

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 21 September 1999
(Morning)

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EQUAL OPPORTUNITIES COMMITTEE

3rd Meeting

CONVENER :

*Kate MacLean (Dundee West) (Lab)

COMMITTEE MEMBERS :

*Malcolm Chisholm (Edinburgh North and Leith) (Lab)
*Johann Lamont (Glasgow Pollok) (Lab)
*Marilyn Livingstone (Kirkcaldy) (Lab)
*Mr Jamie McGrigor (Highlands and Islands) (Con)
*Irene McGugan (North-East Scotland) (SNP)
*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)
*Michael Matheson (Central Scotland) (SNP)
*Mr John Munro (Ross, Skye and Inverness West) (LD)
*Nora Radcliffe (Gordon) (LD)
*Shona Robison (North-East Scotland) (SNP)
*Tommy Sheridan (Glasgow) (SSP)
Elaine Smith (Coatbridge and Chryston) (Lab)

*attended

COMMITTEE CLERK:

Martin Verity

ASSISTANT CLERK:

Rodger Evans

Scottish Parliament

Equal Opportunities Committee

Tuesday 21 September 1999

(Morning)

[THE CONVENER *opened the meeting at 10:14*]

The Convener (Kate MacLean): I apologise for keeping members of the public waiting.

We have received apologies from Elaine Smith, and Nora Radcliffe has told us that she will be late.

Interests

The Convener: I welcome Tommy Sheridan to his first Equal Opportunities Committee meeting, although he attended briefings during the recess. At our first meeting, other members declared their interests; if you have any interests to declare, Tommy, will you do so now.

Tommy Sheridan (Glasgow) (SSP): I have spoken to the clerk about that. The only interest that I have declared in the clerks' office is that I write a couple of newspaper columns. I have nothing else to declare.

The Convener: Thank you.

Macpherson Report

The Convener: The next item is the Macpherson report. Michael McMahon headed the group that considered the report and I ask him to lead off the discussion.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I am not sure that I need to go through the list of questions that the group identified. Even before we went through the action plan with the Commission for Racial Equality, it became clear that our report would be incomplete without allowing the committee the opportunity to question Jim Wallace in his capacity as Minister for Justice.

The group felt that we could work through the action plan to find its gaps and strengths and to look for opportunities for the committee to tighten up its suggestions. We considered the overall themes running through the report as well as some specific suggestions that could be made on certain issues identified in the report. I suggested to the group that we produce a list of the areas in which we felt we could make a contribution or about which we could at least ask for greater clarification. It would be impossible to draft a report without having the opportunity to speak to

Jim Wallace first.

All we can do is to lay the list before the committee and allow members to decide whether they have anything to add. We could then use the list as a basis for putting a line of questioning to Jim Wallace.

The Convener: Does anyone else from the group want to add to that?

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I had to leave the meeting early. The one area that has not been mentioned—perhaps because we knew that we would be asking about it—is the independent complaints commission. We may have underplayed that because we all knew that it would be an issue.

Shona Robison (North-East Scotland) (SNP): It is referred to at the bottom of page 2.

Malcolm Chisholm: My apologies, Michael.

Tommy Sheridan: I hoped that the matter had been referred to and I am glad that Malcolm has brought it up. It is an important point to raise with Jim Wallace next week. I would hope that a cross-party group would express concern about the lack of an independent complaints body. I want to maintain the cross-party approach in seeking such a body for Scotland.

Shona Robison: The sub-group was unanimous in the view that the feasibility study was the way forward. That did not mean that members took a view on the body itself. Everyone agreed that there was a need for a separate Scottish feasibility study, because there would be few lessons to be learned from the study for England and Wales, which will be published next April.

Malcolm Chisholm: I do not have to apologise at all; I have a defective copy of the sub-group report, which has several missing paragraphs. Do other members have the same problem?

Mr McMahon: At the end of the meeting, the group agreed on areas of unanimity and I drafted an initial report, asking members of the group to add specific questions. Once I had received those responses, I collated them into a fuller report.

