thank you. Emma Congreve is next.

Emma Congreve (Fraser of Allander Institute): I will make three points that draw on the Fraser of Allander Institute's written submission. I want to highlight three key areas that are causing problems for our ability to effectively analyse the budget in relation to equalities and human rights.

My first point relates to data. There are two areas in which there is an issue. The first area is to do with how different taxation or expenditure policies impact on different groups of the population. We do not have very good data that is disaggregated by groups of interest to this committee and to many others—we often just use headline aggregations of disability or ethnic minority, although that gives very little insight into the reality that people with different characteristics face. Somebody with a physical disability experiences life in a very different way from someone with a learning disability, but, in the data that we have, we often do not have the ability to disaggregate that data.

The second area concerns our understanding of the wealth distribution and the income distribution in Scotland and how those relate. We know about the wealth distribution and the income distribution, and we know things about the value of property in Scotland, but we do not have the capability to tie those things together. Therefore, if we were looking to do analysis of replacing council tax with a property tax, for example, it would be very

difficult to understand how that would impact on different groups of the population by income or, indeed, by protected characteristics.

The second point that I want to focus on is about the linking up of the policy cycle and how that can help with scrutiny by committees such as this one. It is an area that I think the Scottish Government would admit it is quite weak on, particularly when it comes to evaluating whether policies have achieved their aims. There is also the appraisal process that we would expect policies to go through in order for the costs and benefits of different options to be established. The next stage is implementation. There should be a clear line to the budget so that people can see what has been allocated and what has been spent. That should be followed by evaluation that looks at the impact of that spend and whether it has achieved its aims. That process is lacking in the work of the Scottish Government, and, as my colleague Angela O'Hagan said, a lot more scrutiny of that would be beneficial.

My third point is about the transparency of the budget process and documentation. I and my colleagues at the Fraser of Allander Institute spend many hours sifting through budget documents in order to understand what is in the figures, which is not easy. It is incredibly difficult to look at how spending in different areas has changed across years, and we believe that the Scottish Government has the capability to improve that. That feeds through to other areas of in-year spend and to the local government allocations. Although there are good statistical publications that document local government spend, it can be impossible to link those up year by year and look at trends over time. It is necessary to have a forensic eye in order to do that, and that information is not accessible to the general public or to many parliamentarians.

Those are the three points that I wanted to highlight.

The Convener: Thank you. Finally, we come to Chris Birt.

Chris Birt (Joseph Rowntree Foundation): As you might expect, I will concentrate on poverty. We have child poverty targets that every party in the Parliament is signed up to. Those targets are very challenging, and rightly so. The main target is that, by 2030-31, relative child poverty will be below 10 per cent. It is worth pausing for a moment and reflecting on just how different that Scotland would be from the Scotland that we see today. Relative child poverty is around 25 per cent at the moment. The things that Emma Congreve has just talked about—the distribution of income, the distribution of wealth and the distribution of power—would have to significantly change in order for us to meet that target. That is obviously a goal that we support, and it is one that we would urge everyone in the Parliament to push towards.

There is an issue that I encourage the committee to focus on. The Scottish Government rightly identified priority groups when it set out its tackling child poverty delivery plan, and around 80 per cent of all the children who live in poverty are in one of those groups. As Emma Congreve highlighted, although that is a large group of people, none of them are the same. Despite that, at the moment, we have a lot of policy that focuses on providing general support to people and that misses the individual impacts that poverty will have on individuals. I really encourage the committee to look at the issue through that lens. We will not meet our child poverty targets if we do not do better in the support that we provide for people in the priority group families. I encourage the committee to focus on that.

We have an interim child poverty target that must be met by the end of the 2023-24 financial year, which is April 2024. At the moment, we are some way off it. We need urgency and pace if we are to get there.

In some of the questions that the committee asked in its call for views, there was a perhaps understandable focus on how we might raise more revenue. That might very well be part of the story of how we meet the long-term targets, but we already spend a lot of money and we do not have a particularly good idea of how that is impacting on poverty or—frankly—on much else.

Sometimes, our debate comes down to what we can raise through extra tax and what Barnett consequentials are coming. That is obviously an important part of the discussion, but £30-odd billion—which is what we are spending currently—is a lot of money. How we are spending that money is having positive impacts, but we need to ask whether there are ways in which we could target that spending more to enable us to head towards the targets. Those targets are rightly challenging, but we must strive to move towards them.

The Convener: As a couple of you mentioned, this is the first time that any parliamentary committee has taken a human rights approach to its budget scrutiny, so we are in a learning process. It would be helpful if you could give us any pointers to areas in which we need to make sure that we are getting things right.

Emma, you mentioned the data. Maybe you could identify areas of data on which we need to push the Government or other agencies to help us to do our job in taking a human rights approach.

10:15

Emma Congreve: It is a big topic. At the moment, a lot of the analysis that the Government produces—for example, on the impact of taxation on different groups—comes from existing surveys, which are usually UK-wide surveys. The survey of personal incomes is very good for income tax; the poverty statistics are derived from the family resources survey, which looks at incomes and characteristics of family; and the living costs and food survey is also used.

I believe that the Scottish Government pays for a boost to at least a couple of those existing surveys in order to increase the sample size for Scotland. However, the sample size is still relatively low and it is difficult for the Scottish Government to have changes made to the surveys, which come from the Office for National Statistics, the Department for Work and Pensions or HM Revenue and Customs data sets.

There could be a shift in thinking about investment in data in Scotland, but it is clear that it would be a big investment. Investment would allow a potential boost to samples for particular groups, such as ethnic minority groups, or for different disabilities, as I mentioned, so that we understand some of those characteristics that perhaps are not on the radar of the DWP or ONS as much as they are in Scotland. That has not been grasped as much as it could be, and it would have benefits for things such as budget scrutiny and the planning for and operation of the social security system. I would like a lot more consideration to be given to understanding who would benefit from possible changes to the social security system.

The Convener: Chris, do you want to add anything?

Chris Birt: I do not have a lot to add. I agree with what Emma Congreve said.

The Convener: Alison or Angela, do you have any further comments on scrutiny?

Dr O'Hagan: I have one point that EBAG has recommended in relation to the Scottish Government but that also applies to the Parliament, and that we have talked about in conversations with the Scottish Parliament information centre.

I say this entirely respectfully, but there is a need to build knowledge on human rights issues such as the human rights instruments and obligations and the minimum core, and on interpreting and applying the equalities data that colleagues have talked about in the scrutiny of the budget and outcomes from spending, which Chris Birt mentioned. We also require an improvement in the quality of human rights and equalities analysis in Government and the Parliament. It is also about members being a bit more demanding in their requests in relation to the quality of human rights and equalities analysis that is brought to you for scrutiny. There needs to be a greater challenge function around the extent to which proposals that come before committees are focused on transforming the status quo in relation to equalities and the realisation of rights.

Dr Hosie: I do not have much to add to the points that have already been made, but I reiterate the difficulty that we have had in doing some of this—[*Inaudible*.]—and being able to access the right data, because the right data is not there. As Emma Congreve said, at the moment, it is just not possible to look at the changes and patterns in financial data over time and how those relate to the realisation of rights. We are aware that the exchequer is doing a good programme of work on fiscal transparency, which we hope will help with that data over the next three years but, at the moment, there are limitations on what we can do.

However, as Angela O'Hagan said, at the moment, we cannot make assessments of the degree to which the Government is meeting the minimum core obligations or progressively realising rights. We need better data to be able to do that.

The Convener: To go back to a point that Angela O'Hagan made, the committee has written to other committees to make the point that a human rights approach is not just for this committee; we are asking all parliamentary committees to take such an approach in their budget scrutiny.

Karen Adam (Banffshire and Buchan Coast) (SNP): The discussion has been fascinating. Governments around the world are experimenting with constructing their budget processes around wellbeing, and Scotland is learning from those experiments and looking at how they can help us to formulate budgetary processes, particularly in relation to children and child poverty. Do the witnesses feel that there is often a trap within a service mindset? Is the process easy enough to understand and influence for those who seek to influence it? Can you give us examples of where that has been done successfully in other countries?

