



T: 0300 244 4000

Kaukab Stewart MSP  
Convener  
Equalities, Human Rights and Civil Justice  
Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

By email: [ehrcj.committee@parliament.scot](mailto:ehrcj.committee@parliament.scot)

19 December 2023

Dear Convener,

## **Follow Up to Equalities, Human Rights and Civil Justice Committee Budget Scrutiny 2024-25**

I am writing to follow up on the pre-budget scrutiny session I attended on the 24 October 2023, and your subsequent letter dated 15 November 2023. I would like to start by thanking you and the Committee for the invitation to contribute. I especially welcomed the focus on participation and having questions asked that were developed in collaboration with the Citizen's panel. Interesting and important points were raised in both the session, and subsequent correspondence, to which I respond below.

For ease, I have grouped related points under the following headings:

1. The Scottish Budget process
2. Equality and Human Rights mainstreaming
3. The Equality and Fairer Budget Statement
4. Participation
5. National Performance Framework
6. Collection and use of data

Annex A – Further detail on the six questions asked at Committee

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## 1. The Scottish Budget process (in response to: Para 43, 50, 56, 58, 61 and 64)

The Scottish Government's understanding of the human rights budgeting cycle is suitably represented by the graphic (para 43) in your follow up letter.

Human Rights Budgeting means that the *process* of setting a budget should be driven by three principles:

- Transparency: Parliament, civil society and the public should have accessible information about budget decisions.
- Participation: Civil society and the public should have opportunities for meaningful engagement in the budget process.
- Accountability: Budgets should be subject to oversight and scrutiny that ensures accountability for budget decisions and the impact these have on human rights.

We intend to more meaningfully demonstrate our adherence to these three principles. For example, in 2023, the [Scottish Government responded](#) to the Equality and Human Rights Budget Advisory Group's 31 recommendations on equality and human rights budgeting for the 2021-26 session. In summary the Scottish Government agreed to:

- continue to make the budget process more transparent, including through the exploration of a Citizen's Budget
- explore opportunities to improve public engagement with the budget process
- continue to improve equality and human rights leadership and accountability structures in the Scottish Government to drive progress and ensure that equality and human rights are embedded in cross-cutting priorities
- continue to make improvements to our approach to impact assessments, including equality impact assessments and develop a human rights impact assessment framework
- better demonstrate alignment with the Scottish Government's Equality Outcomes and National Performance Framework
- build on current work to design and deliver a programme of knowledge and capacity building in equality and human rights in the Scottish Government
- retain the Equality and Human Rights Budget Advisory Group with its enhanced remit to include Human Rights
- ensure appropriate resource is provided to support officials to undertake robust equality and human rights analysis of both policy and budgets
- work with the Equality and Human Rights Budget Advisory Group to develop an action plan for the delivery of these actions and provide regular updates on their progress to the Group and others.

In the response to the Equality and Human Rights Budget Advisory Group's recommendations the Scottish Government committed to commissioning research on citizens' budgeting in Scotland. This will involve further stakeholder engagement. We are considering how a citizens' budget could improve public participation in the budget process through increasing accessibility and engagement.

We continue to improve accessibility. As part of the fiscal transparency commitment in Scotland's latest Open Government Partnership Action Plan (2021-25) we have an objective to improve the transparency around the Scottish Budget, reviewing the accessibility and

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usability of existing and future information and guidance. In addition to the commitment above, the Scottish Government will publish an ‘Easy read’ version of the Equalities and Fairer Scotland Budget Statement. This will improve accessibility, and provide straightforward information.

The Your Scotland, Your Finances publication is designed to provide a condensed and simplified overview of the current Scottish Budget, and includes information on funding, spending plans and tax policy. It provides the public with more information on public finances and aims to further citizens’ understanding of the Scottish Government’s budget and tax policies.

Pre-Budget Scrutiny was provided in Chapter 3 in the [2023-24 Budget document](#). It is expected this will be included within the 2024-25 Budget documentation and will detail how the Scottish Budget 2024-25 has been informed by pre-budget scrutiny from Scottish Parliament committees.

## **2. Equality and Human Rights mainstreaming** (*in response to: Para 45, 65 and 67*)

We are driving an ambitious and progressive agenda to ensure that equality, inclusion and human rights are embedded in all we do. In April 2023, the First Minister set out his vision for Scotland and the outcomes he and his government aim to achieve by 2026. Equality and opportunity are at the heart of this vision.

The Equality, opportunity, community: New leadership - A fresh start describes three critical and interdependent missions, including an Equality mission, aimed at “Tackling poverty and protecting people from harm”. This drives everything we do.

The Scottish Government has committed that by 2026 we will have:

- delivered world leading Human Rights legislation, subject to the agreement of parliament, protecting economic, social and cultural rights, and
- established an Equality and Human Rights Mainstreaming Strategy across the public sector.

Achieving this change will include a significant programme of work to develop an overarching strategic framework, legislate on human rights, reform the Public Sector Equality Duty, build capacity and change culture, strengthen leadership (including at senior levels), make better use of equality data, and specifically continue to build equality and rights into our budgeting processes.

