



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 21 December 2017

Session 5



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Pàrlamaid na h-Alba

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EQUALITIES AND HUMAN RIGHTS COMMITTEE

31st Meeting 2017, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Mary Fee (West Scotland) (Lab)

*Jamie Greene (West Scotland) (Con)

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

*David Torrance (Kirkcaldy) (SNP)

Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Angela Constance (Cabinet Secretary for Communities, Social Security and Equalities)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament
Equalities and Human Rights
Committee

Thursday 21 December 2017

[The Convener opened the meeting at 09:00]

Decision on Taking Business in
Private

The Convener (Christina McKelvie): Good morning, and welcome to the 31st and final meeting in 2017 of the Equalities and Human Rights Committee. Can we make sure that all electronic devices are on silent and off the table, please?

We have received apologies this morning from our colleague Annie Wells.

Agenda item 1 is a decision to take agenda item 4 in private. Are we content to do that?

Members *indicated agreement.*

Gender Representation on Public
Boards (Scotland) Bill: Stage 2

09:01

The Convener: Agenda item 2 is the first of our two substantive items this morning: the Gender Representation on Public Boards (Scotland) Bill. I welcome the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance, who is the minister in charge of the bill. Our aim is to complete stage 2 consideration this morning, so members should be mindful of that.

Before we move on to consideration of amendments, it would be helpful if I set out the procedure for stage 2. Everyone should have with them a copy of the bill as introduced, the marshalled list of amendments that was published on Monday and the groupings of amendments, which sets out the amendments in the order in which they will be debated.

There will be one debate on each group of amendments, and I will call the member who lodged the first amendment in each group to speak to and move their amendment and speak to all the other amendments in the group. Members who have not lodged amendments in the group but who wish to speak should indicate to me in the usual way. If the cabinet secretary has not already spoken on the group, I will invite her to contribute to the debate just before I move to the winding-up comments.

As with a debate in the chamber, the member who is winding up on a group may take interventions from other members if they wish. The debate on each group will be concluded by me inviting the member who moved the first amendment in the group to wind up. Following the debate on each group, I will check whether the member who moved the first amendment in the group wishes to press their amendment to a vote or to withdraw it. If they wish to press ahead, I will put the question on that amendment.

If a member wishes to withdraw their amendment after it has been moved, they must seek the committee's agreement to do so. If any committee member objects, the committee must immediately move to the vote on the amendment. If any member does not want to move their amendment when I call it, they should say, "Not moved." Please remember that any other MSP may move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote at stage 2. Voting in any division is by a show of hands. It is important that members keep their

hands clearly raised until the clerk has recorded the vote. The committee is required to indicate formally that it has considered and agreed to each section of and schedule to the bill, so I will put a question on each of them at the appropriate point.

We move to stage 2 consideration.

Section 1 agreed to.

Section 2—Key definitions

The Convener: We come to section 2 and the meaning of “woman”. Amendment 10, in the name of Mary Fee, is in a group on its own.

Mary Fee (West Scotland) (Lab): Amendment 10 in my name seeks to alter the definition of “woman” in the bill to ensure that the eventual legislation is as inclusive as possible.

The amendment provides a guarantee for people who have the protected characteristic of gender reassignment, who live as a woman and who are proposing to undergo, are undergoing or have undergone the process of becoming a woman.

Without the amendment, the inclusivity of the bill would be limited. The definition of “woman” in the bill as introduced only covers trans women who have a full gender recognition certificate. The gender recognition certificate enables trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. However, it is worth noting that not all trans people choose to apply for a gender recognition certificate, as such a certificate is not required for individuals to change their gender markers at work or to legally change their gender on other documentation, including United Kingdom passports.

Agreeing to amendment 10 would ensure that the Gender Representation on Public Boards (Scotland) Bill promotes equality and inclusivity by adopting that broad definition of a woman, recognising that not all trans women possess a gender recognition certificate.

I move amendment 10.

The Convener: I welcome the cabinet secretary. Would you like to contribute?

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Yes, indeed—thank you, convener.

I thank the committee for its consideration of the bill during stage 1. I have found the engagement between committee members and the Scottish Government to be very helpful and constructive. That is one reason why I wanted to ensure that the committee was fully apprised of the Government’s intentions at stage 2, as outlined in my letter to the

committee last week. I am confident that, at the end of our stage 2 session this morning, we will have a bill that is better and stronger than that with which we started.

I very much welcome the co-operation of Alex Cole-Hamilton and Mary Fee in regard to the amendments in their names, and I am pleased to be supporting them today.

As I am sure that many of us will agree, it is quite simply not acceptable that, in 2017, women continue to be underrepresented in decision-making positions across Scotland, including in the boardroom. The Gender Representation on Public Boards (Scotland) Bill seeks to redress that underrepresentation on public boards and to lock in the gains that have been made to date, ensuring that women’s voices are heard where it matters.

Although the bill is not a panacea for all aspects of women’s inequality, it is absolutely the right thing to do and the smart thing to do. If the bill can be a catalyst for the equal representation of women in other decision-making spaces, I for one am all for that.

I turn to Mary Fee’s amendment 10. We have worked with Mary to ensure that the amendment realises the policy intent and is within the competence of the Parliament. I would very much like to thank Mary for her work with us on this area. She has advocated passionately throughout stage 1 that the bill should be inclusive of trans women, and that has always been the Scottish Government’s intention, too.

I also put on record my thanks to the Scottish trans alliance, whose members have afforded the Scottish Government their time, expertise and support, not just in relation to the bill but more generally. That is greatly appreciated.

I am therefore pleased that we have reached the point that we have reached today of having a suitable amendment to ensure that, when we talk about women in the bill, that includes trans women.

I confirm that I support amendment 10 in Mary Fee’s name.

Mary Fee: I am grateful for the cabinet secretary’s comments, and I thank her for the help and support that she has given me. It is helpful for me to put on record the help and support that the Scottish trans alliance has given me.

I have no further comments.

Amendment 10 agreed to.

Section 2, as amended, agreed to.

Schedule 1—Public authorities

The Convener: Amendment 2, in the name of the cabinet secretary, is in a group on its own.

Angela Constance: Amendment 2 is a technical amendment that adds a small number of members who are nominated to the boards of regional transport partnerships to the excluded positions in schedule 1. That is consistent with the exclusion of nominated positions on the boards of other public authorities covered by the bill.

I move amendment 2, and I encourage members to support it.

Amendment 2 agreed to.

Schedule 1, as amended, agreed to.

Section 3 agreed to.

Section 4—Consideration of candidates

The Convener: Amendment 1, in the name of Alex Cole-Hamilton, is in a group on its own.