Dr Hosie: An honest answer to that final point is that this is groundbreaking work, because taking a rights-based approach to budget analysis and budgeting is not done in a lot of places, especially at national level. There are good examples of work that the committee can look to. For instance, the Center for Economic and Social Rights in New York has done really good work with Spanish civil society organisations in preparing submissions and shadow reports for the review of the International Covenant on Economic, Social and

Cultural Rights. They were able to use a lot of budgetary data to highlight alternatives to austerity that the Spanish Government had not considered before cutting budgets, and where money and resources could have been taken from—such as tax evasion, avoidance and debt—to supersede the need for austerity cuts. There are ways of doing that scrutiny and there are good examples of it, but taking a rights-based approach to the budget would be very novel and it would be groundbreaking for a national Government.

We can offer a lot of support. As Angela O'Hagan mentioned, a lot of capacity building is required in relation to understanding what the minimum core obligations are and what progressive realisation means, and to enable Government departments to think in that way when they are developing their budgets. However, there is no denying that it would be a new process.

I have one comment on wellbeing budgeting. There is a danger that the wellbeing focus is the next new shiny thing for the Government. I do not mean that with disrespect, but we have a tendency to focus on one way of doing things, then another way, and then another way, instead of looking at the fact that a lot of those ways have similar underpinnings and are all linked. Wellbeing and human rights are inextricably linked, but I do not think that the Government has yet sufficiently found what it means by wellbeing. Looking at the human rights underpinnings to that wellbeing process could enable better definitions of what we are trying to achieve and help us to understand how we will know whether we have reached the outcomes and how the budget fits into that.

Dr O'Hagan: I will pick up where Alison Hosie left off. We can see around the world and in Scotland an appetite for different approaches to budgeting, whether that is on the more technical side of performance-based or outcomes budgeting, or in trying to use the budget and public finance processes as a means to deliver social and economic policy outcomes.

New Zealand has attempted wellbeing budgeting, but the critique there was that it was not very strongly gendered and there was no strong intersectional analysis in that approach. Similarly, in Bhutan, there was a focus on wellbeing but not on understanding what we—including Chris Birt—have talked about with regard to generalised support missing priority groups. Iceland has committed to gendered budgeting but, in common with many other countries, has found it challenging to turn round some well-established processes within Government. The Republic of Ireland is learning from Scotland, so we need to start running again to catch up with our neighbours.

Ireland has taken an approach that approximates a layering. It started on gendered budgeting, added equalities budgeting and is now looking to add environmental budgeting. We have had a conversation on that in EBAG, and we think that we need to guard against those different approaches being seen as competitive alternatives; rather, we should look at them as layered and contributing to one another. An equalities and human rights blend takes us into children's rights, environmental policies and the climate crisis, the advancement of social care and, ultimately, wellbeing in social and economic terms. I encourage us to explore those options and take the lessons that we can, but not to see them as alternatives; we should see them as part of a whole-system change because, ultimately, that is what we are trying to effect.

Chris Birt: One thing to keep in mind is that there is a certain mysticism about human rights budgeting, wellbeing budgeting and all those things. Maybe I oversimplify things but, really, we are talking about having a good understanding of what we want to do, then looking at how we think we are going to get there, looking carefully at the impacts that our approach will have on different people—not just on everyone—and then working out whether that is happening. If we get it wrong, we need to start again and do it in a different way.

Politics does not always lend itself to a Government saying that it got something wrong and we should do it another way. I would encourage more of that thinking, but it is difficult when we do not have the data to underpin it. It is perfectly reasonable for ministers to stand up and say that they want to achieve something, that they will spend X on doing it, to put in place certain policies and then, after a year, say that they have looked at the data and the measure is not having the impact that they expected, so they will do something different. That is good policy making. Currently, that is considered to be bad politics, but we do not have some of the data to underpin such an approach, which is where the scrutiny role of committees such as this one can be important.

To come back to the convener's original question about whether the budget process is easy to cut through and understand, it is not easy at all. I encourage simplicity in how we break down the issues into little bits of logic. That would make it far easier than trying to look at a £35 billion budget and wondering whether we are doing human rights budgeting.

Emma Congreve: With regard to international approaches, we have looked a little at New Zealand and written about that. Although I am not sure how things have developed since, two things stand out from the New Zealand approach at the time, one of which was about collaboration

between departments and ministers. When new spend was proposed, it would be scored more highly in the budget process if two ministers agreed on it, and that was very much encouraged. The process was about dual aims and took into account the opinions and objectives of different departments, working together in order to achieve those aims.

The second point that stood out was about looking at where things are working, which builds on Chris Birt's point. As well as looking at where new spend should be, it is about looking at where we should reduce spend because it is not working. I agree that it is rare to see that in Scotland, but it is crucial to look at what works and does not work; those approaches should be hand in hand.

With regard to understanding the budget process and the figures, as I said, it is very difficult to do so from the budget documents. For many reasons, some of which are within the control of the Scottish Government, the budget process is very rushed and it is hard to understand what has gone into the budget and why, as well as what the impacts are thought to be.

My organisation does not try to influence or recommend policy, but we are interested in understanding the data and we find that civil servants are happy to explain and talk us through things in the months that follow the budget. The officials are not necessarily secretive about it, but a big part of the issue is that, when the budget is being produced, put out there and scrutinised by Parliament, because of the timings, there is no time to discuss things and no transparency, when it is critically needed. Subsequently, over the course of a year, with the help of officials, we can get our heads round it, but it can be a bit of a struggle.

10:30

Maggie Chapman (North East Scotland) (Green): I thank everybody for their comments so far—it has been an interesting discussion.

I want to pick up on and maybe tease out some of the issues and the connections between them. We have talked about the problem of data and the issue of being cautious about the shiny new thing, which I totally get. Chris Birt talked about the need to have a clear vision of where we want to get to. We have the technical language of a minimum core or what it means to live in dignity, but do we have a shared understanding of that? If not, what work do we need to do to ensure that we have an understanding of that across the different sectors and priority groups or other demographics, so that we can make sure that we collect the right data and deliver the right kind of vision, and that we are not sidetracked into the mysticism of it all?

Chris Birt: I will defer to Alison Hosie on definitions of things such as a minimum core, but it is an important question. That is why the work that the Scottish Government has started on policies such as a minimum income guarantee is really important. A minimum income guarantee should not be a single policy solution, with the Government thinking, "Let's just talk about social security, and once we've fixed that, everything will be fixed." It should be a fundamental statement of the basic level of support that our state will provide to everyone. For some people, that will be provided through social security but, for others, it will be to do with how they work. We can look at the role of unpaid care and all those kind of things. Such policies are long term and cannot happen overnight—indeed, they should not, because they need to be designed with the people they are designed to help. That is absolutely crucial.

I am sorry, but I missed out the part of Karen Adam's question about how easy it is for us to influence the budget. For an organisation such as JRF, it is reasonably easy, because we have access—we hold power and we try to give it over to the people we represent. However, for Joe or Jane Public, it is literally impossible—how would they be able to piece that together? As Emma Congreve said, it takes people like us a year to work it out, because it is so complex. The complexity is built in, and that is part of the power dynamic. How we unpick that is really important.

Emma Congreve: On whether we have shared knowledge and understanding, I think that we think that we do. It is sometimes assumed that we have it, but that is not borne out when you dig underneath a little. With very simple questions that we would hope to be able to ask and get an answer to, such as "How much is the Government spending on tackling child poverty?" and "What is the expected impact?", we cannot ask those questions and get a robust and rigorous answer, because there is not the infrastructure behind the decisions that enables ministers or the civil service to fully answer them.

The issue is to do with the integrity of the analysis that underpins many of the statements, and that comes back to the capacity of the civil service, the priority that is given in decision making and the signals on what priority should be given to that type of analysis. A lot of the skills are there to do it, but it is sometimes just not given the right focus. We have talked about data, but that is part of the issue as well.

Dr Hosie: In relation to demystifying human rights language, Chris Birt talked about keeping things simple, and the idea of a minimum core is simple—it is about red lines below which we do not accept that society should fall.

The concept of a minimum core is a global one, and there are philosophical debates about whether there is a relative or an absolute minimum core. Given the wealth that Scotland has, our minimum core should perhaps not be as low as it is in other countries. However, when we look at levels of food poverty, the use of food banks and the amount of homelessness in Scotland, it is clear that we are not meeting the minimum core at a global level under those rights.

Therefore, there is a need for a national discussion about what we think the minimum core is and what it should be for Scotland. For me, that is an integral part of the development of the new legislation. What will those red lines be in that legislation? How do people understand what a life of dignity means to them?