Scottish Government officials are engaging with stakeholders on a draft Mainstreaming Strategy. The objective of the Strategy is to guide the Government, the wider public sector, and our partners to embed equality, inclusion, and human rights into all that we do. The Strategy will include an overall shared vision, a set of drivers and practical guidance and tools to improve mainstreaming. The Strategy will focus on every element of what mainstreaming involves. This includes:

- removing systemic barriers
- changing how decisions are made
- establishing the culture, mindset and practice that ensures Government and public sector policy and service delivery are permanently focused on ‘making equality and human rights fact’.

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The Strategy will guide how we provide support to everyone who has a role in improving and supporting mainstreaming in the wider public sector. The Strategy will cover the next five years, until 2029. It will also set out a longer-term approach to improve mainstreaming.

To support delivery of the Strategy we will also publish an action plan that sets out the planned work over the coming years. It will show how we will make progress towards our outcomes, and how we will measure that progress. At the point of publishing the Strategy, we will also publish a toolkit to support Scottish Government and public bodies to mainstream equality, inclusion and human rights.

The Strategy sits alongside our current work to strengthen the legislative environment for equality and human rights in Scotland through:

- **Our review of the effectiveness of the Public Sector Equality Duty (PSED) in Scotland.** This will include delivering on two key prioritised regulatory changes, which will be highly impactful in terms of advancing equality in Scotland for some of the most disadvantaged groups, with the aim of implementing these changes by the end of April 2025. This reinforces our commitment to advance equality and human rights mainstreaming throughout the public sector, with the goal of bettering the lives of Scotland's most marginalised people. Improvements to the PSED regime will also be explored through non-regulatory changes. This may include setting national equality outcomes and using Regulation 11 to direct listed authorities to consider specific matters such as disaggregated data analysis and intersectional gender budgeting analysis. Over the longer-term action will be taken to create a more cohesive regime and reduce the perceived bureaucracy of the regime.
- **Bringing forward a landmark Human Rights Bill for Scotland.** The Bill will incorporate a range of economic, social, cultural, and environmental rights into Scots law – as well as specific rights relating to the protection of women, disabled people, and people who experience racism – for the first time, within the limits of devolved competence. Embedding international human rights in Scotland will further emphasise the importance of all people being treated with dignity in their everyday lives. The development and introduction of the Bill will be a staging post in our collective journey towards making Scotland a progressive leader in the promotion and protection of human rights – fostering a stronger and more accountable human rights culture in our strategies, policies, and decision-making processes across all areas of Government and the wider public sector.
- **UNCRC:** The [United Nations Convention on the Rights of the Child \(Incorporation\)\(Scotland\) Bill](#) (UNCRC Bill) aims to deliver a proactive culture of everyday accountability for children's rights across public authorities in Scotland. implementing the UNCRC will bring about a fundamental shift in culture in Scottish society and deliver a revolution in children's rights.
- **Senior Leadership Group:** We recently established an internal senior leadership group chaired by the Director General Communities which will collectively scrutinise and bring challenge to the Scottish Government's strategic approach to embedding equality and human rights. We will establish the links between the work of the EHRBAG, NACWG and other external experts as we take forward the planned work programme.

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Together with the Mainstreaming Strategy, these workstreams position Scotland as a global champion of equality, inclusion and human rights, and support eliminating discrimination, fostering good relations, and promoting equal opportunities in Scottish society.

Within this, we note the particular challenges faced by disabled people. The UK Government's decision to scrap the disability ministerial role, at a time when evidence demonstrates disabled people are disproportionately impacted by the cost of living crisis, is irresponsible. This follows stark messages from disabled people during the covid inquiry in which they have said there is a lack of understanding about disabled people's lives, barriers they face and solutions needed to overcome them. To do this during Disability History Month, and at a time when disabled people are concerned about changes to Work Capability Assessments, demonstrates the need for proper representation at ministerial level. We urge the UK Government to reconsider this decision and prioritise disabled people.

The Scottish Government will continue to work with Disabled People's Organisations to implement an Immediate Priorities Plan that delivers actions to help meet the barriers faced by disabled people exacerbated during the cost of living crisis.

Our focus is on listening to what disabled people have told us are the challenges and obstacles they face, and finding solutions that addresses these challenges and strengthens our ongoing commitment to advancing disability equality. This includes improving our own disability competence to better policy making and reopening the Independent Living Fund in 2024-25 with an initial investment of up to £9 million, to enable up to 1,000 additional disabled people and people with complex needs to access the support they need to live independent lives.

### **3. The Equality and Fairer Budget Statement** *(in response to: Para 45, 67)*

The Scottish Government has taken a range of actions to increase the use and effectiveness of equality budgeting. This includes:

- Supporting the Equality and Human Rights Budget Advisory Group
- publication of the Equality and Fairer Scotland Budget Statement
- programme of work to mainstream equality and human rights (as above)

We are committed to further embed equality and human rights within all stages of the budget process. The publication of the Equality and Fairer Scotland Budget Statement alongside the Scottish Budget is evidence of this commitment.

The Scottish Government has produced an equality statement alongside the budget for over 10 years. This represents an unbroken and consistent commitment to examine the impact of the Scottish Budget on Scotland's population.