Alex Cole-Hamilton (Edinburgh Western) (LD): I am proud to speak to amendment 1 in my name. I put on record my thanks to the Scottish Government's special advisers in the bill team for their collaboration on this matter and for the open discussion and the access that they gave me in compiling the proposed provisions.

The reason behind my lodging amendment 1 was to increase the strength of section 4. I believed that, as the section stood, in the tie-break situation that it defines, whereby there are two equally qualified candidates, one of whom is a woman, the reasoning for allowing an appointing person to give the job to the person who is not a woman was based on the idea that there was a characteristic particular to that individual.

When we legislate in this place, we must do so with a view to less enlightened times ahead. I thought it important to delineate exactly what we meant by "a characteristic" in that regard. It is fair to say that the intent of the bill and of the bill team was for a characteristic to improve the diversity of the board or some specific relevant factor that might increase it. My amendment 1 is merely to spell that out.

During our consideration in the foothills of stage 1, we heard a lot of evidence from a range of stakeholders who were anxious that other protected characteristics were missing from the bill. My amendment is intended to address that.

The intention is also that, if we find ourselves in less enlightened times, no subsequent Administrations or appointing persons could choose to appoint individuals over a woman on the basis of particular characteristics that were

nefarious, such as whether someone was friendly with the appointing person.

Although I understand that the matter will be underscored by statutory guidance, I thought it important to have a reference to protected characteristics in the bill, so that future Administrations and committees will understand that the bill was about improving diversity. That would also signal a direction of travel in appointing people to public authorities.

I move amendment 1.

Jamie Greene (West Scotland) (Con): I thank Mr Cole-Hamilton for what would be a welcome addition to the bill. However, I have a question that he may wish to address in summing up. My concern is whether the additional wording to include "protected characteristic" could create a scenario where the appointing person could be in any way confused as to whether preference or precedence should be given to the appointment of a woman, or to someone with another protected characteristic. I am not sure that the amendment addresses that potential dilemma that the appointing person may face. Although I appreciate that that may be detailed in guidance, which we will discuss later in the debate, by not making it clear in the primary legislation, are we opening ourselves up to a scenario where it is unclear whether the gender characteristic has greater or less weight than other protected characteristics?

Angela Constance: I am pleased that we have been able to work with Alex Cole-Hamilton on amendment 1, which provides clarity about the operation of section 4(4).

As Alex Cole-Hamilton has set out, when section 4(4) mentions

"a characteristic or situation particular to that candidate,"

that includes a protected characteristic as defined by the Equality Act 2010.

If an appointing person is making a decision between two equally qualified candidates, one of whom, for instance, is a woman and one of whom is a minority ethnic or disabled man, the appointing person could give preference to the man if they consider that to be justified. That will be discussed further in guidance. That is not an automatic preference. The appointing person does not automatically have to give preference to the ethnic minority or disabled man, but they may do so if they consider it to be justified.

I confirm that I support Alex Cole-Hamilton's amendment 1, and I encourage other members to do likewise.

09:15

Alex Cole-Hamilton: I wish to press amendment 1. I am grateful to the cabinet secretary for her remarks and her support.

I am also grateful for Jamie Greene's question, which gives me the opportunity to clarify the matters that he asks about and the reasoning behind the amendment. Jamie Greene's question was about clarity and about whether the proposed wording would confuse things. As they stand, the provisions in section 4 are open to misinterpretation. We may find, many years hence, that we needed clarity behind the provisions. The reasoning is that, in the legislation before us now, prior to amendment, we talk about a characteristic particular to an individual being the factor according to which an appointing person could choose an equally qualified candidate over a woman. To me, that feels far more opaque than just saying that we need to be clear as to what kind of thing we are talking about. It is a matter of including the term "protected characteristic" alongside the other provisions.

Originally, prior to discussion with the Government, my amendment was just to specify "protected characteristic". However, that could have had unintended consequences of ruling out additional groups that might well improve the diversity of a board—for instance, people with care experience.

The measure will be complementary to the statutory guidance that will underpin the bill, which will make it clear that the only reason for an appointing person to choose somebody who is not a woman over an equally qualified woman would be to improve the diversity of the board.

To my mind, the proposed measures improve the clarity of the bill and will give a statement of intent to future decision makers in this place as to what we had in mind.

Amendment 1 agreed to.

Section 4, as amended, agreed to.

Section 5—Encouragement of applications by women

The Convener: Amendment 11, in the name of Alex Cole-Hamilton, is in a group on its own.

Alex Cole-Hamilton: Again, I am very proud to speak to amendment 11 in my name. I will explain the reasoning for the amendment. I found the evidence that we received from stakeholders, and indeed private representations from stakeholders, to be compelling. In the spirit of avoiding unintended consequences, we should agree to amendment 11 so that, for both appointing people and the public authority, the duty to take such steps as they consider necessary to encourage

applications by women should not prejudice their efforts to encourage applications by members of other diversity groups.

The amendment speaks for itself. I do not think that it in any way detracts from the overarching aim of the bill, which I hope we would all support, to increase the representation of women on public boards. Amendment 11 merely ensures that we do not do so at the expense of efforts to encourage applications by members of other equalities groups.

I move amendment 11.

Angela Constance: I am pleased to support amendment 11 in Alex Cole-Hamilton's name. I thank him for giving me notice in advance of his lodging it.

I put on record earlier my thanks to the Scottish trans alliance. At this juncture I also thank stakeholders such as Women 50:50, Engender, the Scottish Women's Convention, the Commission for Ethical Standards in Public Life in Scotland, the Equality Challenge Unit, University and College Union Scotland and Colleges Scotland.

In essence, the bill is about improving the representation of women: women of all ages and all ethnicities, heterosexual women, gay women, bisexual women, transgender women, disabled women and those who are not disabled.

Women are not a minority—they are more than half the population—and it is perfectly acceptable, in my view, to take targeted action to address inequality. That does not mean that we do not need to take action in other areas, too, including to address the underrepresentation of other groups of people on public boards. In relation to ministerial public appointments, the Scottish Government's public appointments team are already pursuing a range of activity including in relation to outreach.

There is nothing in the bill that precludes action being taken in other areas or in respect of other groups, so I can confirm that I support amendment 11 in Alex Cole-Hamilton's name.

Alex Cole-Hamilton: I have no further remarks to make in winding up, other than to say thank you to the various stakeholder groups who helped us get to this point, and who gave illuminating evidence at stage 1.

Amendment 11 agreed to.

Section 5, as amended, agreed to.

Section 6 agreed to.

After section 6

The Convener: We now come to guidance. Amendment 3, in the name of the cabinet secretary, is in a group on its own.