Malcolm Chisholm: I must have the original report. All is explained.

Mr McMahon: One of the problems that we identified was that of time scale. We had only a week in which to invite the CRE to visit us, to consider the Macpherson report and to identify areas of personal interest. Having had the opportunity to be guided by the CRE on the response to the report, we had only five days to compile the final document. In order to complete the report, I had to write up the questions that we had agreed on, e-mail the members of the sub-

group to give them the opportunity to put individual questions, finalise that report and send it back to the clerks to be distributed to the full committee.

If we are going to be doing something like that in future, we require a longer time scale and greater consultation to ensure that the reports are as tight as possible.

The Convener: The group has done really well in just one week. The work had to be done in a week because we were not in control of the date of the end of the consultation period, which is 30 September. Even though the group has had only one week, it has covered all the areas of concern and formed the basis for questions for Jim Wallace next Tuesday.

Malcolm Chisholm: I must apologise; I should have e-mailed Michael with all my points.

One of the problems—perhaps I should say realities rather than problems—that we might have with the education bill is that, in Scotland, we do not have a national curriculum. That is one of the constraints within which we are working. Is that right?

Mr McMahon: I think that that was one of the questions that we identified at the end of the meeting. There were some subjects that we considered to be more properly in the remit of the Justice and Home Affairs Committee; it would be wrong for us to ask questions on those. There were other subjects that fell within the remit of other committees and we did not know whether we should comment on areas that were not specific to us.

Malcolm Chisholm: That is not what I meant. The point that I am making is that the action plan says that there is not a national curriculum in Scotland. That is the context in which we must discuss education. Perhaps we need to change the wording.

Shona Robison: That is a fair comment and perhaps the wording needs to reflect it.

The Convener: I have made a note of that. Is there anything else on which members who were not involved in the sub-group want to comment?

Mr McMahon: The list is not exhaustive or inclusive; it is an indication of the areas identified by the group that could form the basis for a line of questioning. That is not to say that we must ask those questions. Committee members who have specific concerns can ask their own questions.

The Convener: If members have other questions, they may find it useful to have a chat with Michael McMahon, because the group may already have discussed those issues.

Mr John Munro (Ross, Skye and Inverness West) (LD): On the question of education, the

issue of the volume of work that has been left to head teachers needs much wider scrutiny. The teachers to whom I have spoken have complained bitterly about the volume of non-teaching work that they are required to carry out.

Shona Robison: I have a question about the format of next week's meeting. What happens after 28 September? We have the basis of a response, but there will not be much time between the meeting of 28 September and the submission date of 30 September in which to pull something together. Has Michael thought about how we are to do that?

Mr McMahon: I hope that questioning Jim Wallace will not take up the entire session. I was working on the basis that we would not spend three hours on that and that there would be time afterwards to finalise our response, having had some answers.

Malcolm Chisholm: Can I have clarification on whether Jackie Baillie is coming for general questioning on the same day? Will that happen, or would it be better to stick to the one subject?

The Convener: We could ask Jackie Baillie to come another time; I do not think that that would be a problem. We could have Jim Wallace on his own and spend an hour afterwards finalising the report so that we can submit it by 30 September. I would like Jackie to come here as soon as possible to discuss the wider agenda of equality.

Johann Lamont (Glasgow Pollok) (Lab): It would be valuable to have Jackie Baillie here to respond to issues raised by the Macpherson report, because she is responsible for implementing the advisory forum, among other things. It would be important to hear her contribution in terms of considering the issues that arise from the Lawrence inquiry in a positive way.

The Convener: I will ask Martin to outline what has been arranged so far.

Martin Verity (Committee Clerk): The arrangement is that Jim Wallace would be at the committee meeting from 2 o'clock until 3 o'clock; Jackie Baillie would sit with him. However, the expectation is that questions in that part of the meeting would be directed towards Jim Wallace and would concentrate on the Macpherson report, although Jim Wallace might ask Jackie Baillie to pick up the occasional question. Nevertheless, the thrust of that session would be on the Macpherson report.

