

# Annexe

## Budget 2022-23: Pre-Budget Scrutiny

### Introduction

1. This year the [Committee's pre-budget scrutiny](#) focused on **human rights budgeting**.

2. To provide some background, the National Taskforce for Human Rights published its [leadership report](#) in March 2021. One recommendation was to incorporate the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) into Scots law. The report also recommended that rights for women, disabled people and minority ethnic communities should be part of Scots law.

This includes:

- right to an adequate standard of living, including the rights to adequate food, clothing and housing and the continuous improvement of living conditions
- right to the enjoyment of the highest attainable standard of physical and mental health
- right to education
- right to social security
- right to take part in cultural life

3. Whilst there is more to delivering human rights than ensuring the right budgets are in place, the taskforce report also says, specifically on the budget: "it will be essential that human rights budget scrutiny and monitoring forms part of the framework implementation".

4. With a view to starting its work on this, the Committee issued a call for views, [with responses available here](#). The Committee also spoke to three panels of witnesses, plus the Cabinet Secretary on the [28<sup>th</sup> September 2021](#) and [5<sup>th</sup> October 2021](#).

5. This letter highlights some of the issues identified:

- This should be the start of a longer-term conversation about human rights budgeting, and for example what the minimum core (ie: living with human dignity) means to people in Scotland.
- There remain significant and serious gaps in our equalities data, which makes it harder for us to understand people's lives and experiences as well as the impacts of tax and spending.
- It is essential that structural equalities analysis of the budget not only continues, but that the Scottish Government investigates a step change in the equalities data underpinning it, and for example, considers the case for a legal basis for gender budgeting.
- The budget process should be made to work more effectively for the third sector in a variety of ways.

- The development of tax policy should reflect human rights principles.
- There is an increased role for effective participation/engagement and advocacy services, and these should be adequately resourced.

### **Backdrop: The scale of the challenge**

6. Evidence of the challenges facing Scotland in the 2022-23 budget period is all around us. Reporting in August 2021 on the overall economy, the [Scottish Fiscal Commission](#), estimate of the permanent economic damage from COVID-19 of GDP, to be 2% in the long run. Although the labour market has also performed better than expected during the pandemic, there remain “significant uncertainties”, and there are concerns about rising inflation.

7. The [Fraser of Allander Institute](#) (30 September 2021) thought that although “the Scottish economy is set to recover to pre-pandemic levels three months earlier than previously thought”, the end of furlough coinciding with the cancellation of the Universal Credit uplift “will bring additional financial hardship to around half a million families in Scotland”.

8. Reporting in January 2021, the [Social Renewal Advisory Board](#) pointed out that recovery from the pandemic will be felt unequally, and said: “We may all be in the same storm, but we are all in different boats...and even then, too many of us are with no boat at all”.

9. And in its report on [Poverty in Scotland 2021](#), the Joseph Rowntree Foundation highlighted the impacts of living in poverty

“For families across Scotland, poverty creeps into every corner of their everyday experience. It creates mental and physical ill-health, it holds back children’s attainment in schools, it stigmatises and at its worst creates hunger and fear”.

### **A human rights approach to budgeting**

10. With a new framework for human rights emerging in Scotland, the Committee decided to carry out its pre-budget scrutiny on a human rights basis. This includes starting to think through what are new concepts for many of us, (in relation to budgets), such as the minimum core, the progressive realisation of rights, and maximising available resources to achieve rights.

11. Dr Ali Hosie of the Scottish Human Rights Commission (SHRC) said that these concepts need not be mystifying and, for example:

“the idea of a minimum core is simple—it is about red lines below which we do not accept that society should fall.”<sup>1</sup>

12. Many of those the Committee spoke to, welcomed the focus on human rights budgeting, though with some caveats, as set out below, mainly that it does not

---

<sup>1</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 12](#)

become a distraction from focusing on some other issues. One of the reasons for undertaking human rights budgeting is that it should help join up law and policy, with the budget, so ensuring the resources are in place to follow through and deliver human rights on the ground. As Emma Congreve told us:

“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”.<sup>2</sup>

13. Rob Gowans of the Health and Social Care Alliance (the Alliance) gave the example of self-directed support, and said:

“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”

Overall, Rob Gowans said that:

“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”<sup>3</sup>

14. However, some organisations had some reservations. For example, there was a concern that, unless care was taken, a focus on structural inequalities, such as gender inequality, might be lost. It was suggested there is a need to ensure that other approaches such as gendered budgeting, equalities budgeting or environmental budgeting are not seen as “competitive alternatives”, but as contributing to one another. Dr O’Hagan said about human rights budgeting that:

“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”.<sup>4</sup>

15. In their written evidence, Engender highlighted the significant impact that spending on infrastructure, such as social care, could have on gender and disability equality. Using social care as an example they said:

“Recent research has shown that investment of 1% of GDP in the care sector would produce 2.7 times as many jobs in the economy overall as an equivalent investment in construction. These jobs would be generated not

---

<sup>2</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 21](#)

<sup>3</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 26](#)

<sup>4</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 3](#)

only in care (or construction), but also in industries that supply the care (or construction) sector, and those that supply the goods and services that care (or construction) workers buy. Investment in care would also reduce the gender employment gap, as more women would be likely to be employed in the sector and would also be more in line with Scotland's climate change commitments, as investing in care is three times less polluting per job created overall than equivalent investment in construction".

"Social care workers, many of whom are older and migrant women, disabled people, older people, people with long-term conditions and their carers cannot afford to wait until a National Care Service is up and running before the social care system is adequately staffed. Failure to invest in the social care workforce also undermines investment in a range of prevention activities and efforts across government to address occupational segregation and other labour market inequalities."<sup>5</sup>

16. Jatin Haria of the Coalition for Racial Equality and Rights (CRER) said:

"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"<sup>6</sup>

17. Human rights budgeting, particularly, at a national level was described to us as "ground breaking", and there is much work to be done not only to build capacity in government and other organisations, but to start a national discussion, for example by what we mean by the "minimum core". Dr Hosie said:

"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?"<sup>7</sup>

---

<sup>5</sup> [Engender written submission p 12](#)

<sup>6</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 28](#)

<sup>7</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 13](#)

18. Chris Birt of the Joseph Rowntree Foundation (JRF) said that some of the discussion was already underway

“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”<sup>8</sup>

## Conclusions and recommendations on the overall approach

19. Scotland’s new human rights framework will have wide reaching implications for the delivery of Scotland’s public services. Unless budgets are set to ensure the resources are in place to deliver human rights, there will remain a gap between our aspirations and the actual delivery of human rights on the ground

20. However, it is also essential if there is to be a focus on human rights budgeting that there is not an unintended consequence of losing a focus on structural inequalities. Now may be the time for further progress on, for example, gender budgeting to be made (see below for further details).

21. Overall, the Committee agrees this is the start of a longer-term conversation and that further work should be undertaken on human rights budgeting. In addition, the Committee recognises the significant impact that spend on infrastructure such as social care, could have on gender and disability equality.

22. **The Committee asks the Scottish Government to set out in the budget documents what its next steps are to develop a human rights budget approach.** This could include, for example, the start of a discussion on what the “minimum core” means in practice to specific people. It could also cover some of the issues set out below, including on data, analysis, and participation and, for example, how human rights budgeting might start to be reflected in changes to the National Performance Framework.

## Equalities budgeting

23. The Equality, Budget, Advisory Group ([EBAG](#)) [report on equalities and human rights budgeting](#) was published in July 2021. Amongst the recommendations were that:

- Scottish Government should produce a pre-budget statement, in-year reports and a mid-year review in line with international standards (with specific recommendations on the information and associated equalities analysis that should be in these reports)
- Transparency and public participation in the budget process should be improved, through the consistent publication of a Citizens’ Budget and an easy read version of each of the key budget documents.