That conversation needs the participation of everybody, but particularly of vulnerable groups and those who are least heard from. The right to participate in discussions about what will impact on people's lives is critical to a shared understanding of the meaning of those concepts, which are more complex but not actually very difficult when we translate them, and to people understanding that such rights are relevant to them. That will help to provide, among the public and across the public sector, an understanding of what bringing rights home means and what realising rights and progressively realising rights mean. That can all be part of what will be a critical conversation in the development of the new legislation.

Pam Duncan-Glancy (Glasgow) (Lab): I thank the witnesses for their submissions and for their contribution to this morning's discussion, which has been really helpful, as my colleagues have said.

I want to dig a little more into what the minimum core means for specific groups of people. Notwithstanding the significant gaps in data that you have all highlighted and that we really need to address—I hope that we can do that—it is clear from the data that exists that there are problems with the minimum core, particularly in relation to disabled people. For example, the SHRC produced a paper in the summer on the impact of Covid restrictions and the social care system on disabled people's rights, with some people living entire days, weeks and months in one chair. The Fraser of Allander Institute has recently done very good research on the minimum core of rights of people with a learning disability. In addition, of course, there is the significant work that is being done on the fact that so many children live in poverty and do not have an adequate standard of living.

Will you say a little more about the details of the minimum core? What data have you used to tell that story and show how important it is? What does the minimum core mean for addressing some of the gaps, particularly in relation to how we use public spend on social security and how we see the care service working, particularly for women or disabled people?

Dr O'Hagan: You raise hugely important issues that reflect the comments that Chris Birt made about understanding—through data and, more than that, through services having a relationship with people and communities—what lived experience actually means for different people. That relates to the point that Chris made about focusing on the objectives and on what we want as a country and a society. We can then make decisions and formulate processes that will deliver those objectives.

Since the inception of the Parliament, we have talked about the need to move policy away from a siloed approach. For example, we need to see social care as a human rights issue, a social policy issue and an economic policy issue. If we invest in social care, we invest in quality of life, active citizenship, the workforce and growing our economy. If 2 per cent of gross domestic product is invested in care, that creates three times as many jobs as are created in construction. The Feeley review of adult social care has suggested that we need an increase in investment of 0.4 per cent. That would take us up to only 2.66 per cent of GDP, in contrast to Sweden's level of 4.81 per cent in terms of spending on social care.

That example illustrates the point that considerations around the realisation of rights and the advancement of equality are not solely the focus of this committee but have to be the focus of every other committee in the Parliament. It is also a question of coherence.

To go back to Ms Chapman's question about whether there is a shared understanding, there is not. Do we all actually have a shared understanding of, or the same level of knowledge about, the budget process? Who among us can talk fluently about the fiscal framework, apart from maybe Chris Birt? We need an investment of time and resource to build knowledge among our policy makers and among the public. One thing that we have suggested in EBAG that echoes some of the calls from the citizens assembly is for a citizens budget. That relates firstly to the documentation and the process. We could of course go further and think about it in terms of co-production and participation in national budget processes, but I will stop there and let others come in.

The Convener: I am conscious of time. Members and witnesses will all have to be a little bit tighter and sharper. I guess that we do not have to hear from everyone, although I am sure

that Chris Birt is keen to respond to Pam Duncan-Glancy's questions.

Chris Birt: I will keep it brief. Pam is absolutely right about the experience of disabled people in Scotland. If you are disabled, you are far more likely to be in poverty, and if you are a child in a family where somebody is disabled, you are again far more likely to be in poverty. We can see that there is a different experience, say within housing—if you are in a family where somebody is disabled, you are far more likely to be in poverty, purely because of your housing costs alone.

In Scotland, now that we have powers over things such as disability assistance payments, we are starting to see that we need to take a more fundamental look at the purpose of those payments and what role they can play in lifting people out of poverty, because they do not do that at the moment. The way in which the new payments have been designed, with people who are going to be eligible for them at the core—so that the process should be a far more dignified one than you get at the moment from the DWP—is exactly the process that we should go through in designing and reforming policies as we go forward. That is a vital lever that we have for improving the lives of disabled people in Scotland.

The Convener: There was a reference to Emma Congreve's organisation, so I will bring her in.

Emma Congreve: As Pam Duncan-Glancy said, we have done quite a lot of work on learning disabilities. I have been shocked by the state of the understanding of, the data on and the knowledge in relation to learning disability in pretty much all aspects of public and civil society. We have stated that we believe that that population is pretty much invisible, because there has been so little investment in data or understanding the issues that are faced. We have tried to understand where there is data and to produce our own data. We have done a lot of analysis on that.

To come back to the point about poverty in relation to disability and carers, we published something last week on unpaid carers of persons with a learning disability, and more than half the households that we surveyed were living in poverty because they cannot take up paid employment while being a full-time unpaid carer, and carers allowance does not even touch the sides. That is an example of a situation that the budget could operate to alleviate.

A lot is going on, but I think that ministers and the core civil service do not have a good appreciation of what learning disability is and what can be done to help. There is underinvestment in social care, and money is kind of disappearing in the social care system, with people having to fight tooth and nail to get any support—we hear that time and again. We believe that the issue needs to be more visible. That is core to a lot of what we are talking about—we need an understanding of what a human rights approach is and who we are talking about when it comes to groups with protected characteristics. We are really bad at that.

10:45

Dr Hosie: Pam Duncan-Glancy mentioned the report that the SHRC produced in the summer, which found some abject failures in realising the rights of people with disabilities to care provision. Self-directed support and the provision of personal care and support are a good example of where you can have good policy, but it has to be resourced properly. When we are reviewing the development of a new national care service, we need to look at what is policy failure, and what is failure to fund the right policy, so that we are not throwing out good ideas by not realising that they have were not resourced properly in the first place. You can have the best law and policy, but if you do not resource it properly, you are not going to get the outcomes that you are looking for.

If you want to dig a bit deeper into minimum core, at the international level there is a wealth of guidance on what minimum core could and should mean in different national contexts without prescribing but with giving ideas. A good place to start is to look at the general comments that are produced by the different treaty bodies and elsewhere to see what other countries are doing. That is where you will find some useful guidance as a starting point for the national discussion around what we consider would be appropriate for Scotland.

Pam Gosal (West Scotland) (Con): With human rights budgeting being so new, do you know of any lessons learned from international comparators on equalities and human rights budgeting? Which countries or regions can Scotland learn from?

The Convener: Who would like to go first? [*Interruption*.] It looks like we have lost both of the witnesses. Angela, are you able to come in? Alison?

Dr Hosie: That is us back. I think that Angela O'Hagan and I both lost reception at the same time and we did not hear the question.

Pam Gosal: With human rights budgeting being so new, do you know of any lessons learned from international comparators on equalities and human rights budgeting? Which countries and regions can Scotland learn from?

The Convener: Angela O'Hagan talked about that earlier, so perhaps she could expand on that a little.

Dr O'Hagan: I did and I will not necessarily take a lot of time to recap. There are different things to learn from different countries. For example, gender budgeting is built into Austria's constitutional requirements; the situation is similar in Iceland.

Human rights budgeting is newer, but Scotland has the opportunity to learn from those other countries that have ensured that budgets and public finance processes are part of incorporation. There is a job in that for this committee and other committees as the incorporation agenda moves forward in Scotland. How are we tying in everything that we are saying about financial scrutiny, Emma Congreve's points on the policy cycle, appraisal, implementation and evaluation, and doing that from a human rights-based approach? What is it? How are things experienced currently, what do we need to change and how are we going to get there? That is the most straightforward way.

One of the ways in which Scotland is different is that we have much more contact with the committee. Even though it is incredibly difficult to follow the budget process and documentation, we have a more open budget process than there is in many other countries. However, it still has the status of being hidden in plain sight.

We need to open up to greater participation and take some of the lessons from participatory budgeting in Scotland and internationally on participating and engaging beyond consultation. I see that Alison Hosie wants to come in, so I will stop talking.

Dr Hosie: On that point, the open budget survey is a useful place to go to. It produces a global index of the level of participation, accountability and scrutiny that Governments' budget processes are under. That was where we went when we could not interrogate the budget ourselves and we were trying to do some human rights analysis of the budget; we thought that we should look to the process first. It is about improving the process, participation in the budget and the accountabilities and transparency of data. There are 117 countries involved in the open budget survey index, and a good place to start improving our processes would be to look globally at who has higher scores in the index than Scotland.

To be fair, because of the budget review that Angela O'Hagan was part of in 2017 and the committee's subsequent inquiry that looked at issues of process, we know what we need to do. It is just a case of ensuring that those processes are improved.