Angela Constance: The committee said clearly in its stage 1 report—and members stated during the stage 1 debate—that guidance is needed to support the operation of the eventual act. The committee also said that it thinks that guidance should be statutory and should apply equally to regulated and non-regulated public boards.

In stating that, the committee has reflected the views of those who submitted written evidence and gave the committee oral evidence during stage 1. The Scottish Government has listened to the evidence presented in favour of guidance and accepts the committee's recommendations. Amendment 3 states:

"The Scottish Ministers must publish guidance on the operation of this Act."

It also sets out certain aspects of the bill that guidance must cover in particular, as the committee requested—for example, the provisions of section 4(4).

I reassure the committee that we will draft guidance in consultation with public authorities and others, including the Commission for Ethical Standards in Public Life in Scotland and the Equality and Human Rights Commission, and I fully expect that guidance to be shaped by what they tell us during that process.

I move amendment 3 and urge members to support it.

Jamie Greene: May I confirm or clarify a few points? I refer to subsections (3) and (4) of the proposed new section that would be introduced by amendment 3—in particular, the wording in subsection (3), that

"An appointing person must have regard to the guidance in carrying out its functions".

I appreciate that such language is used in other areas of legislation, but I feel that what "have regard to" means and what the consequences of not having regard to the guidance might be for the appointing person are open to interpretation. My concern is about whether the provisions would place any additional statutory obligations on appointing people within organisations to demonstrate that they are having regard to the guidance and to ask about any potential negative consequences of its being proven that they have not had regard to the guidance. I would appreciate clarification of that point before we decide whether to support amendment 3.

Angela Constance: Mr Greene is correct in saying that the wording of amendment 3 is very

much the norm. You will see it in countless other examples of legislation that has been passed by the Parliament. Guidance gives you the opportunity, in consultation with stakeholders, to explore all the nuances in further detail. Looking at the bill in the round, particularly with regard to the reporting requirements, that is the route by which people are held to account. That provides a link between outcomes and actions as regards how people have responded to the statutory guidance.

I have nothing further to add. I encourage members to support amendment 3, which was requested by the committee. Very strong representations were made to the Government in evidence and, in particular, during the stage 1 debate.

Amendment 3 agreed to.

Section 7—Reports on operation of Act

The Convener: We now come to section 7 and the subject of reports. Amendment 4, in the name of the cabinet secretary, is grouped with amendments 5 to 7.

Angela Constance: The Scottish Government's amendments to section 7, on reporting, are a direct response to the committee's recommendations. We have introduced a requirement on the Scottish ministers to report to the Scottish Parliament on the operation of the eventual act in accordance with regulations at intervals of no more than two years.

The committee asked for annual reports but, when I considered the amendment, I took the view that biennial reporting would ensure that reporting requirements for the eventual act would align with those of the Equality Act 2010 on Scotland-specific duties.

I have strengthened the provisions on reporting to make it clear that the Scottish ministers, other appointing persons and public authorities will be required to publish reports on the carrying out of their functions under the future act. That includes the steps that have been taken to encourage applications from women under section 5, which I know the committee was particularly keen to see and in support of which Alex Cole-Hamilton made representations to the Scottish Government.

The Scottish Government agrees wholeheartedly with the committee and with those who gave evidence at stage 1 that reporting is crucial to the bill's effectiveness. There must be transparency, both on the numbers and on whether the gender representation objective has been met as well as in the steps that have been taken: the practical, tangible action that will help us to achieve the bill's objective.

I move amendment 4 and urge members to support amendments 4 to 7.

Alex Cole-Hamilton: I will speak to amendment 5, in particular. I am again grateful to the cabinet secretary for the discussions that we had on the matter.

At stage 1, everyone agreed that the committee had an anxiety around the phraseology—necessary as it is for the legal requirements for legislation—specifying that a public board or appointing person should

“take such steps as it considers appropriate to encourage women”.

Adopting a reporting duty on this will concentrate minds in both camps as to how they pursue and execute that duty. I hope that it will also disseminate best practice when the reports are published, such that boards that are perhaps not doing as much as they could to encourage applications by women or that do not know how to go about that will pick up on the experience of other boards that are delivering that by way of best practice.

I support the amendments in the cabinet secretary’s name.

Jamie Greene: Although my party did not support the bill at stage 1, I have made a conscious decision to engage actively in stage 2 proceedings so that, in the event that the bill passes, it is in the best shape that it can be in. It is the duty of all MSPs to do that, regardless of their stance on the objectives of the bill.

Many of the points on the rationale behind our being unable to support the bill were extensively outlined in the stage 1 debate. No doubt, they will also be addressed at stage 3.

Any objections to any of the amendments 4 to 7 are largely technical and concern their relation to sections 4 and 6 of the bill in its current form, which my party does not support. I would add, however, that section 5 is welcome. There are many welcome amendments and additions to the bill today, which I am pleased to support.

On amendment 4, I feel able to support proposed new subsections (A1) to (A3), which place a duty on the Scottish ministers to report. However, I am unable to support proposed new subsection (A4), which places a duty on the appointing person to publish reports on the carrying out of its functions under sections 3 to 6. That includes sections 4 and 6, which we are unable to support in principle. Our position on amendment 5 is in a similar vein. Amendment 6 is a technical amendment relating to amendment 4, so it would seem odd not to group that with amendment 4, which we oppose.

Amendment 7, however, seems to be a largely technical tidying up of the language of the bill to include new “subsections (A1) to (1)”, and we would be happy to support that amendment.

Angela Constance: I suppose that we should be grateful for Mr Greene’s continuing interest. I hope that, as we progress with stage 2 and approach stage 3, he and his colleagues can have a change of heart. I am absolutely convinced that the bill is the right thing to do.

I have nothing further to add on the substantive issues. I encourage members to support the amendments that I have moved or will move: amendments 4 to 7.

09:30

The Convener: The question is, that amendment 4 be agreed to. Are we agreed?

Jamie Greene: No.

The Convener: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
Fee, Mary (West Scotland) (Lab)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)

Against

Greene, Jamie (West Scotland) (Con)

The Convener: The result of the division is: For 4, Against 1, Abstentions 0.

Amendment 4 agreed to.

Amendments 5 to 7 moved—[Angela Constance].

The Convener: Does any member object to my putting a single question on amendments 5 to 7?

Jamie Greene: I object.

The Convener: I will, therefore, put the questions on each amendment in turn. The question is, that amendment 5 be agreed to. Are we agreed?

Jamie Greene: No.