Jackie Baillie would remain after 3 o'clock for about three quarters of an hour to take questions on general equalities issues. Her officials are preparing a paper to give an idea of the programme of work on equalities undertaken by the department.

Meetings in the afternoon normally run from 2 pm to 4 pm. The room will be booked until 5 pm, so there would be time after 3.45 to consider what had been said.

The Convener: Are members happy with that arrangement? We could keep Jackie Baillie for another half an hour or so and then discuss the final submission. Is that agreed?

Members: Yes.

Reporters Groups

The Convener: Item 4 on the agenda is reporters groups. We have had a rather patchy response. Some people have not put their names forward for any groups. Members could volunteer for groups now, or we could leave it for another week—we cannot have groups that comprise only one person.

We have four main areas and we must ensure that those are covered. I think that we should allow another week for members to indicate in which groups they are interested so that we have reasonable representation on each group. I will speak to members individually. Some members have perhaps forgotten to submit their preferences.

Malcolm Chisholm: Given the submissions so far, perhaps we should say that people can be members of two groups. That might be difficult to timetable, but it is clear from the choices that have been made that the distribution is not very even. I do not know how members feel about cross-party representation on all groups, but we should discuss whether it is necessary.

Members may have a first preference and they might feel aggrieved if they cannot join that group. Equally, they may be quite keen to work on something else. I am floating that as a possibility, because, from the way things are turning out, there may be a slight problem of balance.

10:30

The Convener: Obviously, not every party can be represented on the working groups. However, I would prefer it if each group did not consist of just one party. I see no reason why people should not be on two groups, as some of the groups will meet only in the short term to look at specific areas. The problem will be in organising meetings to avoid giving people two commitments at the same time. That may be complicated, but I see no reason why we should not do it.

Would members like to leave it to me to sort out the matter with people over the next week?

Members *indicated agreement.*

Shona Robison: Can you clarify whether we were expected to put our names down for two sub-groups?

The Convener: I do not think that we specified that.

Shona Robison: I think that some people were confused about first and second preferences. Certainly, when I put my name down, it was for both groups.

The Convener: Did we specify that?

Martin Verity: No. I have prepared a chart of the responses so far, which I have given to the convener, but not every member of the committee has a copy.

Mr Jamie McGrigor (Highlands and Islands) (Con): Would it be a good idea to list the four groups in order of preference?

The Convener: If people want to do that, that is fine. If I can have a week in which to speak to people, we may be able to get some sort of equal representation on each of the groups. All four areas are equally important, so I think that we should have reasonable representation on all of them.

Mr Munro: What number are we aiming for in a group? Three?

The Convener: Three is the minimum. Any bigger than four or five and we have half the committee; any smaller and there would not be enough people to get the work done. How many were on the race group?

Mr McMahon: Five.

Mr Munro: Three would seem adequate.

The Convener: Right. We will get that sorted out for next week.

Improvement in Scottish Education Bill

The Convener: The next item is the improvement in Scottish education bill. We must discuss what we are going to do with it. Did you raise this item for the agenda, Malcolm?

Malcolm Chisholm: I do not think that I did, but it should certainly be on the agenda, so I am glad that somebody did.

The Convener: We must decide whether we want this item on future agendas. The bill is one of the important pieces of legislation that the committee should look at. This committee could make representations about the bill to the Education, Culture and Sport Committee. We could consult other organisations and we could also have Sam Galbraith along to answer

questions.

Lots of organisations would like to have some input into the debate. Last night, I was at an inclusion group event held by an organisation that is making representations to the education committee. I suggested that it might want to make representations to this committee on the specific equal opportunities implications of the bill.

Malcolm Chisholm: Something on page 2 of paper 99/3/3 concerns me. It says that because

“equal opportunities is a reserved matter, it is unlikely that the Bureau will normally refer an Executive Bill to this committee.”