The Fairer Scotland Duty is set out in legislation in Part 1 of the Equality Act 2010 and came into force in Scotland from April 2018, with refreshed Guidance for Public Bodies published in October 2021. It places a legal responsibility on particular public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

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The Fairer Scotland Duty represents an opportunity to do things differently, put tackling inequality genuinely at the heart of key decision-making and make the lives of people experiencing socio-economic disadvantage measurably better. It places particular evidence on taking account of the views of those with lived experience of poverty.

Scottish Government assessments under the Fairer Scotland Duty are now accessible via the Publications page of the Scottish Government website. Evaluating the socioeconomic duty in both Scotland and Wales in March 2021, the EHRC (the regulator of the Duty) found that it encouraged public bodies to review and formalise their consideration of socio-economic disadvantage within strategic decision-making processes.

The Equality and Fairer Scotland Budget Statement is an integral part of the Scottish Government's budget process and it responds, in part, to our legal duties to assess the Equality and Fairer Scotland impacts of the budget.

We have taken account of feedback on last year's Equality and Fairer Scotland Budget Statement and have developed our process this year with the aims of trying to improve the integration of equalities analysis in the budget process internally, and creating a document that is more useful to the committee, and other stakeholders externally.

I attended a Ministerial meeting on the 23 November that was chaired by the DFM and was attended by Cabinet Secretaries across most portfolios. That meeting focused specifically on the equality and Fairer Scotland implications of policy decisions as part of the Budget process, ahead of the Cabinet decisions.

These are the improvements we are making this year. For the longer term we are working with the OECD to learn from international experience of gender budgeting. This will include capacity building in the government, followed by piloting potential new approaches next year.

#### **4. Participation** *(in response to: Para 48, 49, 51, 52 and 53)*

Scottish Government recognises the value and fresh perspective that is provided by involving the public in decision making. Our vision is that "People can be involved in the decisions that affect them, making Scotland a more inclusive, sustainable and successful place." In 2021, the Minister for Parliamentary Business convened the Institutionalising Participatory and Deliberative Democracy (IPDD) working group.

This began a process of embedding public participation more consistently in developing and refreshing policies. The IPDD working group published its recommendations in 2022, and Scottish Government has published a response agreeing to most of these. Work is underway to commence delivery of a programme of activities that will result in the embedding of public participation processes across government.

We want high quality, inclusive opportunities for meaningful participation to be available across the work of government. While some policy areas are further towards this aim than others, there is work underway to consider how best to implement the key IPDD recommendations on skills and resources to support that route to improvement.

Participation request legislation (Part 3 of the Community Empowerment (Scotland) Act 2015) was introduced on 01 April 2017, which enables community groups to have their voice

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heard in public sector policy and service development, through contributing to decision-making processes, and to challenge decisions and seek support for alternatives, which improve outcomes.

More than 80 requests have been made using these powers with most submitted to Local Authorities by community councils for involvement in local decision making on service delivery. Participation requests have been submitted for a variety of reasons including pier safety issues; local road improvements; the future of local police offices; and improvements to community halls.

Evaluations have highlighted the need to raise better awareness by Public Service Authorities and to explore a possible route of appeal to challenge decisions. Scottish Government is working with community organisations and partners to promote the use of participation requests and raise their awareness and is also working with the Public Service Authorities to make the process easy and accessible for all our communities. The need for a possible appeals process is currently being investigated as part of the Community Empowerment Act review which is currently underway and will report in 2024.

We continue to work with COSLA to help local authorities reach the target of having at least 1% of their budget subject to participatory budgeting (PB). Since 2021, more than 110,000 people took part in participatory processes and directly decided on how £154 million worth of council budgets have been spent. The Scottish Government also recognises that PB is one tool, among many other democratic mechanisms, which can contribute to tackling environmental issues. Since November 2022 around 30,000 have voted in the North East of Scotland to allocate £2.5 million of the Just Transition Capital Fund for projects empowering communities to address a just transition to net zero.

As confirmed by the Minister for Parliamentary Business, work to establish how participation and engagement will be co-ordinated and supported across government is underway. While details regarding how this is done are subject to resources and still being determined, it remains a priority to maintain the strategic links across different areas of work. This will include with Equalities, Inclusion and Human Rights and the Rights of the Child. Equalities and human rights will be a core factor in improving participation, including ways to target participation towards areas where it can most improve understanding and empower 'easy to ignore' groups. An update can be provided to the Committee on this process.

We recognise that Scotland's third sector is a vital part of the participation and engagement landscape. Scottish Government funds the Scottish Community Development Centre (SCDC) to run the co-production network.

There is currently no consistent way of mapping the role of the third sector in participation and engagement, and at present there are not resources available to develop an approach. Scottish Government has agreed with the IPDD working group recommendation to develop a National Participation Strategy when resources allow. The process of developing this would be undertaken collaboratively with a range of stakeholders including the third sector, and could provide the opportunity and resources to map participation and engagement work across Scotland. This information could then be used in decisions about budget setting and guidance to local authorities.

## **5. National Performance Framework** *(in response to: Para 57)*

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The Scottish Budget funds the delivery of Scottish Ministers' priorities to achieve the National Outcomes identified in the National Performance Framework. The link between public spend and outcomes is complex and the process of audit and evaluation is critical in its understanding. Scottish Ministers are held to account through various means including through Parliament.