The Convener: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
Fee, Mary (West Scotland) (Lab)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Torrance, David (Kirkcaldy) (SNP)

Against

Greene, Jamie (West Scotland) (Con)

The Convener: The result of the division is: For 5, Against 1, Abstentions 0.

Amendment 5 agreed to.

The Convener: The question is, that amendment 6 be agreed to. Are we agreed?

Jamie Greene: No.

The Convener: There will be a division.

For

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Fee, Mary (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

Against

Greene, Jamie (West Scotland) (Con)

The Convener: The result of the division is: For 5, Against 1, Abstentions 0.

Amendment 6 agreed to.

Amendment 7 agreed to.

Section 7, as amended, agreed to.

Sections 8 and 9, schedule 2 and section 10 agreed to.

Section 11—Regulations

The Convener: We come to section 11 and the procedure for regulations. Amendment 8, in the name of the cabinet secretary, is grouped with amendment 9.

Angela Constance: Amendments 8 and 9 have the effect of making regulations under section 8 subject to the affirmative procedure rather than the negative procedure according to the bill as currently drafted. The proposed change is as recommended by this committee and by the Delegated Powers and Law Reform Committee.

I move amendment 8.

Amendment 8 agreed to.

Amendment 9 moved—[Angela Constance]—and agreed to.

Section 11, as amended, agreed to.

Sections 12 and 13 agreed to.

Long title agreed to.

The Convener: That ends stage 2 consideration of the bill. Thank you very much.

I will suspend the meeting for five minutes to allow for a quick comfort break. I ask everybody to be back in five minutes, as we do not have a lot of time left this morning.

09:34

Meeting suspended.

09:38

On resuming—

Draft Budget Scrutiny 2018-19

The Convener: I welcome everyone back to this meeting of the Equalities and Human Rights Committee. We move to item 3, which is evidence from the cabinet secretary on the Scottish Government's draft budget for 2018-19. This year, the committee has adopted a new approach of taking evidence and publishing a report before hearing from the cabinet secretary.

The cabinet secretary remains with us from the previous session, and she is now joined by two of her officials: Lesley Irving, who is the head of equality policy, and Liz Hawkins, who is the head of equality, poverty and social justice analysis, at the Scottish Government. You are both very welcome, and I welcome the cabinet secretary back for this part of the meeting.

Before we move to questions from committee members, the cabinet secretary will make an opening statement on the budget.

Angela Constance: Thank you, convener. I am grateful for the invitation to appear before the committee as part of the 2018-19 draft budget scrutiny process. I read with great interest the report that the committee published on 10 December, which contained some helpful recommendations on budget processes. I look forward to answering questions and discussing the principles of equality budgeting with the committee.

As I am sure committee members will agree, Scotland needs to harness the productivity, creativity and entrepreneurialism—dearie me, I cannot even say that word, but you catch my drift—of the whole of Scottish society, which is why the key budgetary changes in my portfolio are very much rooted in the need to tackle inequalities and promote inclusive growth. I look forward to answering the committee's questions on my portfolio responsibilities.

I hope that the committee can see that, while my colleagues across Government have made budgetary decisions in their own policy areas of health, crime, employment, educational attainment and accessibility, they have, in doing so, shown regard for the need to tackle inequalities. As colleagues will be aware, the draft budget delivers an investment of £400 million of additional resources in health, which includes an uplift for mental health. The budgets for early learning and childcare and for colleges and higher education have been expanded, and there is £120 million for the attainment fund to promote pupil equity.

In my portfolio, funding for the affordable housing programme will increase to £756 million, and I have protected funding for fuel poverty and energy efficiency, third sector funding and the empowering communities fund. An additional £38 million will be used to tackle homelessness and meet social justice commitments such as equal access to sanitary products.

In addition to setting positive budgets to improve lives, I have set aside £100 million to protect people from the very worst aspects of the UK Government's welfare cuts. That includes funding to mitigate the effects of the bedroom tax, which, as we know, impact disproportionately on disabled people.

Finally, there is an increase of 12 per cent in the equality budget itself, which demonstrates the value that I and my colleagues place on supporting our drive towards a more equal and inclusive society. That additional resource will help us to deliver on the commitments that we have set out in "A Fairer Scotland for All: Race Equality Action Plan 2017-21", "A Fairer Scotland For Disabled People—Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities" and "Equally Safe—A Delivery Plan for Scotland's Strategy to Prevent Violence Against Women and Girls", among other documents, and it highlights our commitment to protect, respect and implement human rights for everyone in Scotland.

As in previous years, equality analyses and equality impact assessments of the budget have been undertaken, and the results were published last week in the "Equality Statement—Scottish Draft Budget 2018-19". The equality budget statement is an important document, but we are also focusing on the need to demonstrate improvements in our approach year on year.

This year, as the committee will be aware, the Parliament passed the Child Poverty (Scotland) Act 2017, which sets challenging targets for reducing poverty. Next year, we will receive independent advice from the poverty and inequality commission, and we will produce a delivery plan that will set out how we will work towards those targets. That will require action in the short, medium and long term; the direction of aspects of policy and budgets across all portfolios towards tackling child poverty; a good analysis of the barriers, issues and opportunities for those with protected characteristics; and measurement and monitoring of progress.

The need to tackle income inequality is at the core of our work on equality, but we know that rates of poverty are higher among disabled people, members of minority ethnic groups, younger people and lone parents. In tackling child poverty, therefore, we will also address wider

inequalities. That is an excellent illustration of the approach that we are developing to mainstream equalities across portfolios, with equality considerations built into policy and budgetary decision making from the start in order to address key problems. It is important that we gather evidence on how that work translates in the context of the equality budget statement. That will be a matter for discussion as we move forward.

As in previous years, we have been supported in the budget process by the equality and budget advisory group. I put on record my thanks and the thanks of the Government to the group's members for the expertise, insight and challenge that they bring as we continue to look for the best ways to ensure that equalities are properly considered throughout the process. This year, we are grateful in particular for the additional input of one of the group's members, Dr Angela O'Hagan, as part of the Parliament's independent review of the budget process. The review group asked the equality and budget advisory group to take responsibility for leading work on the challenging asks around equality aspects of the budget, and I and my officials look forward to working with EBAG to decide what further analysis and approaches are feasible, given the available data, methodologies and resources.

09:45

The Convener: Thank you, cabinet secretary. I will open with a question for you. We know what the equality budget contains, but you also mentioned many cross-portfolio aspects. In the committee's work on the budget, and in all our inquiries, we have picked up on the intersectionality approach, which enables a focus on where the deepest pockets of inequality are to be found. How can we ensure, in an era of ever-tightening budgets and associated challenges, that we take an intersectional approach in order to tackle inequality in those specific areas? You mentioned children with disabilities, which is one such example. In addition, the committee has found evidence to suggest that ethnic minority people who excel at school do not necessarily excel in the workplace, and do not have the same opportunities there. Such issues hit home in many areas of a young person's progression through life, and the earlier we solve them, the better. Can you tell us how you and your Government intend to do that through the budget?