---

<sup>8</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 12](#)

- Finance, policy and analyst staff should work closely together to produce equalities and human rights analysis of spend
- Investment is needed in building knowledge and capacity on understanding equality evidence and human rights international standards
- EBAG itself should be retained with an expanded/re-worked name to reflect the drive for equality and human rights budgeting, confirmation of a set of Terms of Reference for EBAG, and the continuation of the role of independent chair

24. The Cabinet Secretary told the Committee that the government would “seek to set out our thinking on the next steps in spring next year”.<sup>9</sup>

25. On **gender budgeting** specifically, Eilidh Dickson of Engender, said there was a “lack of attention ... paid to structural inequality between women and men in the existing Scottish budget process”, and there was a need for a “a thorough, up-front and cumulative analysis of the budget”.<sup>10</sup>

26. Dr O’Hagan told the Committee that other countries might offer different lessons, and pointed out that for example, gender budgeting is built into Austria’s constitutional requirements and the situation is similar in Iceland.

27. The [First Minister’s Advisory Council on Women and Girls](#) had previously called on the government

“to integrate intersectional gender budget analysis into the Scottish Budget process, and to give this a statutory footing”

28. The Cabinet Secretary [wrote](#) to the Committee (19 October 2021), and indicated that the government’s response to this will be included in its response to the Advisory Council’s 2020 recommendations which the government hopes to publish “shortly”.

## **Conclusions and recommendations on equalities budgeting**

29. **The Committee considers that the response to the detailed report from EBAG requires some urgent consideration, and requests an update on the Scottish Government’s thinking as part of the budget.**

30. **The Committee asks the Scottish Government to take renewed steps to strengthen the (intersectional) gender analysis of the budget, and specifically to set out the options for putting intersectional gender budgeting on a legal basis, as proposed by the Advisory Council, and whether that would be an effective way of driving better informed analysis to underpin decisions on the budget.**

31. **The Committee considers that work on other ‘structural’ equalities analysis is also essential and asks the Scottish Government to note this and**

<sup>9</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 37](#)

<sup>10</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 25](#)

**ensure this continues to be sharpened (see below for recommendations on data).**

## **The Budget Process**

32. The Committee heard about how the budget process could be improved, particularly for local government and the third sector, under a number of headings.

### *Funding*

33. Alison Evison of COSLA made the case for “a fair settlement to support human rights realisation” and said that protecting local authority social care and education budgets had meant cuts to other areas such as culture and leisure. COSLA also said local authorities should be empowered to raise revenue. In particular, the council tax freeze should be dropped, other areas which could be explored included a tourist tax and setting planning and building control fees locally to enable full cost recovery.<sup>11</sup>

34. Paul Bradley of SCVO made a number of points including

- The need for **sustainable, multiyear funding**. Although emergency funding for the third sector during the pandemic has been “a lifeline”, Paul Bradley said that

“There is no doubt about that, but such one-off payments are not a substitute for longer-term, sustainable funding models for the sector”

- The need to reduce time spent simply **applying for funding** – based on interviews with charity chief executive offices, the “constant cycle of trying to find replacement funding year to year” uses up a huge amount of resource in often small organisations. SCVO stated that we need to make it as simple and easy as possible for organisations “by getting others to do the hard work of navigating them through their applications and towards specific funds”. One suggestion was to learn the lessons from the pandemic and “the way in which public and voluntary sector bodies and independent funders came together to set up, for example, a shared funding platform to share data and information about where money was flowing and to provide a single point of entry for organisations to access funding”.<sup>12</sup>
- Associated with that, according to SCVO, “one of the biggest challenges that voluntary organisations face is **a lack of unrestricted funding**”

35. The Cabinet Secretary pointed out that the Scottish Government was itself constrained by one-year settlements from the UK government, and said

---

<sup>11</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 11-12](#)

<sup>12</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 15](#)

“I understand the very real point that third sector organisations make that they want multiyear funding to allow them to plan their work over the long term. ... we have made a commitment that we want to try to work towards that over a number of years, because it allows longer-term planning.”<sup>13</sup>

36. Paul Bradley restated some of the points made in a [budget report from the committee's predecessor in 2019](#), and the Government's subsequent commitments related to that. The Cabinet Secretary agreed to write to the Committee with an update on those.