In a sense, it does not matter whether the bureau refers it or not, because we can still look at it. However, if that is the bureau's thinking, I am worried. If members of the bureau are thinking about equal opportunities solely in terms of legislation, perhaps they need some education in equal opportunities. I do not know whether that is what the bureau really thinks.

The Convener: I am surprised by that; it is certainly not the impression that I get. In the report to the conveners liaison committee, the equal opportunities and social inclusion committees were seen as being responsible for every piece of legislation and as cutting across every issue that the Parliament would consider. I am not too concerned about that, because we must remember that we can look at legislation without its being referred to us.

Martin Verity: That was my interpretation of the standing orders. Under the procedures by which a bill is considered, the bureau refers a bill to the committee to go through it line by line, as a standing committee would do. That does not prevent any committee from being interested in the bill, although it is my understanding that the formal reference would be to the committee within whose remit the subject matter of the bill falls. Only if the subject matter of a bill fell within the remit of more than one committee would the bureau need to appoint more than one committee. It would then designate one of them as a lead committee. That would not prevent any other committee from expressing views on a bill and passing them to the lead committee.

The phrase does not imply that the bureau is not concerned about equality of opportunity; it relates to the process by which we envisage that a bill would be referred to particular committees.

Tommy Sheridan: Excuse my ignorance, Kate, but can you give me some information about the size and scope of the equality unit that is referred to in paragraph 10 of the consultation paper?

The Convener: We are going to invite the equality unit along to the committee. The group

works to the Executive, not to this committee, and is responsible for equality proofing legislation. The person who will head the unit is not yet in post and we will invite them along to ask them what their role is. I do not know how many people will be working in the unit. Do you know, Martin?

Martin Verity: It is not a very big unit, but I cannot remember exactly how many people will be in it.

Tommy Sheridan: I ask because, if every piece of legislation is going to be referred to us, we could find ourselves bogged down with paperwork. If the equality aspects have already been considered by the unit and it is doing its job properly, the role of the committee might be more along the lines of fine tuning or monitoring. If the unit is properly resourced and staffed, what is the value of our looking in detail at all bills? I hope that the people in the unit will do that.

The Convener: Until we see what the unit is doing, it will be difficult to say. The unit works to the Executive and this committee exists to scrutinise what the Executive is doing as well as what the unit is doing. Things will become clearer when we see the kind of equal opportunities policy statements that are produced along with the legislation. In previous meetings, we have discussed our work load and we all realise that we will be heavily dependent on other organisations to help us scrutinise legislation. The education bill is one that we will want to scrutinise closely and comment on because, if we can get equality in education, that will be a good basis for the future.

Irene McGugan (North-East Scotland) (SNP): That brings us back to our previous discussion about how we should go about examining the legislation. That discussion hinged on the use of a template—some standardised format or method that we could use for all pieces of legislation. Before we can implement many of the conclusions about the improvement in Scottish education bill, we will need to have scrutinised it against the template. Then we would be in a position to make representations to the Education, Culture and Sport Committee or to seek guidance from other organisations on the equality issues that may be thrown up in the template and in our previous scrutiny of the bill.

Michael Matheson (Central Scotland) (SNP): I know that Martin Verity has highlighted three areas for consideration by the committee. One of them is whether we want to seek the views of other organisations on the education consultation paper. I received information from the Equal Opportunities Commission, which has done quite a bit of detailed work on a proofing system. Perhaps we should invite a representative from the commission along and consider using the consultation paper as a template, so that we could

get an idea of how such a template might work and what the outcome would be. That would be an opportunity to run something through the proofing system and to see what the commission has to offer. It would also give us something more constructive to work with; it could lead to a template. We do not want this committee to have to reinvent the wheel when much good work has already been done.

The Convener: I am quite happy with that. However, there are areas that the Equal Opportunities Commission does not cover, particularly the inclusion of kids with special needs. We may want to look at the way in which we segregate such children in Scotland and organisations that specialise in that area may want to lobby the committee. I know, for example, that one Scottish organisation is drafting an amendment to the education bill.