81 National Indicators were selected in 2018, to provide an indication of progress towards the 11 National Outcomes in the National Performance Framework. These indicators give a measure of national wellbeing. They include a range of economic, social and environmental indicators.

The National Performance Framework reports on National Indicators that are for the whole population. These provide a long-term overview of progress of the population towards the overall ambition of the National Outcomes by the constituent components the indicators represent.

As part of the review of the National Outcomes which will inform the revised set laid before Parliament in the spring, the Scottish Government is considering how to measure its own contribution to their delivery, as are its key partners.

The Scottish Government has committed to developing an implementation plan to improve the implementation of the National Performance Framework. This will consider how to continue to improve links between the National Outcomes and the budget process.

The Scottish Government contribution is being considered through a redesign of internal Scottish Government performance reporting. This redesign started with the Policy Prospectus, published in Spring 2023, which sets out the Scottish Government's strategic objectives across: Equality, Opportunity and Community.

Further to this, the First Minister issued mandate letters to each Cabinet Secretary setting out the priority commitments for their portfolio to support delivery of the Policy Prospectus objectives. These letters are underpinned by strategic delivery plans for each portfolio that support the approach to delivery and performance reporting and identify cross-portfolio contributions and collaboration to effectively deliver the commitments.

These delivery plans are regularly reviewed by Cabinet Secretaries with the First Minister, and, as these develop over the coming months, will in turn inform the performance reporting and monitoring necessary to align the commitments, with the Programme for Government, with the Budget, through to the Prospectus and ultimately the National Performance Framework, bringing the data necessary to measure Scottish Government's progress towards the National Outcomes.

## **6. Collection and use of data** *(in response to: Para 59 and 60)*

We are mindful of the need to ensure a proportionate amount of data are gathered to inform policy decisions. The Equality Data Improvement Programme and Equality Evidence Strategy are not intended to prevent action by policy areas where there is already sufficient awareness of issues to make appropriate changes to programmes to serve Scotland's communities. The data improvements we have set out will help policy teams to assess the extent of differential outcomes, particularly where this is unknown, or the evidence contested, and to monitor impacts of policy programmes in train. We have worked with

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analytical teams across the Scottish Government to identify improvements to equality data, however areas will make judgements on the sufficiency of their evidence base to support decisions according to their circumstances.

We acknowledge the concerns of accessible data and resourcing. We will continue to work with local government and Improvement Service colleagues on the best balance of investment in national surveys that can support local data. We are also mindful that there are several options for data gathering and that local priorities for what should be examined vary, and resourcing these is properly a local decision. We will continue to make survey data accessible via processes such as the UK Data Archive. The Scottish Government is also required to make a judgement on proportionate investments in, for example, survey data where significant overall sample sizes, such that equality groups are featured in sufficient numbers to support meaningful analysis, would be required. We support efforts to make best use of administrative data which is gathered routinely across entire client bases. We look forward to future releases of the 2022 Census data.

A range of work is underway to improve social care data, including work to enhance the quality and completeness of information on care homes. Following the data mapping and stakeholder engagement stages of the care home data review, we are currently working with partners to draft a report which will contain a number of recommendations around data quality, coverage and coherence and the requirement for equalities data will be a key consideration. We plan to draft an action plan for agreement in the first quarter of 2024.

We are also working closely with Public Health Scotland to examine options for developing their Source data and related data collections. This includes the development of an ethnicity reference file which links to other sources of ethnicity data in health datasets. In so doing, it may enhance the quality of ethnicity data in social care. Work to finalise the methodology in producing the ethnicity reference file is being progressed via the Public Health Scotland Equity and Justice Programme alongside the development of guidance to ensure safe and appropriate use of the file. It is hoped that the file will be available for use within Public Health Scotland in Summer 2024, subject to the appropriate safeguards being in place.

In addition, we are currently developing a nationally consistent, accessible, and integrated social care and health record to allow for the safe, secure and efficient sharing of social care and health data across relevant settings. We are co-designing the record to ensure the person is at the centre of the record, and that individuals are enabled to engage positively with their care, including their own care and health information. It is anticipated that record will be live by 2026.

We also continue work to plan for the removal of non-residential charges, which will include an equality impact assessment, and also require Local Authorities to consider this in the development of their local policies.

The practical use of data to improve policy making is primarily through effective and robust impact assessment. We are currently reviewing our approach to Impact Assessments to ensure they have the greatest required impact. Including taking forward a project to drive improvement across the over-arching suite of impact assessment requirements. We are developing and piloting a human rights impact assessment framework. Specifically with regards equality impact assessments, we have supported organisational capacity to improve the quality with updated guidance, tools and training launched in summer 2023.

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## Conclusion

Scottish Government continues to progress an ambitious agenda on equality and human rights. As Minister for Equality, Migration and Refugees, alongside the Cabinet Secretary for Social Justice, I seek to ensure that equality and human rights issues are being considered in budget and policy decisions.

Thank you again for the opportunity to be a part of this year's pre-budget scrutiny and I look forward to continuing the conversation. In future, I encourage other committees to also discuss these important topics in their engagement with my Ministerial colleagues. This would enable enhanced collaboration that would support the acceleration of mainstreaming equality and human rights in Scottish Government to improve the lives of the people of Scotland.