37. The Cabinet Secretary noted that “in the 2021-22 budget, the equality, inclusion and human rights budget lines increased to £36.6 million.... [an] increase of around 35 per cent...”. Emma Harvey of the Scottish Government said that within these budgets:

“the new equality and human rights funding streams are committed to a three-year period of funding, in an attempt to give that level of continuity for organisations. We also opened up the funding to ensure that we were providing organisations with core support, not just funding for projects, and giving them the flex to choose what they bid for and how they use the money that comes to them. We recognised that project funding without core support is not particularly helpful for organisations.”<sup>14</sup>

38. Acknowledging that this sounds like enlightened practice, it should be noted that these budget lines represent only a small part of the overall Scottish budget, accounting for, in the region of, one pound in every thousand.

39. Nina Munday of the Fife Centre for Equalities made the point that funding for equalities should be spread beyond the central belt.

### *Procurement*

40. SCVO's Paul Bradley told the Committee about their concerns about procurement in social care, and the “shift towards tendering as a way to cut the cost of services”:

“In the shift towards contracts, the contracts are by and large not favourable for voluntary organisations on inflationary uplift and full cost recovery, for example. The tendering process also pits voluntary organisations against one another. It drives down the quality of services in favour of cost savings. Some people would refer to it as a price war. Although there is competition between voluntary organisations in social care and other areas, there is also great competition between voluntary sector providers who are trying to deliver services not for profit to improve people's lives and communities and private sector providers whose bids are able to undercut voluntary organisations by, for example, not paying the real living wage.”<sup>15</sup>

---

<sup>13</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 37](#)

<sup>14</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 40](#)

<sup>15</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 27](#)

41. Nina Munday emphasised the human dimension:

“When we talk about procurement, we need to think beyond just personal care. People thrive by building social relationships with one another but, if that is lacking and they are not seeing anybody else, they might have somebody coming in to check whether they are okay, but they will not be having that natural relationship with someone. We must not take away the spaces where people bond with one another.”<sup>16</sup>

### **Conclusions and recommendations about the budget process**

42. The Committee’s predecessor made a number of recommendations in 2019 on funding for the third sector. **The Committee would welcome an update from the Scottish Government on progress. The Committee also calls on the Scottish Government to consider how a shift to a more sustainable, multiyear funding model for third sector organisations could be achieved by the government and across the public sector.**

43. The distribution of funds from the equality, human rights and inclusion budget lines appears to provide an example of good practice in providing more sustainable and useful funding to the third sector. **The Committee would welcome evidence of how this has worked in practice under these budget lines, and the Scottish Government’s view on the scope to apply similar principles to other parts of the budget.**

44. The procurement process itself can potentially have a major impact on the delivery of services, with scope for unintended consequences. **The Committee asks the Scottish Government to set out the role of procurement in delivering high quality services, how this is evaluated, and what improvements can be made.**

45. The Committee agrees that staff in third sector organisations should not be spending such a high proportion of their scarce time, applying for funding, and on other funding administration. **The Committee asks the Scottish Government to consider and set out ways which it considers the administrative burden could be reduced.**

### *Tax and human rights*

46. The Committee is aware the Government has been running [a consultation on tax policy](#) (closing 26 October). The SHRC thought it was “really encouraging” to see the government’s work on the tax framework, and they would encourage “more explicit recognition of the government’s human rights obligations to maximise the resources that are available”. Dr Hosie said

“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

---

<sup>16</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 27](#)

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.”<sup>17</sup>

47. Dr Ali Hosie also pointed out that in Scotland “We tax wealth at very low rates compared with earned income”.<sup>18</sup>

### **Conclusions and recommendations about tax policy and human rights**

48. **The Committee asks the Scottish Government to set out how human rights budgeting principles are being reflected in the principles and policy on Scottish taxation.**

49. **The Committee asks the Scottish Government to explore and set out any options it is considering for a shift to taxation on wealth, and how that might help the budget to deliver human rights.**

### **Data, tracking spend and understanding the impacts of spend**

50. A recurring theme, not limited to this short inquiry, has been the existence of some significant gaps in our knowledge on equalities and human rights. During our budget evidence these gaps could be categorised under three headings:

- Gaps in data
- Difficulties in tracking spend or “following the money”
- Challenges in understanding the impact of the spending that does occur

#### *Gaps in data*

51. Several witnesses highlighted problems with data gaps, and Emma Congreve of the Fraser of Allander Institute told the Committee there are two specific areas where data 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

---

<sup>17</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 23](#)

<sup>18</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 2](#)

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.”<sup>19</sup>

52. Emma Congreve also highlighted the implications of this for one particular group – people with a learning disability

“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.”<sup>20</sup>

53. These data shortcomings have also been detailed in a [subsequent report](#) from the Fraser of Allander Institute which said

“Overwhelmingly, we have found that the evidence on which to base effective policy to improve the outcomes for people living with a learning disability is severely lacking.”

54. The Cabinet Secretary told the Committee that work is under way to improve equalities data, but there is still a long way to go:

“Despite improvements in recent years, there are still gaps in the equality evidence base. In April this year, we launched the first phase of our equality data improvement programme in order to take action to make equality evidence more wide ranging and robust. A stronger and more complete equality evidence base will help to support the collective effort across the public sector and ensure that the requirements of the public sector equality duty are fulfilled.

The programme will be undertaken over the next 18 months, and I am hopeful that major improvements will flow from it.”<sup>21</sup>

55. A report from one of our witnesses (JRF), with contributions from another (CRER), on “[Ethnicity, Poverty and the data in Scotland](#)” was subsequently published on 14 October 2021. Although the report was able to point to, for example, higher rates of child poverty for ethnic minority children, and a “deep divide” in the labour market, the report also highlighted shortfalls in data. For example, the data is insufficient to understand real year to year changes in poverty (meaning it was then difficult to understand the causes of changes, and whether government policy was working). Improvements could also be made in social security data, and the ability to drill down to carry out intersectional analysis.

---

<sup>19</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 4](#)

<sup>20</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 15](#)

<sup>21</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 38](#)

56. Jatin Haria of CRER, said in the report:

“The excuse that minority ethnic communities here are small in number will no longer stand. If anything, this makes it more important to have robust and comprehensive data collection.”

57. JRF concluded

“If the Scottish Government wants to reduce racial inequalities in Scotland it must collect appropriate data, including robust ethnicity data, with large enough samples, and ask the right questions to allow us to understand the structural inequalities faced by minority ethnic communities in Scotland”

58. The Cabinet Secretary [wrote](#) to the Committee (19 October 2021) and highlighted existing resources such as the [Equality Evidence Finder](#), as well as [detailed actions to tackle race equality](#) (to implement recommendations from the Expert Reference Group for COVID-19 and Ethnicity), around half of which, said the Cabinet Secretary were “to do with data acquisition and handling, specifically at the intersection of ethnicity and health”.

#### *Tracking spend*

59. The Committee heard from some of the most knowledgeable and experienced economists and policy analysts in Scotland, and it was instructive to hear how even these experts in their fields struggle to navigate their way through the budget documents. For example, as Emma Congreve said:

“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.”<sup>22</sup>

60. The Cabinet Secretary told us:

“We recognise that there is work to do to improve transparency and participation in the budgeting process.

As part of our response to those recommendations, we will consider how best that is achieved and through what routes. As part of the wider objective to make Scottish fiscal information more accessible and understandable, the financial transparency programme is intended to help with the timely

---

<sup>22</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 5](#)

publication of accessible information, such as by using more data visualisations, infographics and open data, with clear explanations of the context. That approach is intended to support an improved understanding of how the Scottish Government's budget is allocated and spent, thereby improving scrutiny by external and internal stakeholders."<sup>23</sup>

### *Understanding the impact of spending*

61. Another perennial issue the Committee heard about, was the challenge of assessing how effective spend has been, and currently is. This is essential information for government, but the Committee was told there are some serious shortfalls. For example, Chris Birt of the Joseph Rowntree Foundation put it starkly:

“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.”

### **Conclusions and recommendations about data, tracking spend and understanding impacts**

62. The Committee recognises that the budget and how that relates to equalities and human rights is by its nature an inherently hugely complex area. However, that does not mean there are not significant improvements that could be made in our understanding, which could ultimately help us deliver better, sharper and more focused services to many people.