Angela Constance: The point about intersectionality is important; I do not particularly like the word "intersectionality", but nobody has come up with a better description. Such an approach recognises that we cannot pigeonhole people, as they often have more than one protected characteristic. As you mentioned, we

know that people who are living with disabilities are more likely to experience poverty, and there are issues for lone parents in particular. As we highlight in our race equality action plan, people in minority ethnic communities across Scotland are twice as likely to be living in poverty. You are absolutely right to emphasise the importance of understanding the nuances and the need to undertake a deep dive.

Following last week's debate in the chamber on the race equality action plan, we are focusing on disparities in that area. Young people from our minority ethnic communities often shine in education—in many cases, they outperform their peers—but that does not translate into their experience in the labour market. We need to better understand that aspect, and you will see that the race equality action plan contains a range of work and activities in that regard. The plan focuses on our whole education and skills system. Some of it relates to entry levels and occupations, and our work to improve diversity in apprenticeship programmes, and other elements focus on people's experiences in higher education or college and in the workplace once they leave education. I should add that the budget contains funding for the workplace equality fund in Jamie Hepburn's portfolio.

As a general point, no other country undertakes an analysis across a range of protected characteristics by preparing an equality budget statement in the way that Scotland does—that approach is one of our strengths. That does not mean that we do not need to improve the process further, but such an approach leads to a more nuanced consideration that is based on intersectionality. The process will be improved when the socioeconomic duty comes into force next April; Scotland is the only part of the UK to revive the dormant section 1 of the Equality Act 2010, and the regulations to enable the introduction of the duty have already been laid. That will give us the opportunity to strengthen our work on equality by considering socioeconomic disadvantage in looking at the connections between policy budgets and outcomes.

Alex Cole-Hamilton: Good morning again, cabinet secretary, and good morning to your officials.

The role of the Equalities and Human Rights Committee is to begin somehow the process of ensuring that consideration of equalities percolates through all Government directorates and expenditure. That is the purpose of our inquiry and our report, and I very much welcome the cabinet secretary's positive response to our work in that respect.

There is always a disconnect between political will and reality, which can be measured by the lip

service that committees and directorates sometimes pay to equalities and human rights while not making it their focus. We need to look at how we can make that political will a reality by threading the equalities and human rights agenda through all areas of our work.

In your view, how far does that approach require to be backed up by legislation? The committee has, for example, recommended the incorporation of the United Nations convention on the rights of the child in order to bake its principles into our legislative process. Part 1 of the Children and Young People (Scotland) Act 2014 contains a duty to raise awareness of the UNCRC among all public authorities, but the year after the act was passed, the number of children's rights officers was reduced across the board. That is an example of the lip service that I am talking about. Are we doing enough, or should we back up our approach by incorporating certain treaties in legislation?

Angela Constance: It is important that I do not enter into dialogue in a defensive manner. For the reasons that I outlined, I think that Scotland leads the way internationally in publishing alongside the draft budget an equality budget statement that is informed by independent advice and—to go back to my earlier comments—which covers a range of protected characteristics. However, although I am proud of that work, I acknowledge that we must always have one eye on how we turn political will into reality. Our approach must involve a journey of continuous improvement. We can certainly get better at doing some things and explaining certain aspects.

I am conscious that an obligation to mainstream equalities and to place them at the core of our decision-making processes already exists under the public sector equality duty. The issue is how effective that duty is—the Equality and Human Rights Commission is currently reviewing it, and the Government has committed to reviewing the Scotland-specific duties to help public authorities to implement the public sector equality duty overall. Those reviews are important.

On the wider point about incorporation, members will be aware that the First Minister has set up an advisory group, which is led by Professor Alan Miller. The group will look at a range of matters, including the practical steps that are required to achieve incorporation, and it will report to the First Minister in December next year.

I will quickly raise a few other points. Part of the job of the Scottish Government's equality unit is to help other Government departments to consider equalities right from the start. That process is a journey; however, the Scottish Government's latest staff survey demonstrates a high awareness among our staff of equality impact assessments and highlights that a significant proportion of

them—nearly 20 per cent—have experience of working on such assessments in the past two years. That shows that we are moving in the right direction, but—as always—there is more to be done, and we need to be committed to working through everything in detail.

Alex Cole-Hamilton: How fleet of foot can we be on the equalities and human rights agenda in our spending and policy delivery? We have a set budget at the start of the year so that we know the direction of travel and what we want to spend in certain areas, but new frontiers can emerge. For example, a couple of years ago, when the Syrian refugee crisis occurred, our nation suddenly decided that it would take in 2,000 refugees. In addition, it may become clear to us that there is still prejudice in areas in which we had not considered it to be prevalent, as was highlighted in the evidence that we took last week from Gypsy Travellers, and as has emerged in the on-going debate around gender recognition and how we provide for communities in that regard. How responsive can the Scottish Government be to the changing landscape of equalities? Are we simply locked into the budget for a year, with any further decisions being left for the next budget?

Angela Constance: There is a careful balance to be struck. There is always scope for flexibility—you mentioned the refugee crisis, when the First Minister established a refugee task force and resource was found from not only the equality budget but across a range of Government departments. We can see a similar responsiveness to other international crises. A plea will go out to departments across Government, rather than relying simply on the departments that are headed by Fiona Hyslop and Dr Alasdair Allan, for which the budgets are comparatively small. There is a well-trodden path for engaging with colleagues in finance and other areas on how to achieve our aims; we are transparent with Parliament in that regard.

However, organisations in the third sector seek certainty from the equality budget, and I am therefore proud to move this year to a three-year funding programme. We can be fleet of foot, but we must have a budget and a direction of travel because it is only right that we give people certainty and ensure that there is a shared understanding of priorities among those in the equalities community. Priorities will vary between different organisations, but people have the right to some certainty, so a bit of balance is needed in that respect.

Mary Fee: When the committee took evidence on the budget in a previous session, I asked how we follow the money across different portfolio areas, as it is currently very difficult to do so. I am interested in your view on how we can improve in

that regard. Do we need to improve data collection so that we can peg the money as we spend it, or does the Parliament have a job to do in ensuring that people recognise the equality issues that arise from how money is spent across portfolios and assess the data in that context?