I agree that inviting the Equal Opportunities Commission would give us a good start, but we would have to ask questions on as broad a range of topics as possible.

Malcolm Chisholm: I share Tommy's hope that we will soon have an effective equality unit. However, the education bill will be introduced in November, before the unit is up and running.

The education bill will not be the only one that we shall want to consider, but it will be one of the major ones. From the point of view of equality, it will be more important than perhaps land reform will be. There are probably equality dimensions to other bills, but—

The Convener: You will get a lot of letters from people about having said that.

Malcolm Chisholm: I should not have said it and will withdraw it if necessary.

We should make a serious effort to address the education bill because it will be our first piece of legislation and a challenge to the committee. I support Michael Matheson's suggestion that we should talk to the Equal Opportunities Commission, but we must involve other bodies, too. We could invite them, or we could just ask for written submissions about how the education bill affects their particular areas. We should do that in the next couple of months. The Macpherson report contains an important section on education, so there is some overlap. We should certainly look at the subject from that point of view. I suggest that we have a combination of written evidence and witness statements.

The Convener: I do not know how well we are getting on with building up a database of organisations that we can consult. Are you suggesting that we could write to people saying that we are going to consider the bill and that we

would like their comments?

Malcolm Chisholm: That would be one way of doing it.

Michael Matheson: I was going to suggest that, along with that, we could use the template to work up some sort of system. Because of time limitations, however, perhaps we should ask organisations to comment on the consultation paper. Simultaneously, we should try to establish a system for future legislation. That would allow us to cover both aspects.

Tommy Sheridan: I return to the ill-fated equality unit. Do not you think that, as the Equal Opportunities Committee, we should flag up quite early our concern that, if the equality unit is not yet up and running—[*Interruption.*] Sorry. Is it established yet?

10:45

The Convener: Some of the equality unit's staff are in post, but the head of the unit is not in post yet. I think that that should happen in the next couple of weeks, but the unit is not properly up and running yet.

Tommy Sheridan: This committee has a wider political role than the unit does, in terms of what is happening across Scotland. We receive representations from various bodies and try to ensure that equal opportunities issues are at the heart of all of the Parliament's deliberations. However, with the greatest of respect, if there is a full-time unit that is staffed by professionals in the equal opportunities field, I would hope that the staff would have a more hands-on approach on the detail of legislation.

That is why I am worried that the unit is not yet up and running. The legislative process has begun and I hope that we can tweak our muscles—so to speak—and say to the Executive that we are concerned that the equality unit should get on track as quickly as possible. Malcolm made the point that, if the unit is not ready in time for scrutiny of the education bill, we will have to be involved in that. There should be people in post who are sufficiently professional and qualified to be able to see things that members of the committee may not be able to.

The Convener: I will find out exactly what stage the unit is at. There are staff in post, and I imagine that they will be starting to do some work—it is only the head of the unit who is not yet in post. We will invite the unit to a meeting as soon as possible so that we can find out what it will be doing.

Johann Lamont: For some time, a consistent theme has been that we do not need to reinvent the wheel. Many people have done a huge amount of positive work and we hope to have very close

liaison with the equality unit. The fact that the unit exists means that it will be consulted at the earliest stages of legislation; we are likely to be happy with that process.

This committee's role, as a non-Executive body that scrutinises the work of the Executive, is different from the role of the equality unit. We cannot deal with all the legislation, but it is important for equal opportunities organisations to know that they can lobby this committee and make representations to us. Organisations that have amendments or areas of concern should think of this committee as the first base. We do not want to write to those organisations later in the process to ask for their representations; we would prefer them automatically to give us their comments when legislation is coming on stream, so that we can be a filter or focus. That is why a procedure is important—yes, we want to see all legislation, but we will not necessarily want to scrutinise all of it. People beavering away in an organisation will know that they could access us in order to comment on a piece of legislation.