Alexander Stewart (Mid Scotland and Fife) (Con): I want to tease out slightly more about engagement and participation. Each one of you and your organisations are actively involved and you are supporting the Parliament, the Government and MSPs, so we can learn a lot from what you say about your participation. How do we expand that participation and ensure that we get the accountability and transparency?

You have mentioned other countries and areas that have active engagement. Some of them have the citizen budget and some of them develop some of that role to ensure that there is much more inclusion. However, we find that there are barriers to that, and you have identified today that the process is complex and we need to be quite forensic about how we manage that. Things can be misrepresented or they can be hidden in the process of trying to see how it all works.

I would like to tease out from whoever wishes to answer how you feel we can break down those barriers and engage. We think that we are engaging but, obviously, that is not everyone's opinion. Our engagement is slightly less than that of other countries and regions, but at the same time we are all trying to get as much information out there as possible. It would be good to hear your views on what we need to do more of to engage and ensure that we get that transparency, participation and scrutiny.

Dr Hosie: A good place to start is by looking at what we mean by participation and meaningful participation. A lot of Government and Parliament consultations do not give enough time for responses. I was pleased to see the human rights focus in this call for evidence, but there was a very short timeframe for people to respond meaningfully. Those who we are trying to engage with, those who are the least disengaged with these processes, probably need the most time.

Monetary resources are also necessary to bring people together. You need to take on board people's working patterns if you are trying to engage with them, as well as their childcare responsibilities or other care responsibilities if you want to bring people physically together.

The programme for government mentions the word "consultation" or "consult" 67 times and the need to consult with people lived experience. That is great to see, but consultation does not always mean participative engagement. It would be useful to have a set of standards for participation that shows what people can expect from the process, and that is defined and clear across all the different types of consultations and engagement that Government and Parliament uses.

On the right to participate, there is a lot of information internationally around what makes for

good and democratic participation. Scotland having a set of standards for participation would be a good idea so that people would know what to expect and it would help parliamentarians and public bodies to know what they should be doing to better engage with people.

Chris Birt: Both Emma Congreve and Pam Duncan-Glancy touched on people fighting tooth and nail to get things to change. I am sure that almost all of us will have had examples, particularly during the pandemic, of family members or friends who have had to fight with public services or other people to feel like they are getting their rights. We might also feel that in the policy development process.

Having people's experience, engagement and participation is vital, but what you do with it? For example, we did a report with single parents earlier in the year, and one of the main findings from that was, "We are sick of telling you the same thing over and again. I don't want to participate. I don't want somebody to hear my story. I want you to fix it." People are speaking, but are we really listening?

There are many processes and tools for getting people's participation, and the more of those we use, the better. There is a lot of support for that across the political spectrum, which is great, but we really need to listen. That point about people having to fight tooth and nail is something that we hear all the time. It is not necessarily to do with budgets, although budgets for advocacy groups, advice groups and rights groups are vital within that, but it is about listening.

Emma Congreve: If people are to have more meaningful dialogue with ministers during parliamentary scrutiny, we need to think about the questions that are being asked of ministers about their understanding of the underpinning of the policies that are being made. A lot of announcements are made at a lot of different times of the year. Scrutiny is saying, "Why is that decision being made? What is the evidence that underpins it? What do you expect it to achieve, and how are you going to measure it?" Getting that kind of thing more routinely discussed and on the public record would be a good step forward.

There are not that many organisations in Scotland that do this type of scrutiny. We do not have a big legacy of think tanks, and relatively few organisations can do that kind of scrutiny of the budget. It is difficult to think about how it can be supported, but the Parliament could think about it.

Dr O'Hagan: I endorse everything that has been said. One thing to add is that SPICe does a good job of making some of the budget information a bit more accessible, but Parliament and the Government could do an awful lot more for public information, including transparency and simplicity in the budget documents.

There is nothing more to add to the comments that colleagues have made about meaningful and inclusive participation. There are some very important lessons to learn from our experience in Scotland about where participatory budgeting has not been inclusive and fully participatory.

There are some positive actions happening in the Scottish exchequer linked to the open government action plan around making the budget more accessible, and opening up some of the data and documentation. The committee might like to keep an eye on the progress of those positive projects.

The Convener: Thank you. There were some nods around the table there.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning to the panel from my office in sunny Coatbridge.

This has been a very interesting and useful discussion today. Panel members and the rest of the committee will be glad to hear that my questions are quite general and a lot of it has already been touched on, but I suppose that that will give the panel members a chance to home in on any points that they wish to make.

One of the things that MSPs hear a lot of on committees and during our daily work—I know that it has been referred to already—is the gap between what has been agreed or said at the policy level and how it is implemented. Can we do anything to improve the difference between the policy intention and how it is enacted on the ground?

The Convener: We will start with Chris Birt, because he mentioned that area earlier.

11:00

Chris Birt: I am not a great one for process, so I am not best placed to answer that question. I have written down here—I hope that the cameras cannot see it—that part of me thinks that we need to get on with stuff and get on with looking at how it is working. In relation to the gap between policy and implementation, which Fulton MacGregor mentioned, we let the implementation happen however it happens, without really knowing what is going on and what the outcomes are. Therefore, if we do not see much change in very high-level poverty statistics, we just say, "Well, we need to do more. Maybe we need to tax more or spend more." We are missing the obvious question that is in front of us, which it is vital we ask.

I encourage the committee to break the issue down and focus on a particular group—really put

your efforts into that and make it relevant. Sometimes, the discussions that we have in Parliament are quite distant from people's experiences in communities throughout Scotland. Pick something that feels relevant, put it under the microscope and ask how it is working, not to set a political trap but to improve the lives of the people we are trying to help.

Emma Congreve: It would be remiss of me not to mention this, so I will do so now. It goes back to the experience of the reform of council tax in Scotland and how the ambitions of consecutive Governments to change the system entirely have not been realised on the ground, despite many commissions. I was on the secretariat for a commission that looked at ways of doing that. In the work of the committee and the Parliament in general, there are difficult decisions to be made. Council tax is one of those and it is incredibly difficult to reform. We all know why that has not been done.

Northern Ireland brought through a change in its rates system in the not-too-distant past, and there was a joint effort between the parties to realise how difficult the system was to reform and to join hands and be a united force in saying, "We have to do this. We have to push it through because, otherwise, the inequalities that it is causing will just get worse and worse." There are lessons to be learned from the experience of reforming things such as property taxation, which might be relevant to the committee as it seeks to make progress on the issue.

Fulton MacGregor: I apologise to those who are using the chat function—I put a wee note there for people to come back in, but I did not mean to put the second half of that sentence in capitals.

I have a specific question for Emma Congreve. I want to ask about your views on the national care service, because you wrote something recently about it being unlikely to do any better than the system that it seeks to replace if it is underfunded. Can you comment on that and on the grander scheme of the issues that we are talking about?

Emma Congreve: It has already been mentioned by a colleague that you cannot expect different results. You might have the right policy, but, if you do not fund it properly, it is likely to fall over and not be an improvement on what has come before.

Funding is another area that is extremely complicated to understand. It is very difficult to understand exactly what Government announcements about increases in funding mean. It is ridiculous that that is the case, but we need clarity in order to understand the full extent of spending—adult social care, specifically, is what we are talking about—and why, who and what needs to change, so that we have a good shared understanding of the cost of the system and what is needed to improve it.

The independent review looked at some of those issues, but, again, it was not particularly clear in some of its analysis, which speaks to the complexity of those issues. If we do not have the transparency that helps us to understand exactly what is going on in the system, it is really hard to understand what is working and what is not working. We are keen to home in on understanding where the money is and following it. That is an important issue and a massive reform.

The Convener: Brilliant.

Dr O'Hagan: In response to Fulton MacGregor's questions, my one-word answer would be "coherence". Sometimes, there is a lack of coherence across policy initiatives, policies and spending. In an environment in which we collectively can experience, and maybe contribute to, initiative overload, we need to encourage people to take a step back. For example, recent recommendations and calls for action from the social renewal advisory board touched on many of the issues that we have talked about today. How will the Government report on how those actions map to the range of actions that the Government is funding, and how will the Parliament scrutinise the outcomes from those actions?