Angela Constance: I broadly agree with what you say. In my portfolio, and in the equality budget in particular, it is comparatively easy to demonstrate where the money goes and the impact that it has on equalities. It is indeed harder to do the same across Government, but the issues are not insurmountable; we need to get the balance of evidence and action right. We could spend even more time on gathering evidence and evaluating impact—I am not for a minute suggesting that we should not do so, because such data informs the virtuous cycle. In order to decide whether money is being well spent, we need to produce real evidence on impacts to inform us before we make decisions on resource.

On the housing side of my portfolio, we have done some interesting work on the impact of our decisions around investment in affordable housing. We know, for example, that affordable housing, which brings about a subsequent reduction in people's living costs, has a very positive impact against all the indicators on which we need to improve to reduce child poverty. In addition, there has been some work on how investment in housing increases the tax take.

I say that to demonstrate that there is broader work going on across my portfolio and across Government. We are sometimes limited by a lack of availability of data methodologies, and there is also inevitably a resource issue. However, although we could spend an enormous amount of resource on gathering evidence and monitoring impact, we have to ensure that our spending in that area is proportionate so that it does not detract from spending on the actions that we need to take.

10:00

Mary Fee: In your opening statement, you mentioned the Child Poverty (Scotland) Act 2017 and spoke about the way in which its impact would be measured and monitored. If that approach is successful, could it be used across different portfolio areas?

Angela Constance: I am obviously biased and I will probably alienate all my colleagues now, but I think that the work that we are doing on child poverty in my portfolio is one of the best examples of cross-Government endeavour and the need for such an approach. We will not eradicate child poverty simply by increasing a few budget lines in one portfolio—we need cross-Government

endeavour. The committee will begin to see evidence of that in the first delivery plan that we produce.

As with everything, such issues are complex. Some measures will have a direct impact on targets, whereas for other measures that we need to pursue to solve broader systemic problems in our economy, the relationship with targets will be less direct. For example, investment in childcare and the promotion of a living wage are big systemic issues in our economy. They form part of our aspirations for inclusive growth. Other examples include cross-Government work on health inequalities, fuel poverty and educational attainment. Our work on child poverty is crucial in supporting the work that is being done in education on teaching and learning in classrooms and on resources in schools. We need to look at what is happening in communities overall.

As a result of the in-depth analysis that the Government and the poverty and inequality commission are currently undertaking in and around our first delivery plan, and in looking at how we are going to meet our 2030 child poverty targets, there will be a massive amount of learning across Government.

As a final point—I apologise for talking at length, convener—we must acknowledge that big challenges such as child poverty cannot be solved by Government alone. We are working with the world of work and with local government and the third sector, and we are harnessing the best intelligence from academia, in order to inform our evidence. We need to take a team Scotland approach to address the massive issues that we face.

Mary Fee: I have one final question. In your opening remarks, you spoke about protected money. We have heard differing views about whether the equality budget should be ring fenced. In specific areas of inequality, where there is massive deprivation, should more be done to ring fence and protect money?

Angela Constance: In our current relationship with local authorities, based on the position that we negotiated with the Convention of Scottish Local Authorities, there is a presumption in favour of mainstreaming. That does not mean that there is a ban on ring fencing, but it recognises our position and the idea that we need to move away from national Government micromanaging local government. There is a lot of evidence to support that approach, but specific ministers have an on-going relationship with local government and can enter into dialogue if authorities believe that certain areas need to be ring fenced.

Although I hear what Mary Fee is saying, and I understand what motivates her question, it is

important to point to areas such as child poverty, for example, that require different ways of working. In launching the local governance review, we recognise that local solutions to local symptoms of poverty and inequality are often best. However, there are ways to marry different approaches, and I think that the review will be very interesting as it takes shape.

The national performance framework is also important. There will be a new framework next year, and we will try as far as possible to break down indicators across protected characteristics, which will include place and deprivation. That will help us to get all the arrows to fly in the right direction, as it is essential that we tackle poverty and inequality if we are to provide effective public services.

The Convener: I have a quick supplementary to Mary Fee's question on the Government's relationship with local authorities. As a result of the committee's work over the past couple of years, we have some concerns that local authorities are not completely adhering to equality processes. Some authorities do not undertake an equality analysis in setting their budgets, and there are concerns about the quality of the data that is used in equality impact assessments.

I am interested in your comment about the local governance review, cabinet secretary. How will the public sector equality duty on local authorities work alongside the socioeconomic duty that will, as you mentioned, come into force next year? You spoke about the need to marry together different approaches. How do we do that to make a difference? From the evidence that we have heard, it seems that some local authorities are not mindful of the public sector equality duty in undertaking their budget processes.

Angela Constance: Like the convener, I have seen equality impact assessments of varying quality in my time. I am not simply pointing at local government; we in the Scottish Government have sometimes had to look again at our equality impact assessments. As I said earlier, more of our staff now have experience of undertaking such assessments and consider that they understand equality issues well.

With regard to the public sector equality duty, the review that the Equality and Human Rights Commission is currently undertaking and our own review of the Scotland-specific duties will be very helpful. However, we need to be clear about the fact that the duty places requirements on public authorities, and at times we may need to point that out sharply.

The ability to marry consideration of socioeconomic conditions with the public sector equality duty will enable a deeper analysis, and—

to go back to the convener's earlier example—will allow for consideration of intersectionality in particular.

The local governance review is not a two-dimensional discussion between the Scottish Government and local government. For a start, it is a local governance review rather than a review of local government, and it has the scope to look across the public sector with a particular focus at the local level. In taking that work forward, we are engaging with communities and community representatives to allow for a broad discussion across public services rather than a two-dimensional discussion.

Jamie Greene: In the spirit of saving time, cabinet secretary, I will condense my comments into two specific questions; I hope that you will take them in the constructive spirit in which they are intended. The first is on the budget. This year, there is a welcome cash increase of £2.1 million in the budget for promoting equality, but it is notable that there has been a £3.3 million real-terms cut in the same budget over the past decade. Are you confident that the cash increase this year will be enough to help to meet the objectives of the budget for promoting equality?

My second question seeks to add to the discussion around the key players that are involved in delivering what the equality budget is meant to achieve. It is important to acknowledge that it is not just central Government that plays a part in that delivery; there is a collective multi-agency approach. In that spirit, it is important to recognise the role of local authorities in delivering many of the services that deal with the issues that the equality budget seeks to address, such as violence against women, social isolation and loneliness, and the need to strengthen community cohesion.

Yesterday, the Cabinet Secretary for Finance and the Constitution said that local authorities would need to find efficiencies to meet their challenging financial settlement. What role can the Scottish Government play to ensure that that approach will not equate to a reduction in any of the front-line services that are so important in furthering the equality agenda?