The Convener: Jackie Baillie will be here next week and members may want to question her about role of the equality unit.

Shona Robison: Johann hit the nail on the head. Perhaps when the unit is up and running, legislation will already have been equality proofed by the time we get it. The issues that we will take up will be those that other outside organisations have identified as gaps and that are likely to be more contentious. That is where the distinction between the committee and the Scottish Executive may lie, as the committee will listen to a wide range of views. We might have to suck it and see, as the committee is in its early days. As Malcolm pointed out, the education bill is our first major piece of legislation and we might have to test how our process works. Once we are advised of the equality unit's distinctive role, our process should be fine.

Johann Lamont: We need to have templates and checklists and so on. However, my anxiety is that we might end up with a mechanistic approach to legislation that would not deal with the underlying political debate. Organisations can make representations, however, and we need to access the issues and the political debate that Tommy referred to. Mechanisms will allow us to put aside the non-contentious issues and to focus on the political issues that organisations want to pursue with the committee.

The Convener: We will write to the organisations in the database to ask for their comments. When we feel ready, we will also make arrangements to invite the Minister for Children and Education and the deputy ministers to a future committee meeting.

Michael Matheson: We were also considering the establishment of some procedure for scrutinising legislation. I take on board Johann's comments—she is dead right. It is important that any procedure that we implement takes account of the matters that she mentioned, such as the underlying political issues and representations made by organisations. However, I am concerned that, if we do not establish a procedure at an early stage, another piece of legislation will be presented to us and we will again find ourselves having to write to other organisations. To some extent, the committee will not have had a chance to scrutinise legislation to establish whether we are satisfied with it. We need to use the consultation on the education bill as an exercise for establishing a procedure.

The Convener: When we see how the current exercise works—and how effective it is—we will have a basis for the future. We are feeling in the dark at the moment, but once we have been through the process with the education bill we will know what has been effective and what has not.

Scrutiny of Legislation

The Convener: We now move on to scrutiny of legislation.

Tommy Sheridan: I apologise for the fact that most of my comments on the equality unit came from the paper on scrutiny of legislation.

The Convener: Please excuse me while I find the report. Everyone has it—even me. Do members have any questions or comments about the report?

Malcolm Chisholm: Perhaps we could work out a timetable of when legislation will come out. Could we track legislation at its earlier stages, such as at the white—or even green—paper stage? Would it be possible to get a sheet of paper that maps out when legislation will come and shows which white and green papers will become legislation in the fullness of time? From that, we could work out a timetable on legislation—there is no doubt that that would help us.

The Convener: Martin, how easy would that be?

Martin Verity: In a sense, what is knowable is known already. The programme for government document outlines the broad framework of the Government's priorities until 2003. The consultation papers that have been published so far are available on the Scottish Executive's website and we can get information about them—most of that information was circulated at our previous meeting.

We are aware of the legislative programme—the

eight bills that have been announced for this parliamentary year—and will be advised of proposals for bills as they come out. The same applies to papers and so on that are laid before the Parliament, about which we will be notified in the business bulletin. We know as much as can be known at present. Perhaps I should ensure that, meeting by meeting, the committee is advised of anything new that has come out since the previous meeting. We know that the education bill has come out—

Tommy Sheridan: Sorry, Martin, but at the previous meeting—I apologise for missing it—did you refer to the timetabling of legislation? I am more interested in that, so that we can try to anticipate—

Martin Verity: We know that there is a consultation paper and a draft education bill. Following the consultation exercise on the education bill, there are plans to introduce the revised bill in November. We can work out a timetable bearing that in mind. We know that the bureau will refer the matter to the appropriate committee—

Tommy Sheridan: Sorry, Martin—I do not mean to refer to the specifics of the timetable once a consultation paper has been published. I refer to the other pieces of legislation. Do we have a timetable for early 2001, for late 2001, for 2002 and so on?