Maybe rather than layering additional processes and actions, we should remember that the national performance framework exists to monitor and measure some of those outcomes and see what the consistent relationship is between policy and spending announcements—new and cumulative or new and revised—and what outcomes are being achieved, as the budget review group and colleagues today have encouraged. When outcomes are not being achieved, what is the issue? Is it spending or some other issue?

The example I will use to illustrate that is a survey that was done recently by the University of Glasgow for Food Train, which identified that 31 per cent of older adults in receipt of domiciliary social care were malnourished. That is over and above the usual measure—I cannot believe that we have a usual measure—of older adults who are at home on their own and who experience malnutrition, which puts the figure at around 12 per cent. Is there a funding problem or is it down to the time-limited provision for supporting adults who are in receipt of domiciliary care? The statutory instrument rather than the budget—or the two combined—may be the problem.

We need coherence at the policy evaluation stage and in looking at whether the outcomes that are produced are realising policy objectives or whether they are creating other problems.

Dr Hosie: I will pick up on three points from previous speakers. I agree with Chris Birt's point that picking a group or a particular issue, looking at it in depth and really understanding how you work through the process is a good idea. If you focus on a particularly vulnerable group and you get it right for them, the chances are that you will get it right for others. It is sometimes difficult to think about human rights budgeting in relation to a global issue, so we should home in on a particular issue and work out how to do the processing and scrutinising, and then build out from there.

In response to Emma Congreve's point, I fully support the need to look at taxation and local taxation. We have talked a lot about taxation and the value that it brings to maximising resources. We have limitations in Scotland, but we hide behind those limitations and we do not necessarily look at what is fully possible within devolved competencies. There are some good examples of local wealth taxation in Switzerland that we can look at, and people are working on that in the UK. I know that some submissions to the Government's taxation framework will focus on that, so it is worth the committee looking at those issues.

Dr O'Hagan's point on domiciliary care brings us back to data, which is the issue that we started the session on. We look at the types of provision of social care that people receive, how many hours or minutes people receive, how many times per day they are seen and whether they are given certain services, but we do not ask those people about or measure the extent to which they are able to live independently because of the social care that they are receiving. We do not ask the right questions about the outcomes that we are trying to achieve. In deciding what data to collect, we need to think about what we are asking, why we are asking it and whether there are better questions to ask to get to the crux of whether people are able to live with dignity.

The Convener: Unfortunately, time is against us. We could probably go on all day, as the committee is at the start of the process. Thank you for your evidence.

11:10

Meeting suspended.

11:14

On resuming—

The Convener: We will now hear from our second panel of witnesses. Rob Gowans is joining us remotely, and Fulton MacGregor is still with us remotely, too.

I welcome to the meeting Adam Stachura, head of policy and communications, Age Scotland; Jatin Haria, executive director, Coalition for Racial Equality and Rights; Eilidh Dickson, policy and parliamentary manager, Engender; and Rob Gowans, policy and public affairs manager, Health and Social Care Alliance.

I thank the witnesses for their written submissions, which are really helpful for our deliberations. I invite each of you to make a short opening statement, starting with Adam Stachura, please.

11:15

Adam Stachura (Age Scotland): Thank you very much for the invitation. On reflection, the work that you are doing is not straightforward, particularly in relation to getting to grips with the information from the first panel of witnesses. However, that scrutiny is vital in supporting people to realise their rights across the wider work of Government and public services.

We know that the realisation of older people's rights can be a challenge, even when they are interacting with public services. The events of the past 18 months have thrown into sharp focus many ways in which older people have faced barriers to services. That might be because the services have been paused or removed entirely, or because they are primarily accessed digitally, which discounts at least half a million over-60s from accessing their rights, information or any services that they require. An example of that is the challenges that people have faced accessing health and social care.

It is vital that the upcoming budget—and future budgets—supports the national recovery and meets the needs of our ageing population. Our population is ageing faster than that of the rest of the UK, but it often feels as though we have not really got to grips with that. An ageing population is not a problem or a challenge; it is just something that we have. We must embrace and support it so that older people can enjoy a dignified later life and ensure that Scotland is the best place in the world in which to grow older.

Jatin Haria (Coalition for Racial Equality and Rights): The issues around equalities and budgeting have been talked about many times over many years and I am not sure that there is much to be said that is new. The most recent report from the equality budget advisory group was useful but, again, it says things that have been said before.

I suppose that the new task of making the group's recommendations into a prioritised and resourced action plan is useful, and we should push Government to ensure that that is done as a matter of urgency. Having said that, as the witnesses on the previous panel said, we should

not be too interested in processes and actions because outcomes are what really make the difference.

I will give one example. The EBAG report talks about the need for equality impact assessments to be published and for there to be mandatory training on them. The publication requirement has been a legal duty for many years and, in itself, the training will not necessarily make EqIAs any better.

The earlier witnesses also talked about joined-up government. Although EBAG has a recommendation on EqIAs, the Government's current consultation on the public sector equality duty does not even mention EqIAs, so there is a problem there.

A lot of the witnesses have talked about data, which I totally agree with, especially in the context of race. However, the issue is not just about collecting metadata or more data: we need to analyse it. I will give an example. I was looking at the social security child benefit take-up data. It shows that, for black and minority ethnic families, the application rate was around 7 per cent. That does not really tell us anything. We know that 4 per cent of the population is BME, but that figure is from the 2011 census, so it is probably meaningless now. We also know that the BME population has a much younger profile, so there are probably a lot more families with young children who are from black and minority ethnic communities. We need to know what that figure is, so that we can determine whether the 7 per cent figure is a true reflection of what the uptake should be.

It might come as a surprise to the committee, but I am not necessarily going to ask for more money, although the Scottish child payment might be a separate matter. However, in the main, certainly for racial equality, the issue is not about getting more money; it is about mainstreaming race equality better and eliminating discrimination. That takes us back to outcomes. We need to see the work that we are going change people's lives.

Eilidh Dickson (Engender): Thank you for inviting Engender to participate in the meeting. As we outlined in our written submission, we are really pleased to welcome the committee's focus on a human rights approach to budget scrutiny.

That being said, we have previously outlined to the committee our concerns about the lack of attention that is paid to structural inequality between women and men in the existing Scottish budget process, and we do so again this year. We have heard numerous rhetorical commitments to an expanded and solidified approach to gender budgeting, but the existing mechanisms and processes for delivering that remain largely descriptive, and are undermined by, as Jatin Haria said, a lack of data, but also by capacity and prioritisation issues.

Our submission also outlines the critical role of the budget as a tool for responding to the widely recognised rollback of women's equality as a direct result of the Covid-19 pandemic. We spotlight social care, which has been seriously destabilised by interventions such as social distancing and isolating, and offsetting care back from the state to the household, largely to be delivered by women. That impacts their ability to stay in paid work, plunging them into poverty or, as is often the case, further poverty, which affects their ability to undertake activities central to their own health and wellbeing.

When it comes to human rights, women encounter different barriers to adequate housing, good health or income because of unequal access to resources, safety and power. There appear to be limited, detailed descriptions of how gender and human rights budgeting processes sit side by side and can mutually reinforce one another.

We cite work by the economist Diane Elson that outlines the critical role of gender budgeting to the realisation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which is often knows as the women's bill of rights. The Scottish Government's forthcoming human rights bill and its planned equality and human rights mainstreaming strategy might offer opportunities to further embed those analyses in a complementary way. However, without a thorough, up-front and cumulative analysis of the budget, it is extremely difficult for Engender and other organisations to describe how that might be realised. I will leave it there.

Rob Gowans (Health and Social Care Alliance Scotland): Thank you for the invitation to give evidence to the committee this morning. The significant impact of Covid-19 and the responses to it will be felt for many years to come, including in the economy. The alliance believes that it is possible to embed equality, transparency, and people's participation in Scotland's economy to achieve transformational and positive change that works for everyone.

Under international human rights law, Governments are obliged to respect, protect and fulfil human rights. The way in which public money is raised, allocated and spent is central to that. Adopting a human rights-based approach to the budget would embed human rights based values such as equality, transparency and participation in financial decision making.

To facilitate a shift towards equality in the budget process, Governments should explicitly recognise rights in their budgetary decisions. They

should identify economic, social and cultural rights, as well as rights for disabled people, women and minority ethnic communities, all of whom have been disproportionately affected by Covid-19.

The budget is one of the main ways in which national Governments show their priorities. If Scotland values and prioritises equalities and human rights, that should be reflected in the budget process.

Human rights budgeting, and the use of equality and human rights impact assessments, support prioritisation. They offer a common language and philosophy, as well as a framework and tools for balancing competing interests and make fair judgments.