Yours sincerely

**EMMA RODDICK**

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In response to: Para 66

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

Through the Whole Family Wellbeing Funding we are committed to investing £500 million to improving holistic family support. This funding is a key driver to addressing the challenges of child poverty by ensuring that families can access the support they need, where and when they need it. The Whole Family Wellbeing Funding is supporting local areas to transform their services and to prioritise preventative, holistic family support. This is about listening to families and taking a tailored approach to meeting their needs, instead of being driven by the local systems or structures that are in place.

In addition, our second Tackling Child Poverty Delivery Plan, Best Start, Bright Futures, backed by a range of investment, including the £50 million Tackling Child Poverty Fund, sets out the action we will take to make progress towards the ambitious targets set out in the Child Poverty Act. This includes action designed to influence the three key drivers of child poverty reduction – increasing income for work and earning; reducing household costs; and maximising income from social security and benefits in kind – and retaining a sharp focus on supporting the six priority family at greatest risk of poverty.

As set out in Programme for Government, we will establish a new Ministerial group, focusing on the delivery of Best Start, Bright Futures across government to strengthen our approach and maximise our collective impact on child poverty. We have set out plans to expand access to funded childcare for 13,000 more children and families by the end of this Parliament – a key step in tackling child poverty. We will continue to do everything within the scope of our powers and budget in order to meet our statutory child poverty targets and be relentless in that focus.

In 2022 the Scottish Government published our Keeping The Promise Implementation Plan which sets out the actions and commitments that we will take across Ministerial portfolios to keep The Promise. This includes policy, legislative and financial actions for change. The Implementation Plan compliments the commitments made to Tackle Child Poverty, the National Strategy for Economic Transformation and is aligned with the strategic approach to education, health, justice, transport and communities.

Fiona Duncan and The Promise Scotland are leading work to develop the next Promise delivery Plan 24-30. It will be important that all partners are involved and the voice of the care experienced community is carried in the development of this single strategy, and the metrics identified to monitor its implementation, to ensure that all are clear and onboard with what they must do between now and 2030.

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The Scottish Government is working with The Promise Scotland to scope the need for a national lifelong advocacy service for care-experienced people and their families which will help them navigate the system better ensuring their voice is heard. As part of our future delivery of the Promise, there is an opportunity to explore the scope to leverage philanthropic and social investment to accelerate investment to support our target priority families. This could help deliver a wider preventative social policy reform agenda, including reducing child poverty and improving early child development.

The Office of the Chief Social Work Adviser (OCSWA) is working alongside Scottish Association of Social Work (SASW) and other organisations to reduce experiences of racism and racist behaviour in Scottish social work. OCSWA's National Anti-racism Action Plan for the Social Work Workforce pursues the creation of an actively anti-racist culture in the Scottish social work sector. The Plan has been modelled upon the earlier Action Plan developed by SASW. By mirroring an existing action plan that is already familiar with key delivery partners within the sector, we hope our plan will ensure there is no duplication and our efforts are aligned. This Action Plan also seeks to support the adoption of the [Scottish Government's Anti-Racist Employment Strategy](#), which is developed around 4 key areas of focus:

- Knowing your workforce through data
- Action on recruitment and representation
- Driving cultural and attitudinal change; and
- Fair Work policy context and legislation.

To that aim, the Action Plan will promote the implementation of the Strategy suggested actions, advice and resources for employers, which should help build an anti-racist workplace culture and equip employers with the necessary tools to support those having to deal with specific instances of racial discrimination. The Action Plan is a step towards dismantling institutional and systemic racism within the social work sector. It will help implement the anti-racist employment strategy that Scottish Government published in December last year, which seeks to respond to the scale and challenge of institutional racism.

The Social Work Anti-racism Oversight Group will explore ways to support and encourage employers to embed an anti-racism and intersectional approach in their employment policies and practice, with special focus to recruitment, retention and progression. Other avenues, our Action Plan will seek to support are data/building the evidence base; and creating an anti-racism workplace culture.

As set out in our Promise Implementation Plan we are working on an Advanced Social Work Practice Framework. Whilst focusing on social work practice, the development and implementation of the framework will be cognisant of the diversity of social work practice alongside the multiagency and interdisciplinary landscape which exists in all practice areas. The framework will support the workforce across a range of practice models to improve outcomes for children, young people and families.

We have set out in our Promise Implementation Plan that we will build person centred services and continue to recognise that our care experienced children, young people and families are diverse and all have different needs. We are committed to ensuring all our care experienced people are treated equally and that their individual needs are understood. In taking a person centred and rights based approach, we will continue to deliver our Public Sector Equality Duty

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(PSED) and seek opportunities to recognise and consider the impact on care experienced people throughout development of our policies.

**2. The panel has concerns that even though diversity education in PSHE classes has a lot of detail on issues like sexuality, race and gender, there is little reflection or understanding of cultural differences. How is the Minister working with the Minister for Children, Young People and Keeping the Promise to ensure that teachers have the appropriate equalities and diversity training to fully support the teaching of cultural diversity and delivering PSHE in a culturally sensitive way?**

A teacher's ongoing registration with the General Teaching Council for Scotland is contingent on them adhering to the professional values of integrity, trust, respect and social justice. Teachers should be positive role models and demonstrate welcoming, encouraging and inclusive behaviours to ensure that everyone they encounter feels valued and is treated with respect.