Martin Verity: The eight pieces of legislation are for the parliamentary year 1999-2000 and we do not know more than what has been published in the programme for government document. The purpose of this paper is to advise members that it should be possible to know which major bills are coming up and the broad timetable for each of them. Consultation papers—when they are published—and other business will come to the committee, and members might want to take an interest in secondary legislation—in Scottish statutory instruments. That will be difficult, but it is a question of watching out.

The Convener: Just in our spare time, when we are not looking at anything else.

Martin Verity: Yes, in any spare time that members have.

The Convener: This report is simply for members' information.

Martin Verity: The report shows how the committee can deal with the bills in which it is interested. In other words, members can invite organisations to submit their views. Members can decide whether they want the committee's views to be transmitted to the lead committee on a bill. Members can also, if they wish, send delegates—if that is the right word—to a lead committee, just

as any MSP can sit in on a meeting of another committee and speak at the invitation of the convener. Even when a bill gets to stage 2—where a committee goes through the wording line by line—this committee could ask one or two of its members to attend the lead committee's meeting and, if necessary, to move amendments.

The Convener: We requested this paper at the previous meeting and it covers parts of our earlier discussion.

Martin Verity: It does not include a checklist, but it establishes a process.

Michael Matheson: On Martin's final point, I see that, under the heading "Issues", the report refers to a proofing checklist. I do not know whether that is appropriate terminology, but I take it that that refers to a template of some sort. We should have a template in the consultation phase, so should that not also be included under the heading

"Mechanisms for scrutiny of legislation"?

That was identified as an issue at the previous meeting, as it does not fit into the system that is outlined in the report.

The Convener: That is up to the committee; I have no objection to it.

Do members have any other comments on the report?

Johann Lamont: As a matter of routine, when we are first dealing with a piece of legislation, we should have in front of us the questions that we have to decide at the end of the process. Do we want to pass our comments to the lead committee—yes or no? Do we want to make amendments, and, if so, what are the amendments? Do we want delegates to attend the lead committee—yes or no? We could quickly dispose of those pieces of legislation where we do not want to go through the process. If those questions were always at the end of the template—rounding up the first stage—we would keep in mind the possibility of excluding options as well as of progressing others.

11:00

Marilyn Livingstone (Kirkcaldy) (Lab): On page 2, under "Stage 1 consideration", the report says:

"Each new Executive Bill, and the equal opportunities assessment within the accompanying explanatory memorandum will be placed on the agenda".

Am I right in thinking that the equal opportunities assessment will come from the equality unit?

The Convener: Yes.

Marilyn Livingstone: With regard to the

education bill, if the unit is not up and running, will we have the equality assessment?

The Convener: I will find out. Staff from the unit are working and they may be producing an assessment even though the unit has not been headed up. I do not think that the bill would be published without an equality assessment

Michael Matheson: As a point of interest, the memorandum for the emergency legislation contained a statement on equal opportunities, so I presume that something could be produced for the education bill.

The Convener: Yes. Although the unit is not fully operational, some people are doing the work.

Martin has asked me whether the committee wants to consider the adults with incapacity bill, which is the other bill that we could look at.

Members indicated agreement.

The Convener: We will initiate the process for that bill as well.

Correspondence

The Convener: The final item on the agenda is correspondence. Does anyone have any comments on the correspondence or on what we should do with it?

Mr McMahon: Is correspondence that is sent to the committee dealt with by the committee, or is it dealt with by us individually?

The Convener: The committee might want to deal with some of the correspondence—for example, the first item of correspondence, which is from the Disabled Persons Housing Service and which asks us to consider proposed amendments to the building regulations.

I think that most people will have received invitations—it is up to them, not the committee, to decide whether they want to accept them. We have just agreed that all correspondence will come to the committee; members can get copies from Martin. The committee can decide what to do with correspondence or individuals can decide what to do with it. I would have thought that the committee might want to decide what to do with the correspondence from the DPHS.

Nora Radcliffe (Gordon) (LD): It would be useful for us to get involved, because we might be able to achieve what the service asks.