63. The Committee recognises and welcomes work to improve the equality evidence base, through the [equality evidence strategy](#), the Equality Data Improvement Plan, and the [Race Equality: Immediate Priorities Plan](#). However, Scotland is now developing a new human rights landscape, and the pandemic has highlighted, and indeed deepened many inequalities. **To help give the public services a chance to respond, the Committee considers there is a strong case for a step change in our investment in equalities data, and, as a first step, asks the government to set out some options if there were to be significant additional investment** (for example, boosting sample sizes of surveys relating to equalities characteristics, or putting more resource into joining up administrative data sets).

64. **The Committee would welcome estimates of potential costs, what the money could buy, and how that investment might improve understanding of equalities, including better intersectional analysis.**

65. **The Committee asks the Scottish Government to review its approach to the equalities impact assessments of individual budget decisions to ensure that they cover not only equalities issues, but also start to assess them on a human rights basis as well. The Scottish Government should also consider the potential of investment in infrastructure like the National Care Service and the role that has in delivering equality and human rights for women and disabled people.**

---

<sup>23</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 43](#)

66. **The Committee welcomes the work on financial transparency and asks the Scottish Government to provide an update.**

## Participation and Engagement

67. Participation in the budget is a core part of the human rights budgeting approach. Indeed it is one of the [PANEL principles](#), relating to human rights (Participation: People should be involved in decisions that affect their rights). The [Social Renewal Advisory Board](#) highlighted the use of different techniques whilst the EBAG report for example proposed a citizens' budget. The Committee also heard a number of calls for effective participation and engagement. Chris Birt of Joseph Rowntree Foundation highlighted one example where engagement had been effective:

“The way in which the new [disability assistance] 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.”<sup>24</sup>

68. Dr Ali Hosie of the SHRC proposed 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”.<sup>25</sup>

69. Rob Gowans of the Alliance told the Committee that the budget process timescales need to allow meaningful participation *before* the budget is published.

70. Nina Munday (FCE) explained that whilst people want to participate in decision making,  
“they do not necessarily want to be on committees or attend public meetings. They just want somebody to explain to them in a simple way how the money is being used and allocated. That kind of on-going dialogue is sometimes missing”.<sup>26</sup>

71. Jatin Haria (CRER) said it was important to select the right opportunities to involve people

“To go back to outcomes, that is what people will be interested in. ... 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.”<sup>27</sup>

---

<sup>24</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 15](#)

<sup>25</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 18](#)

<sup>26</sup> [Equalities, Human Rights and Civil Justice Committee 5 October 2021, Official Report, Col 19](#)

<sup>27</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 31](#)

72. In its recent [Covid Recovery Strategy](#) for example, the government itself has said:

“We must make community involvement and empowerment both in service design and delivery the norm, not the exception”.

### **Conclusions and recommendations about participation**

73. The Committee recognises the value of meaningful engagement and participation to develop and deliver services, and there are clearly some examples of how that has been done well and has improved services which is welcomed. **The Committee asks the Scottish Government to set out the ways in which good practice is being resourced and rolled out across government, and the wider public sector, so that it becomes the norm rather than the exception.**

### **Advocacy**

74. Some witnesses raised the issue of advocacy services, and the Committee acknowledges that the government has previously announced [funding to embed welfare rights advisers in GP surgeries](#) (to launch in September 2021). However, Chris Birt and Emma Congreve both referred to people having sometimes to “fight tooth and nail” to access services. Jatin Haria told the Committee that

“we are not very good at supporting advocacy to support people’s right to equality and other human rights.... There is no point in talking about human rights if you cannot insist on them applying to you.”<sup>28</sup>

### **Conclusions and recommendations about advocacy**

75. **The Committee recognises the value of high-quality advocacy services and asks the Scottish Government to ensure there is adequate provision in the budget to support advocacy, and to set out how it may need to increase budgeting in this area within the context of the new human rights framework.**

---

<sup>28</sup> [Equalities, Human Rights and Civil Justice Committee 28 September 2021, Official Report, Col 34](#)