In doing so, teachers align with the expectations of the Equality Act 2010 and the Education (Additional Support for Learning) (Scotland) Act 2004, which set out the legal requirements to protect people from discrimination, harassment and victimisation, and for the provision of additional support for learning. It is the responsibility of all staff in schools to promote and facilitate a culture and ethos of equality and diversity and to address individual and institutional discrimination.

Teachers have access to a range of equality and diversity training at all stages of their careers. The General Teaching Council for Scotland has Professional Standards for Teachers which must be adhered to in order to achieve and retain teacher registration. This includes a commitment to General Teaching Council for Scotland's professional values. One of these focuses on Social Justice and includes the following "*everyone deserves equal economic, political and social rights and opportunities now and in the future.*" This includes an expectation that teachers will:

- Embrace global educational and social values of sustainability, equality, equity, and justice and recognising children's rights;
- Respect the rights of all learners as outlined in the United Nations Convention on the Rights of the Child (UNCRC);
- Demonstrate a commitment to engaging learners in real world issues;
- Commit to social justice through fair, transparent, inclusive, and sustainable policies and practices in relation to protected characteristics, (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation) and the impact of their intersections.

In her [Teaching in a Diverse Scotland reports](#)) Professor Rowena Arshad noted that there is a need to ensure that teachers and education staff in Scotland are racially literate and not race evasive. As a result, the Scottish Government's Anti-Racism in Education Programme worked with Education Scotland to create the award winning **Building Racial Literacy Programme**. The Programme promotes anti-racism as a baseline professional value. It was co-designed by a range of anti-racist experts and educators across Scotland. It is now delivering its fourth cohort, by the end of which, over 400 educators will have participated, from across all 32 Scottish local authorities.

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Academics leading programmes of Initial Teacher Education at Scottish Universities have also now engaged with the programme. We are aiming to ensure that everyone involved in delivering Initial Teacher Education is able to experience the programme and utilise their learning to support students and to consider the content and context of the Initial Teacher Education curriculum.

The Scottish Council of Deans of Education has recently published its new National Framework for Anti-Racism in Initial Teacher Education. The framework contains suggested areas for action to embed anti-racism across Initial Teacher Education, including within the curriculum and general pedagogy.

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

We want Scotland to be a place where every person has the same opportunities to enter, sustain and progress in a safe, diverse and inclusive labour market. We believe institutional racism is driving labour market inequality for racialised minorities, as reflected in the persistent ethnicity pay and employment rate gaps.

We further recognise that while the ethnicity pay gap can be a useful high level indicator of equality, it can also be limited in terms of what it shows, including the impact on particular ethnic and intersectional groups. It is important therefore to consider the gap in the broader context of institutional racism and structural inequality and addressing these issues through a sustained, multipronged approach.

That is why, in December 2022 we published our new anti-racist employment strategy which seeks to respond to the scale and challenge of institutional racism. The strategy provides practical guidance and support for employers to take an anti-racism and intersectional approach to addressing racial inequality in the workplace. This includes reviewing and improving practices across recruitment, retention and progression, creating an anti-racism workplace culture and building their own evidence base to understand, monitor and improve workplace experiences to drive meaningful change.

The strategy contributes to the wider Scottish Government policy landscape, including but not limited to Health, Education, Justice and Equality Mainstreaming. Officials in the Anti-Racism in Employment Team continue to liaise with cross-cutting policy areas to help ensure that the strategy is embedded within current and future activity.

The strategy is underpinned by a series of actions working in partnership with stakeholders to address issues affecting racialised minorities, including those contributing to the pay and employment rate gaps:

- Evaluation of the Minority Ethnic Recruitment Toolkit, to ensure it continues to support employers in their recruitment of people from racialised minority backgrounds.

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- Development of the next stage of our Anti-Racism Workplace Training Framework to support public and private employers to assess their own training needs and provide learning pathways that will build capability of employers to address racial inequality in the workplace.
- Guidance to show how employers have used positive action to address under-representation, retention and progression of staff in their workforce.
- Continuation of engagement with senior leadership to drive anti-racism workplace culture.

These actions are being taken forward in the context of our new refreshed Fair Work Action Plan to meet our ambition of becoming a leading Fair Work Nation by 2025. We will continue to press for the full devolution of employment powers to the Scottish Parliament and push for changes to reserved legislation to advance the Fair Work agenda in Scotland, including mandatory ethnicity pay gap reporting.

In the absence of further employment powers, we are using the powers available to Scottish Ministers to consult on proposals as part of a review on the operation of the Public Sector Equality Duty in Scotland. This has included consulting on mandatory ethnicity pay gap reporting, and disability pay gap reporting, for public bodies and seeking views on creating a more cohesive and action-focussed regime where public bodies are required to report on how they have implemented the duties they are subject to.

In addition, Developing the Young Workforce is committed to supporting all young people achieve their potential, including those from ethnic minorities. By working collaboratively with third sector organisations such as Intercultural Youth Scotland, Developing the Young Workforce Regional Groups aim to increase work-based learning and employer engagement opportunities for those who would benefit most.