Finally, the alliance believes that more sustainable resources are needed in Scotland's third sector and in the social care sector. The contribution of the third sector to Scotland's people, society and economy remains unrecognised and undervalued. Similarly, there have long been calls for greater investment in social care as part of the shift from acute services towards preventative, community-based support, and there have also been more recent calls to fulfil the recommendations of the independent review of adult social care.

The Convener: Thank you. I do not know whether you watched the previous panel of witnesses give evidence, but we said that this is the first time that the committee has looked to take a human rights based approach to budgeting. In the past, we have looked at gender and equality budgeting. How do we make sure that those different aspects do not end up in conflict with one another and that they all add value? Eilidh Dickson can start us off on that.

Eilidh Dickson: I want to stress that, in our written submission and in the evidence that I am giving today, we are not saying that human rights budgeting in any way opposes gender budgeting. We have focused on gender budget analysis and gender budgeting processes for a long time, but we have still not delivered the transformation change that we want to see.

Engender's experience might be reflected in the experiences of other equality organisations. When we look across the board at mainstreaming duties and obligations in Scotland, we see that layering more requirements on to public bodies, including the Scottish Parliament, has not necessarily led to greater outcomes or to the intersectionality that one might have hoped for. That is not to say that we do not want to focus on all the protected characteristics, but we have not yet found a way to do that without diminishing the focus on one characteristic.

Our concern about adding more into the budget process is that that risks continuing the rhetorical commitments to gender budgeting without achieving some of the required process changes.

I am by no means an expert on human rights budgeting. As our written evidence says, such budgeting must include gender budgeting, not only because women fit into every single group and they have human rights, but because the planned human rights incorporation agenda is focused on CEDAW and on women's rights within that framework. Therefore, there will have to be a complementary process. The question is how we do that technically as we progress the incorporation agenda.

The Convener: That point about intersectionality is really important.

Jatin Haria: I agree with Eilidh Dickson's comments. A long time ago, we argued against the Parliament's equalities committees looking at equalities and human rights together. Having two separate committees would solve the problem, because two committees would be looking at two different things.

We need to be careful that people do not use human rights-based budgeting as an excuse to say, "Human rights is a brand-new thing and we need to take another couple of years to get our heads around it." We have been looking at gender budgeting for many years, but we still have not got it right. The approach might give people an excuse to say that we have something to look at now.

Rob Gowans: We believe that greater weight should be given to progressive economic systems such as human rights and gender budgeting, and the wellbeing and caring economy.

Earlier this year, the alliance organised a panel discussion with experts to try to unpick the differences between some of those aspects. The event demonstrated that, rather than there being competing agendas, the systems have a lot in common and are complementary. They all put people at the centre of the economy and they share core values such as equality and justice. The different aspects can live together and will complement one another rather than being in conflict with one another.

Pam Duncan-Glancy: I thank all the witnesses for their submissions, which are characteristically excellent and really helpful in informing our work.

My question is around human rights budgeting and the idea of a minimum core, which we heard a bit about this morning. Notwithstanding the data gaps that Jatin Haria mentioned and that others have noted, it appears that, for a number of groups in society, the minimum cores are not being met. Those groups include women, disabled

people, unpaid carers and, in particular, children, given the level of child poverty.

How could a human rights-based approach to budgeting start to address that? What needs to go in the budget lines? I ask that you comment in particular on some of the bigger spend around social security. Hearing your comments on the national care service might also be quite interesting. I know that all your submissions pointed in particular to the national care service as something that might make an impact on women and disabled people's equality.

Adam Stachura: It is quite hard, especially as a charity, to go through all the budget lines and work out where more or less could be spent. Chris Birt, who was on the previous panel, made a really good point about outcomes, which has also been mentioned in our discussion. A core part of that is looking at the outcomes of previous actions to see what is working and what is not, and to evaluate that properly.

Your point about the people who are missed—the people whose rights are not being realised—is absolutely spot on, and the crises that we face is throwing that fact into sharper focus. The question is whether enough people care about that. People should be taking quick action to address that challenge.

11:30

As I said, it is difficult for charities to look at where the money could be spent without looking across all the money that is spent. The focus needs to be on the people and places that were mentioned. We need to look at the outcomes and make proper, big interventions.

The national care service is a great example. The current system is okay for lots of people, but it does not work for lots of people. The idea is to try to create something new that has more accountability and better equity of access. Building those aspects into its structure will be an important big step in redressing the situation.

The system will not be fixed overnight by virtue of having an institution. This is also about all the actions that are taken and the scrutiny of those actions. Again, it is very difficult, but those things must happen. We need to go beyond the minimum of what we as a society aspire to. To not achieve that would be quite scandalous.

Rob Gowans: Social care has, rightly, been highlighted. Self-directed support is a particularly good example of where there is an implementation gap between policy and reality. Our researchers have suggested that people's experiences of self-directed support on the ground do not match up to what they should be, according to the legislation. Finance and the budget have a huge part to play in that.

For me, human rights budgeting gives a framework around which some of those decisions can be made. That can identify what is not being met, and what is required to meet the minimum core and achieve it. The earlier panel of witnesses pointed out that the estimates from the "Independent Review of Adult Social Care in Scotland" report showed that additional expenditure of around £660 million a year on social care is required to meet its recommendations, which would be about 0.4 per cent of Scottish GDP, but the witnesses also pointed out that other countries spend far more than that.

Eilidh Dickson: When it comes to defining the content of individual rights and looking for the minimum core, we have frameworks, such as the availability, accessibility, acceptability and quality framework, and we have general recommendations and comments from international committees that we can look to as a starting point for each human right that might be relevant in relation to something such as social care, which will not be just one right.

However, as part of defining that content, we need to have a really good eye for what that means for different groups and go beyond a formal non-discrimination approach. CEDAW and other conventions talk about the principle of substantive equality and what it will take for women and other groups to have a material improvement in their conditions.

One of the key issues is capacity. We need the skills and expertise to build a general awareness of what the content of human rights is, what that means and what it looks like, so that public bodies and civil society really engage in that.

There is a question about capacity. There is also a prioritisation question that is perhaps relevant to what Pam Duncan-Glancy is asking about. During the pandemic, we saw that we cannot talk about the minimum core of a human right without talking about principles such as non-retrogression and non-derogation.

During the pandemic, we saw retrogression in women's rights, because social care packages were cut and removed. The closure of schools led to women being unable to undertake paid work and giving up paid work entirely. We saw a roll-back in women's rights.

I do not know the answer to that problem but prioritisation must come into it. We must have an agenda, which is funded, so that we avoid some of the decisions that were made during the pandemic. We have mainstreaming obligations, which are meant to avoid such things happening.

We are supposed to undertake impact assessments so that we do not unwittingly further embed inequality. That did not happen.

Alexander Stewart: I will stick to what I asked the first panel of witnesses about participation and engagement. It would be useful to hear from all the witnesses about the degree of engagement and participation that they and those they represent have experienced. Has there been a good exchange with the Scottish Government about what its intentions are and in relation to its attempts to progress matters?

We have already talked today about barriers in the sector. Has your organisation experienced barriers? Have your client base and service users experienced barriers? It would be good to get a flavour of what you believe can be done to improve the transparency and scrutiny of the whole budget process.

Jatin Haria: My organisation, the Coalition for Racial Equality and Rights, does not have service users, because we are more a strategic organisation. Even so, I find it difficult to get my head round a lot of these things. This is the first time that we have had a discussion about budgeting with this committee. I do not want to stereotype anyone, but if we have found it difficult, I can imagine how difficult it would be for other groups that have service users. The scrutiny process takes time. Luckily, we have time to invest, but those other groups just do not have the time. Reading some of the SPICe reports can take hours.

I do not think that people are interested in the overall budget; they are interested in the outcomes for their own lives. Personally—to give a silly example—I have no interest whatsoever in the fisheries budget.

To go back to outcomes, that is what people will be interested in. I was going to say this in my opening statement but I did not get to it. Currently, we are not very good at evaluating what the money is spent on. People would be far more invested in getting involved in evaluation, so that might be a better way to involve them.

Someone on the first panel suggested that we should just look at one aspect of the budget. That would be another good option, because that goes back to what people's interests are. They are interested in things that impact on their own lives. That is a good starting point, and that is the way to get them invested.