Angela Constance: I thank Jamie Greene for his question; I hope that he will also take my comments in a constructive vein. The context in which the Scottish Government, the third sector and local government are working is that, by 2019-20, the Scottish Government's discretionary budget will have reduced by 8 per cent, or £2.6 billion. We need to recognise that there is a real-terms reduction in the Scottish Government's budget overall.

The 12 per cent increase in the equality budget is, of course, welcome news. In previous years, the equalities budget has been protected, which is why it has not reduced. There have been budget reductions in many other areas of Government, but not in the equalities budget and, for the first time in many years, it is experiencing a welcome increase. The reason that we have prioritised an increase in the equalities budget is that a large part of it goes to support front-line services that help to tackle violence against women and girls. Almost £12 million of it will support the implementation of the equally safe plan, and between £6 million and £7 million will support front-line services, including Scottish Women's Aid and Rape Crisis centres the length and breadth of the country. In addition, local government has had an increase of nearly £90 million in capital and a flat cash settlement. Nobody is disputing the fact that our budget is tight and has its restrictions, which of course has implications. However, in making the case for mainstreaming the principle of equality in setting budgets, I stress that addressing poverty and inequality is not just the right thing to do on principle—it is the smart thing to do.

If I am hopeful for the future, that hope centres on the shared agenda of local and national Government on inclusive growth, which has been evident to me and my officials as we have engaged with local government and other partners. There is a shared ambition, and an understanding of the power of inclusive growth and of the fact that tackling inequality goes hand in hand with sustainable economic growth.

Mr Cole-Hamilton spoke earlier about the need to lock in systems in case we encounter less benign times. I am a wee bit more hopeful, as I think that there is in Scotland a real focus on inclusive growth. There is much excitement in that regard, as the eyes of the world are upon us and we are starting to make good progress, but we could certainly do far more.

Jamie Greene: I thank the cabinet secretary for that comprehensive answer, and I share her positive outlook. However, my question is more practical.

As local councils seek to sign off on their budgets over the next few months, what if anything was to jump out at the cabinet secretary? If there was a proposed cut to any front-line service in a local authority area, it would effectively reduce its ability to deliver on the objectives of the equality budget or the equality agenda. Would the cabinet secretary therefore seek to intervene in such a decision in any way, or to raise awareness of the fact that it would be quite counterproductive to the aims of the agenda to improve equality, which all agencies in Scotland share? Is there any practical commitment to monitor carefully the

budgets of local authorities as they are passed in order to ensure that no efficiency savings or cuts are made to any vital services?

10:15

Angela Constance: I am very conscious that, as a Government, we are often criticised for being too centralising or controlling; I suspect that some of that critique comes from members of Jamie Greene's party. You asked me, albeit for understandable reasons, how I can intervene to stop democratically elected councils making their own decisions if it so happens that we do not like those decisions. We need to be careful in that respect, and take a mature, adult approach to all this.

All the players in civic Scotland—national and local Government and the third sector—sometimes have to have difficult conversations about unintended consequences and the impact of other people's actions. The Scottish Government and local government are continually dealing with the impact of so-called welfare reform, and, as I highlighted in my opening statement, I will spend £100 million across my portfolio on mitigating the worst aspects of that. That is £100 million that cannot be invested in other equality measures or in housing, education or health.

I am never averse to having conversations with anyone, or to people having conversations with me, and I am a big believer in speaking truth to power. However, we must recognise that local authorities are democratically elected and accountable for their own decisions. I am accountable for decisions that I make, but other players and politicians are accountable for the decisions that they make.

Alex Cole-Hamilton: Jamie Greene's question segues nicely into my own, which is about the natural tension that exists between the Scottish Government's priorities and the delivery of those priorities on the ground by local authorities. I should say from the outset that I absolutely agree with the thrust of what the cabinet secretary said about not wishing to dictate what happens in local authorities. However, my question is about the principles and processes by which we make policy priorities real and deliver on the ground what everyone hopes we will deliver.

The presumption against ring fencing began in the 2007 concordat, with its 15 national outcomes and 45 indicators. I think that it is fair to say that there was not a strong focus on equalities in the concordat, but there has since been a process of continuous improvement. The concordat was followed by the single outcome agreement planning process and the reform of community planning. However, as you mentioned in your

previous answer, cabinet secretary, we have continuously stumbled over the issue of accountability and the fact that local authorities must be accountable for their actions. Many local authorities set ambitious and laudable aims in their single outcome agreements and then miss those targets by a country mile, but there is no comeback or accountability on them for doing so.

I do not wish the national Government to be heavy handed, but are we getting that process right? Is it time that we looked again at reforming the ways in which local authorities are accountable to the people whom they serve for missing the targets that they set themselves, particularly in relation to the equalities agenda?

Angela Constance: The thrust—indeed, the *raison d'être*—of the local governance review is about promoting inclusive growth and tackling poverty and inequality, and we will pursue the review in an open, transparent and inclusive manner to engage communities in a discussion about ideas and to get to the heart of the matter. We have said that we are open to ideas that promote inclusive growth, but we cannot do so without tackling poverty and inequality and advancing equalities.

The review offers a gateway and is a huge opportunity to consider some of the issues and tensions that need to be unravelled. Alex Cole-Hamilton makes a key point about how we put in place systems for reporting on or monitoring how the socioeconomic duty will work in practice. Our review of the Scotland-specific duties in that regard has in its line of sight the issue of how local government can be accountable to local communities. I have spoken about the local governance review at length, but I believe that it is a big opportunity.

Alex Cole-Hamilton: I am grateful to the cabinet secretary for her answer; I think that we are absolutely in step on this issue. Again, I stress that I do not want national Government to be heavy handed with local authorities. Before I was elected to Parliament, I was involved with a ministerial working group on community planning, in which we continually discussed what happens when a single outcome agreement—the contract between a local authority and the Scottish Government—is drawn up and then the targets that have been set are missed. We kept coming back to the reality that local authorities are ultimately answerable to their communities and the electorate at the ballot box. However, I am not aware of any individual voter who has ever cast a vote in a local government election based on a forensic analysis of which single outcome agreement targets have been missed, so it strikes me that there is a disconnect in that respect. We do not want to call in local authorities to hold them

to account for how they spend their money or the decisions that they make, but it feels like there is a weak link in the chain somewhere.

Angela Constance: There is a danger in seeing single outcome agreements as lofty strategies rather than strategic documents. I will give you a good real-life example. Many local authorities have an acute need to increase the level of affordable housing, and we would expect that to be one of their key objectives. We have worked proactively and supportively with local authorities on affordable housing, and we have given them certainty around funding by publishing our three-year resource planning assumptions earlier this year. The allocation of that money is tied in with delivery, so if particular local authorities do not use it or do not build enough housing based on our resource planning assumptions, we would seek to shift the resource to areas that are doing so. That is one of the levers that we are prepared to use to ensure that we meet our overall objective for 50,000 more affordable homes.