The Scottish Government recognises the importance of employability to support the integration of New Scots. Employability forms part of one of the seven themes of the New Scots Refugee Integration Strategy. Refugees bring a range of skills and experience which can be a real asset to employers. The Scottish Government and local government have a long-term focus on supporting people who need help to access the labour market. Employability is a key priority, which recognises the role of other services, such as education, community learning and development, social care, planning and economic development functions.

Once granted refugee status and leave to remain in the United Kingdom, refugees are entitled to the same social and economic rights as any UK citizen, including full access to employment. Refugees living in Scotland are entitled to access entrepreneurial support initiatives.

Under current constitutional arrangements in the UK, asylum is reserved to the UK Parliament and handled by the Home Office. This includes decisions relating to the asylum system, including restrictions on the right to work for people seeking asylum who are waiting for a decision on their application. Currently there are very limited circumstances in which people seeking asylum may be granted permission to work by the Home Office, where someone has been waiting for a decision on their asylum application for more than a year through no fault of their own as assessed by the Home Office.

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The Scottish Government believes that people seeking asylum should have the right to work while awaiting a decision on their claim. Scottish Ministers have consistently pressed the UK Government on this issue. The Home Office also should not artificially restrict people who are granted permission to work by limiting them to roles on the Shortage Occupation List. Right to work would enable people to use and develop their skills, make connections in work environment, help to support themselves and their families, contribute to our economy and restore people's dignity. The Scottish Government recognises that not everyone seeking asylum will be in a position to work and that their asylum application and access to support they need remains the priority. Right to work for asylum seekers would enable people who are ready to access the labour market to do so for their own wellbeing and integration.

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

The Human Rights Bill – which we will bring forward before the end of the current parliamentary year – will incorporate into Scots law a wide range of internationally recognised human rights, belonging to everyone in Scotland, within the limits of devolved competence.

The core aim of incorporating economic, social and cultural rights is about securing a life of dignity for everyone, particularly those who are most marginalised and disadvantaged. Our proposals would mean that for the first time in our domestic legal framework, duty bearers have to comply with the rights in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and actively consider the rights in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) when making decisions and delivering public services. This approach – if agreed by Parliament – would represent a significant step change in human rights for the people of Scotland.

The Bill will also strengthen access to justice for people where their rights are not upheld. We will also seek to propose mechanisms to ensure equal access to the rights in the Bill for everyone and embed dignity into the decision-making of those delivering public services.

**The Human Rights Bill and people with insecure immigration status**

The Human Rights Bill will seek to bring transformative change across the devolved landscape, but it cannot modify any laws or rules or implement policy on reserved matters – which includes immigration and asylum – as these matters are outside devolved competence.

The Bill will however aim to ensure a human rights approach is taken to the delivery of services in areas devolved to Scotland, such as housing, food and health. We of course recognise that aspects of the Immigration Rules (reserved to the UK Government) may limit the extent to which certain human rights can be realised in practice for people with insecure immigration status. We are considering all of this carefully, and in developing the Bill we will

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be mindful of how it will interact in practice with existing legislation and reserved areas, including immigration.

We have heard directly from refugees and asylum seekers that they would like guidance on their rights in the new human rights framework as part of their New Scots welcome packs. As part of implementation of the Bill we will explore what public information and awareness-raising measures need to be in place so that people can be more informed about both their rights under the Bill and the practical implications and options available to them if their rights are not upheld.

Furthermore, we have been clear in our opposition to UK Government plans to relocate people to third countries since the Memorandum of Understanding with Rwanda was announced in April 2022. The UK should be upholding the UN Refugee Convention and recognising refugees in the UK. The Safety of Rwanda Bill seeks to effectively overturn the considered judgment of the UK Supreme Court by deeming Rwanda to be a “safe country”, despite the unanimous decision by the UK’s most senior judges.

### **Supporting New Scots to understand their human rights**

The New Scots refugee integration strategy sets out the rights and entitlements of refugees and people seeking asylum living in Scotland across a range of key aspects of integration, including health, education and housing. Information on rights and entitlements is also provided in other ways, such as information on NHS Inform on the rights of refugees and people seeking asylum to access healthcare in Scotland.

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

I continue to work in ensuring that mainstreaming of equality and human rights is a priority across portfolios so we can understand how we can move more quickly towards the progressive realisation of rights for the people of Scotland.

It is critical that I continue to raise equality and human rights issues in the dialogues I am a part of, and work closely with my ministerial colleagues in understanding the cross-cutting issues and implications of equality and human rights; so that we can work together on improving the lives of the people of Scotland. My involvement in the latest Ministerial Budget workshop, is just one of the ways in which I am doing this. I will keep having these conversations as we continue to understand better how cross-cutting successes might be replicated across wider policy.

The Scottish Government remains committed to the expansion of universal free school meals and our Programme for Government set out that we will work with COSLA to prepare schools and infrastructure for the expansion of universal free school meals to Primary 6 & 7 pupils during 2026. We have already made free school meals available to all children in Primary 1 – 5 and to all children in special schools, and our next phase of expansion will be

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to provide free meals to primary 6 and 7 pupils whose families are in receipt of the Scottish Child Payment. From Primary 6 onwards, free school meals are available to pupils if their parents or carers are in receipt of any of the eligible qualifying benefits. Our free school meal offer is the most generous in the UK and saves families taking those meals around £400 per child per year. The expansion of free school meals is one of a number of actions which the Scottish Government have taken to reduce the cost of the school day for families and help ensure that children are equipped to take part in the school day.