Rob Gowans: We see participation as a key human rights principle, but others have raised concerns about public participation in the budget process. As we heard earlier, the Scottish Human Rights Commission has published research that shows that Scotland falls below the globally recommended standards in relation to public participation in the budget process.

As an organisation and national third sector intermediary, we have people who have plenty of lived experience and professionals, including those who are focused on economy-related activity. We have participated in engagement sessions with the national task force for human rights leadership, and we have held our own events. However, there is a lot more that can and should be done to improve participation. We probably need to build into the budget process timescales that would allow meaningful participation before the budget is published. In order for it to have a genuine impact on the budget, the engagement and participation activity must be linked to the decisions that are made as part of the budget process.

Adam Stachura: It is not easy at all, and I do not think that anyone on the first panel said that that would be the case. The budget timeframe is incredibly short. It also involves a whole process of going from the governing party's commitments in its election manifesto, through to the programme for government and considering how to do the budget and then drafting it. The opportunity to influence it, in a bigger sense, within that timeframe is pretty hard.

We have good relationships with and ways into the Minister for Older People and Equalities and Government. However, when looking at the budget as a whole, Age Scotland, over a year or two or more, might talk about bigger themes. Such a theme might be that more investment is required in social care and the outcomes that we require as a result of that—for example, what will have to happen so that people can have better equity of access, staff can have better pay and conditions and unpaid carers are better supported. Sometimes, the question will come back about what that will cost exactly. It is a really difficult question and you come back with the bare minimum that is required.

We were talking earlier about whether £600 million extra is required for social care. Why should that not be £1 billion? It could be more than the suggested £600 million figure. Charities such as Age Scotland are looking at the information that is coming in, at the challenges and at the long-term effort that is needed.

I have been at Age Scotland for about three and a half years. In all that time—and prior to that—we have been talking about the requirement to invest more in social care. Seeing that realised will not be the result of one week's work; it will be the result of work over many years.

Other organisations and charities might have a better way in, and their issues might meet

Government priorities at the time, but we can certainly look to influence its initiatives. However, on the broader budget and departmental spending, it is very hard. For individuals, it is even harder still. Imagine their trying to navigate a budget document when it comes out. How much screen time do they have? How many bits of paper would they need to print off? They would hope not to do that, but they might need to. An individual in a community somewhere—they might not be online, they might have disabilities, they might face language barriers, or they might not be connected—might have great ideas and helpful suggestions about how to do things, but they are disengaged by virtue of the process.

Karen Adam: It is nice to see all the witnesses today. I have a question on gendered budgeting. Providing gender equality in services is often seen as an additional cost, whether that be in social security or in health and women's refuge services. Some services are not really built around the needs of women, and resources for gender equality are often seen as an extra. They are almost like an extension to policy, rather than part of the foundation on which the policy is built. We can see that clearly highlighted, as Engender alluded to earlier, in the disproportionate impact that the pandemic has had on women. That has been really clear to us over that time. Where do you see progress being made? What is still missing in gendered budgeting? I am sorry to ask another question, but what lessons can we learn from gendered budgeting when considering human rights budgeting?

Eilidh Dickson: I can probably answer those questions by saying that the big lesson for me is that there is a huge gap between rhetoric and national commitment and national ambition. Previously, there was a joint understanding of things. For example, a few years ago, the First Minister began talking about childcare as infrastructure, which women's organisations have been talking about for decades. We now understand the pivotal role that childcare and social care play in allowing women to stay and progress in paid work, take on more paid work and have better leisure and wellbeing activities, which mean that their general health is better, so there is a cost saving.

We see that there are headline ambitions around gender equality. The lesson is maybe that the processes and data that we have to measure that success, or how we are progressing towards those ambitions, are missing. Human rights budgeting processes need to avoid doing that, too.

That also plays into what I was saying in my opening statement about our need to find—I do not have the answers for this in a neat package—a way to integrate those two different analyses. One is very person centred and focuses on individual needs, which is really important. The other is a structural component, because women and other groups face structural barriers that other groups do not. We need to find individual ways of doing things, or consider things individually, and apply that structural lens to remove some of the barriers, so that there is equality in our human rights approach.

11:45

You are right that gender equality is sometimes seen as a cost. We have enough data now, patchy though it is, to show that when we invest in social care, for example, we create jobs. I refer to the Women's Budget Group's recent report on the care economy, which found that boosting investment at national level in social care and construction would create more jobs, which would largely be women's jobs. We see that gender equality saves money; it does not always cost money.

We seem to have a disconnect between the national and local levels. At the national level, we have big commitments and a big ambition about where we want to go, but the funding for local authorities to provide local services does not necessarily match up with that.

Jatin Haria: I agree with what Eilidh Dickson said. From a race point of view, but probably with regard to a lot of other protected characteristics as well, we need to make discrimination cost more. If people discriminate, it needs to cost them. We are not very good at that and we are not very good at challenging discrimination when it is happening.

From a budgeting point of view, we are not very good at supporting advocacy to support people's right to equality and other human rights. That is another angle. There is no point in talking about human rights if you cannot insist on them applying to you.

Maggie Chapman: I thank the panel for joining us and for their contributions so far. My question extends some of what underlay Karen Adam's question. You have all picked up in different ways on how we look at rights as they apply—or should apply—to different groups. We know that we lack some of the data that we need and we know that we lack a common understanding. As we develop this work—we are only starting it—over the next few years, and as we incorporate other human rights obligations through the incorporation into Scots law of the international conventions and treaties that we desire to incorporate, how can we use that to give us better frameworks or tools for analysis and delivery? I understand that there is a mismatch, as you have all said in different ways, between the rhetoric, the ambition and

implementation. What does the incorporation of additional human rights frameworks allow us to do, and to do differently?

Eilidh Dickson: That is a good question and a complicated one. As I said, we are going to need to accept that some capacity building needs to be done around understanding what the human rights frameworks mean. We will have access to the international jurisprudence and we can learn from how other countries have interpreted different rights. A lot of that will depend on what incorporation looks like in bills and the extent to which it is direct and full implementation from the international source.

I have not met anyone who has read every general comment and recommendation, but we will probably find a lot of answers in some of the ways in which other people have thought about these questions. There have been recommendations from the International Covenant on Economic, Social and Cultural Rights that talk about human rights budgeting, or at least elements of it. The big answer to the question will have to be that I hope that we can take different bits from different treaties.

Rob Gowans: Given that Scotland is planning to incorporate international human rights into domestic law, it is in many ways an ideal time for the Scottish Government to apply a human rights-based approach to budgeting decisions and processes. In particular, one of the core standards is to maximise available resources. For instance, we would require the Scottish Government to raise as much income as it can for the national budget and prioritise the effective realisation of economic, social and cultural rights, as well as ensuring that all of the budget that is allocated to rights is spent and not wasted. There is an opportunity there.

I agree with Eilidh Dickson's point that there is a lack of knowledge and understanding around human rights and how they can be practically used. One of the hopes is that incorporating human rights into Scots law will be used as a stimulus to increase understanding and awareness. One of the key advantages of incorporation will be if it leads to that greater understanding and has an impact on things such as the national budget.

Pam Gosal: I welcome the panel. You have all said that the pandemic has had a devastating impact on gender equality. It has been said that women have been set back by decades. I would like to ask about the risk that women's unfair responsibility for unpaid care and domestic work might get worse and reduce their ability to find paid work and income.

First, are we looking at the prospect of having a two-tier workplace where men go back but women stay at home? Secondly, a survey for the BBC that was published this morning says:

> "just over half (56%) of women said they thought working from home would help them progress at work, as childcare and caring duties become less of a hindrance to working full-time."

Would a shift to flexible work patterns create a more equal playing field for some women?

Adam Stachura: You are right—women have experienced extraordinary and disproportionate impacts on their lives, their caring responsibilities and their work opportunities, and they are having to reassess things.

I was reflecting on my position when we went into the pandemic. We were expecting a baby—we had it last July. I have been able to work from home, so I have been able to be present more than I would have been, given that we had a culture that might not have allowed me to be there every day. That was not so much a thing at Age Scotland, however, as it very much embraces flexible working.

I have seen the challenges that people face in meeting childcare and caring responsibilities at different ages. Eilidh Dickson talked about social care and women having to pick up all those responsibilities. The pandemic has had a big impact and we are not through it yet.