The Convener: I have a couple of quick questions, and then a more substantive one. Do we have a timescale for the local governance review?

Angela Constance: It is in two phases—an enabling group will be formed at the start of next year. The review could potentially feed into our proposed local democracy bill later in the current session of Parliament. I do not want to mislead the committee by giving specific timings now, but the review will take place over the next year or two—I will ensure that that information is sent to the committee.

The Convener: Thank you. In evidence to the committee, it was suggested that the equality and budget advisory group should have a member who has a background and expertise in race relations. We suggested that a panel would be more beneficial—if the group was to include only one person with one protected characteristic, that might give rise to the view that it should include various members with each of the protected characteristics, which could become quite difficult to manage. Is there any scope for EBAG to have a panel of people who have protected characteristics and who come from the relevant backgrounds and have lived experience?

Angela Constance: I hear what you are saying. We need to be clear that EBAG, given the job that it does, requires members who have in-depth technical expertise on budgetary processes and acute analysis skills with regard to socioeconomic considerations in particular. I suppose that I am trying to say that it is an expert technical job. EBAG has always been good at inviting people in at appropriate points in its work. I have offered to meet with it to take forward the recommendations

of the budget process review group on how we can become more outcomes focused, and I would also be keen to discuss how best it can bring in such people. I am always a wee bit nervous about creating more groups and panels, and EBAG is not a representative group per se, if you catch my drift, but I can certainly discuss with its members how it can continue to reach out at appropriate times to people who have expertise in relation to particular protected characteristics.

We recognise that, although we have got better at looking through the lens of race in producing the equality budget statement, it is certainly an area in which we want to continue to improve.

The Convener: That leads me on to another of the Scottish Government's groups: the new ministerial working group on Gypsy Travellers. You will have seen the evidence that we took a few weeks ago from some of the young people who represent the Gypsy Traveller community; I am thinking in particular of the detailed evidence from charismatic young Davie Donaldson, who was superb. We also heard from Roseanna and Shamus McPhee, who have their own particular concerns.

We have discussed intersectionality quite a lot today. If there is one community in which health, education and employment outcomes all intersect to form a deep pocket of inequality, it is the Gypsy Traveller community. How can the ministerial working group address that? We heard from our witnesses two weeks ago that the new working group does not include anybody from their community. The message that we heard loud and clear was, "We work better when people work with us rather than for us." The Gypsy Traveller community is looking to the Scottish Government to remedy the situation in a way that enables its members to feel that they are part of the changes that are being considered rather than that they are being told what is best for them.

Angela Constance: Indeed—although with regard to the ministerial working group, as you will appreciate, the clue is in the title. We really need to pick up the pace in this area. Your predecessor committees scoped a range of evidence, and we have appointed a race equality adviser who has a big focus on tackling inequality in the Gypsy Traveller community, so I set up the working group to enable us to take our work to a new level. To be blunt, we need to crack on with things.

10:30

People rightly expect us to show leadership in this area, across all Government portfolios. I am keen that my colleagues and I should pull together, and I am glad that they have agreed to do so. We in Government all have a responsibility

to bring together a smaller group of ministers and cabinet secretaries in order to put our heads together and focus on action. Of course, that does not mean that we should do so in isolation—I have a series of engagements set up in the first part of next year to allow for more direct discussion with the Gypsy Traveller community. We have also reached out to the witnesses who appeared before the committee two weeks ago, and I am pleased to say that they are keen to engage with me and my colleagues. Over and above that, Kevin Stewart, as Minister for Local Government and Housing, has his own engagements with Gypsy Traveller communities.

With regard to the ministerial working group, it is important that ministers have a bit of space together so that we can show some leadership and reach some views. However, we will scope our work programme and ask people to meet with us either individually or collectively; the process will not be exclusive. As with other ministerial working groups, we will bring in experts and folk who have lived experience to challenge us and keep us right, and to inform the process every step of the way.

I hope that the committee will understand that. Given that we already have a wealth of evidence and we have heard many concerns, setting up the working group is my way of saying that the Government is serious about the issues affecting Gypsy Travellers. It does not mean that we are not going to continue to engage with people—we will work very hard at that—but we need to crack on, and I want a group of ministers around the table to do that.

The Convener: That will be very welcome news to all the committee members and to the people with whom we are engaging on the issue. From the evidence that committees have heard over the years and that we have heard more recently, it is clear that the community has been subject to a lot of Government experiments. If we work hard to ensure that we do not go down that route, we might actually make a difference.

We have seen a difference in areas where local authorities have worked incredibly well with the Gypsy Traveller community—South Lanarkshire is a good example. A lot of the challenges that arise in other areas do not exist to the same extent in areas where such joint working is taking place. Gypsy Travellers have been subject to a lot of ministerial and Government interventions that have never really included them but have always just been about them. If we can change that approach, it would be very welcome indeed.

Angela Constance: We will certainly work hard to include the community. To pick up on your point, our race equality action plan includes our intention to hold a joint summit next year with

COSLA and local authorities to share best practice in that regard.

There are local authorities that are engaging well with the community and doing good work. I am sure that I am correct in saying that Kevin Stewart has been to Fife, or is going there soon, to look at the work that the local authority is doing on the provision of sites for Gypsy Travellers. There are many examples of good practice. A year or two ago, we issued guidance to help local authorities to manage unauthorised sites. There are some great practical examples—one of the Ayrshire councils is doing well, along with Fife Council, Perth and Kinross Council and South Lanarkshire Council. The guidance demonstrates that good practice is possible, but we need to share good ways of working.

The Convener: Thank you. I have one final question. You have had what is almost a pre-budget report from the committee. Is it okay for us to expect a response to that report in the new year?

Angela Constance: Yes, absolutely—it might not be on 8 January, though. [*Laughter.*]

We will endeavour to respond to you as soon as possible.

The Convener: Thank you. Do you have any other comments to add?

Angela Constance: No, other than to wish you all a very happy Christmas.

The Convener: And to you too, cabinet secretary.

I take this opportunity to thank the cabinet secretary and her officials, and all the witnesses who have given evidence over the past year. I also thank the clerks, the Scottish Parliament information centre and the official report, and everybody else who has supported the committee, for all their work. The many voices that we hear strengthen the work that we do, and we look forward to progressing some of that work in the new year.

We now move into private to consider our evidence from this morning's session.

10:35

Meeting continued in private until 11:15.

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