Education authorities are responsible for ensuring that the identity of those in receipt of free school meals is protected. This requirement is to ensure that young people are not stigmatised as a result of being in receipt of free school meals.

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

Scottish Government's vision for public participation is that people can be involved in the decisions that affect them, making Scotland a more inclusive, sustainable and successful place. Scottish Government strongly supports the work of the Open Government Partnership (OGP), and is proud to be an active member of an organisation that promotes openness, empowers the public and fights corruption.

### **Open Government, transparency and accountability**

Since 2016, Scotland has been a member of the Open Government Partnership (OGP), a global partnership that brings together government reformers and civil society leaders to create Action Plans that make governments more inclusive, responsive, and accountable. A key purpose of OGP is to support governments and civil society to work together to deliver multi-year action plans that make commitments on transparency, participation, inclusivity and accountability.

Scotland has been a member of the Open Government Partnership since 2016. During that time we have collaborated with civil society to develop and complete the delivery of two Action Plans. We are currently delivering a third Action Plan that focuses on health and social care, climate change, fiscal transparency, improving participation, and data and digital. These are all areas in which civil society and members of the public have told us the ongoing promotion of transparency, participation, inclusivity and accountability is important to them.

We work collaboratively with civil society to support Scotland's active membership of OGP internationally. Scottish Government strongly supports the work of the Open Government Partnership (OGP), and is proud to be an active member of an organisation that promotes openness, empowers the public and fights corruption.

### **Public Participation and the Participation Framework**

Scottish Government's vision for public participation is that people can be involved in the decisions that affect them, making Scotland a more inclusive, sustainable and successful place. We recognise that there is work to be done to achieve this vision – this work is underway, using recommendations from the Institutionalising Participatory and Deliberative

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Democracy (IPDD) working group. A key step in this process will be the establishment of a central team with responsibility for co-ordinating and setting standards for participation work taking place across government.

In the meantime, work is underway to develop procurement frameworks that will raise standards and consistency across our engagement with children and young people and with adults, focusing on those identified as being seldom heard, furthest from their rights or vulnerable. We are also finalising guidance for the payment of expenses and compensation for time for people taking part in participatory processes – this will minimise financial barriers to involvement and is of particular importance for inclusively involving marginalised groups.

We have staff guidance in place, the Participation Framework, which was published in February 2023. The Framework was developed as part of Scotland's Open Government action plan commitments and acts as a guide to good practice in participation work across Scottish Government. It includes information about participatory methods and when to use them, guidance on the development of an effective participation strategy, support to carry out informed conversations with colleagues and analysts to develop and deliver effective participation and signposts to further resources. It makes clear for staff the key questions and considerations when planning inclusive engagements with people, and what further support and expertise they will require. It will be used as a basis for staff training. This resource is publicly available so stakeholders and potential participants can inform themselves about Scottish Government's approach.

### **Participation in Budget Process**

The Scottish Government supports participatory budgeting as a tool for community empowerment and as a means to build on the wider development of participatory democracy in Scotland. Participatory budgeting is supported through our Investing in Communities Fund, and we continue to work with COSLA to help local authorities reach the target of having at least 1% of their budget subject to participatory budgeting.

The EHRBAG recommendations state that 'public participation in formulating budget commitments and to ensure the integration of lived experience of policy decisions is essential'. A key aspect of equality and human rights budgeting is transparency of the budget process and documentation and the ability for people to engage with and understand the budget.

We recognise that there is work to do to improve both transparency and participation in the budgeting process. As part of our response to these recommendations we will be considering how this is best achieved and through what routes. Our engagement has expanded year-on-year, with a typical pre-Budget period including hearing from different organisations and individuals via public consultation and Ministerial roundtables. Our engagement activity is reviewed each year to ensure that it feeds into the Budget process adequately and hears from as broad a range of individuals and organisations as possible to inform policy development. We will continue to engage with civil society stakeholders, in particular through the Open Government Partnership and EHRBAG.

### **Building public awareness and understanding**

We are committed to improving the accessibility of the budget, and are currently working on further developing our publication Your Scotland Your Finances in line with international best practice for citizen's budgets. We continue to work towards making the budget process more transparent, including through the exploration of a Citizen's Budget.

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Work was undertaken in 2022 to update the Your Scotland, Your Finances budget guide to:

- Support accessibility requirements and makes it easier for the public to read the document and understand the Scottish Budget;
- Simplify the messaging on the Scottish Budget, and encourage more interaction on the Budget; and
- Deliver on our financial transparency commitment within the OGP action plan to review and improve this guide on the Scottish Budget.

To improve accessibility, the Your Scotland, Your Finances budget guide is now being published as a plain text web page. Publishing the information in this way means that, for the first time, we were able to produce this web page to accompany the draft 2023-24 Scottish Budget in addition to updating it to reflect the finalised Scottish Budget in March 2023. Most recently, Your Scotland, Your Finances was updated to reflect the 2023-24 Autumn Budget Revision.

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