A huge amount of culture change is required in the workplace. A lot of employers still urge and demand that people get back to the office, but why is that requirement there if they can fulfil what they have to do externally? Some people might want to go back at times, but—this is my point about the childcare element; I do not mean to talk about a man's point of view—there are challenges in getting childcare in order to go back to work. In the first year, it is hugely expensive. I know that commitments have been made to get the expense down in years 2, 3 and 4, but it is very difficult for people to go back to work in the first year unless they have a support network in place or are pretty well paid.

More and more carers have had to step away from work because of the removal and reduction of social care packages—the number has been wild. In March 2020, social care packages were turned off overnight, and we then saw a knock-on impact on excess death levels among people living with dementia. I am pretty sure that the two things were linked. Without social care packages at home, people have had to step in and do a huge amount of work. They might not feel as able to do that as they would like, but their commitment to doing it is huge. We will be living with that impact for many years. Making sure that public services can support people as they go back into work and as the Scottish Government influences

employers to have better and more flexible arrangements is part of it.

We work on age-inclusive workplaces. We really need to look at the flexibilities that are required regarding caring responsibilities, career progression and making sure that people are not left out because they are not present, because presenteeism is an issue. There are huge challenges ahead and leadership is required to share best practice as regards what people want, what they need to do to fulfil their jobs, and what they need in the rest of their lives.

The Convener: Fulton MacGregor wants to come in on this subject before I bring in the other panellists.

Fulton MacGregor: I feel almost a moral duty to come in at this point. Committee members will be aware of this, but our panellists might not be. I am taking part in this meeting remotely, primarily because I wanted to help with childcare this morning after our original plans fell through. Had I been unable to do that, which would have been the case before the pandemic, the care of our three young children—one is at school, one is at nursery and one is a nine-week-old baby—would have fallen to my partner, a woman.

Before the pandemic, we would have just got on with it. We would have known that that was wrong, but we would have got on with it. Last night, when I was chatting over text messages with the convener, who has been absolutely excellent, it struck me that that was absolutely unacceptable, and the pandemic should have taught us all that. I am fortunate enough to work in the Scottish Parliament, which is democratic and modern, but a lot of people work in situations where that is not the case. I felt a duty to comment on the issue given that my situation today relates directly to it and has highlighted the issue for me.

How can we ensure that the notion that childcare responsibilities fall naturally to the woman is no longer acceptable following the pandemic, and that all workplaces respond to that? Eilidh Dickson might be best placed to comment on that. I came to my question eventually, convener.

The Convener: Thanks, Fulton. That follows on from some of the points that Eilidh Dickson made about the fact that, when schools are closed, it is generally women who are impacted. It also touches on Pam Gosal's point about flexibility.

Eilidh Dickson: There is so much that I could say on that, so I apologise if this is a bit of a scattergun thought-dump.

Last year, Engender published a report on the effects of the pandemic on women's unpaid work, which we defined broadly. At that point, we were halfway through the first lockdown, and all the studies that were coming out were showing that mums and dads were doing more childcare. Schools were closed, so that was inevitable. We saw that across lots of countries when we looked at the time use data.

Inevitably, however, mothers were doing more. Even when both parents were at home, mothers were interrupted more. When we had an economist do some light calculations for us, we estimated that the cost of women's inability to continue with paid work—whether because they could not go into the office, they were being interrupted or it was just impossible to combine home schooling expectations with the paid work that they could do at home—amounted to £15 million a day in Scotland.

It comes back to Karen Adam's point that the costs of not intervening are sometimes enormous. Obviously, that was during the first lockdown, when we had the greatest restrictions but, as we moved through the pandemic and schools reopened, the contingency planning assumed that, at a moment's notice, one parent could take time off work to pick up a child who had been a close contact of somebody who tested positive. To an extent, that has continued for over a year now.

If I understood the question about a two-tier workplace correctly, Pam Gosal is entirely right to be concerned about it, and we are concerned about it, too. The sectors that have been most disrupted by the pandemic are those where the employment of women, particularly young women and women of colour, is concentrated. Because young women are more likely to have small children, they are doubly impacted by school closures and other measures.

The sectors that have experienced the most disruption are those that employ women. Women have been more likely to be furloughed—unless they have asked to be furloughed, in which case men who have asked to be furloughed for childcare reasons have been more likely to receive furlough. There is a lot that one could say. I highly recommend Close the Gap's report, "Disproportionate disruption: The impact of COVID-19 on women's labour market equality", which looks in more detail at the specific sectors that have been affected by the pandemic.

12:00

It is time to get serious about childcare. There have been commitments recently in manifestos, but the national advisory council on women and girls report, which the Scottish Government has responded to, calls for 50 hours per week of wraparound, flexible, fully funded and culturally competent childcare. We have to expand the roll-

out of free childcare. The pause to the roll-out of the 1,140 hours during a time of significant crisis for women's unpaid work did not help matters in any way. There is a lot more that I could say. I am happy to come back in if there is anything else that you would like me to specifically comment on, otherwise I will leave it there.

Pam Duncan-Glancy: Women have also ended up having to pick up unpaid care. For example, throughout the pandemic, a lot of people lost the social care that they relied on, and it was assumed that somebody would step in and do it. We have heard in other committees, in Parliament and, I am sure, in our engagement that carers in the past year have been working their fingers to the bone without a break, and a lot of them are women. Is there anything that we can do or suggest through the committee's work on the budget that could begin to address that?

The figure of £15 million a day is staggering. I assume that that includes having to do unpaid care as well as childcare; if not, the figure will be higher. I am interested in whether you can think of any ways that we can begin to redress that balance and, in particular, stop the regression of women's rights that we have heard about today.

Eilidh Dickson: You are absolutely right—there is nothing that I would disagree with in that. We are talking about expanding the provision of childcare, but we also need to expand the provision of social care, including different types of social care such as respite care for unpaid carers. We have had a significant delay to the development and roll-out of Scottish carers assistance. That might be an opportunity to start thinking about how we can do more. Can we expand eligibility? Can we increase the seriously insufficient rate of carers allowance in this country? Women provide more unpaid care than men, but the unpaid carers who are women tend to be the ones who are reliant on carers allowance and who survive on poverty wages when they are working.

Last year, alongside our paper on unpaid care, Engender produced nine principles for an economic recovery, in conjunction with Close the Gap and supported by other women's organisations. If we want an economic recovery that centres women, those principles are a useful place to start. They talk about unpaid care and investing in local communities, where women are more likely to spend their pay cheques. I highly recommend that you start with that paper.

Adam Stachura: That was a fantastic question. Eilidh Dickson has covered a lot of what I was going to say, but I will add two extra points. One is about budgeting and the long-term approach that is required to build massive resilience. The impact of Covid-19 has shown that there is practically zero resilience in the social care sector. People in the social care sector were working as hard as possible but, if they got ill with Covid or had to isolate, they could not undertake their work and there was no one to pick up the slack.

NHS boards are declaring states of emergency. NHS Lanarkshire was one of the first to do so because it could not deliver as much social care as it had planned, and hospital admissions and access to general practitioners were impacted as there was not enough resilience. More spend is needed to build for the future. If we doubled the social care budget today, there would not be enough people to do the work. It will take years to get there, so long-term investment is required.

We have talked about women and unpaid care, but another big problem for the future that we are also not looking at is the massive gap in pension wealth. That is about living life better in later life. As I recall, the pension wealth of men is 10 times that of women. All that unplanned unpaid care along with lower pension and national insurance contributions means that, when people have to retire—or have to retire early and draw down pension pots before they need to and before they should—they will find themselves living longer on less income and in poorer health. There will be a big impact on the Scottish budget if we do not fix that. It is quite a complex matter. Age Scotland has a real concern about the pension wealth gap between men and women, and unpaid care is a big part of the challenge that we will have for many decades to come. It is a challenge now and has been for a few years.

Rob Gowans: I do not have a great deal to add to Eilidh Dickson's points, but I will briefly emphasise that unpaid carers should be a priority. The impact of the pandemic on unpaid carers has been stark. Research from the Carers Trust illustrates a wide range of areas in which unpaid carers are particularly affected. Respite is particularly prioritised; a large number of unpaid carers have not had a break from caring for more than a year. Some carers have reported that, since the pandemic began, they have not had a break from caring. Unpaid carers should be a priority in the budget process, and breaks and respite should be key.

The Convener: Unless anybody has any burning questions, I will wrap up the session, although there are lots more questions that we could ask. You have got us thinking about lots of things, so thank you all very much. It has been a really useful session.

12:06

Meeting continued in private until 12:24.

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