Tommy Sheridan: It is appropriate that we have that correspondence at this meeting because it highlights the committee's role. The DPHS wishes to build on existing legislation and is making the case that existing equal opportunities legislation is not strong enough. I am sure that the equality unit will examine legislation and decide whether the

standard has been met. We are here to listen to people and say whether the standard is good enough. The correspondence provides a concrete example of what we should be doing, and I hope that we will invite someone from the DPHS to explain the changes that it wants implemented.

The Convener: The reporters group on disability might want to address that issue, as we have until December before comments have to be submitted.

Nora Radcliffe: Am I correct in thinking that we could lodge another amendment to the proposed amendments to the building regulations, in order to guarantee that all new houses are barrier free?

The Convener: Yes.

Michael Matheson: Should we contact the Convener of the Social Inclusion, Housing and Voluntary Sector Committee and look into organising an informal briefing to examine the issue raised by the DPHS? That would ensure that members of that committee are also aware of the issues and can try to find a way of making progress. I am sure that any amendment that was lodged jointly by the Equal Opportunities Committee and the Social Inclusion, Housing and Voluntary Sector Committee would carry a lot of weight.

Nora Radcliffe: It might be useful to get advice from building standards officers or the professionals who are involved with building standards. That would give us an expert's interpretation of the regulations and of what might be possible.

Michael Matheson: One of the problems with building standards is that they are open to interpretation—different building control officers have different interpretations.

Nora Radcliffe: A poacher turned gamekeeper might be useful.

Michael Matheson: There are organisations that specialise in this. They are not local authority organisations; they are stand-alone organisations. For example, an accessibility organisation based in London specialises in proofing buildings for disabled access. It has extensive experience of the problems that are associated with building control and planning restrictions.

Nora Radcliffe: Building regulations are quite technical, so that organisation could provide technical input.

The Convener: I will try to organise an informal briefing soon with the two committees and representatives from the accessibility organisation and the DPHS.

Tommy Sheridan: I take on board the point that Michael Matheson made, but the DPHS

specifically asked us to get involved. It may be easier for the convener to organise an informal briefing for our committee than it is to organise an informal briefing for two committees. Should we not maintain our independence, so to speak, and make a recommendation to the Social Inclusion, Housing and Voluntary Sector Committee after having listened to what we have been told?

The Convener: There are crossover areas for committees. When we met the Commission for Racial Equality, we invited members of the Justice and Home Affairs Committee along. I am not sure that any of them turned up, but we did invite them and we sent them details of the documents that were produced. Sometimes it is easier if two committees examine an issue. I will find out from Margaret Curran whether we can organise something reasonably quickly, but if that is going to be a problem we can organise a briefing for just this committee.

Nora Radcliffe: We should ask Margaret Curran whether she wants a joint briefing. Rather than say, "We are having a briefing. Do you want to join in?" we should say, "Will we have a briefing together?"

The Convener: Yes. I will contact her and ask her whether she wants a joint briefing.

Mr Munro: When you referred to the incapable adults bill, I wondered how wide our remit was. I recently became aware of the British Deaf Association; I gave a talk to it last Saturday in Inverness. You may think that speaking to the deaf is a contradiction in terms, but it was one of the most revealing undertakings that I have been involved in for quite a while. Like many people, I thought that when we provided a hearing loop system we were doing a magnificent thing, but that is not the case. The hearing loop system is of use only to people who have a hearing aid.

The profoundly deaf told me that there is no legislation to support them. I do not need to tell anyone here of the problems that the deaf daily encounter with things that we take for granted. They are anxious to have an opportunity to make a case to this committee; I think that consideration of the incapable adults bill might be an opportunity to discuss with them how we can make progress in supporting them.

The Convener: Thank you. The project team for the new Parliament buildings is examining the shapes of the rooms and the lighting to ensure that members of the public and of the Parliament can see signers from anywhere in the room. That will be welcomed.

The only other correspondence is Howard Robinson's offer to meet the committee. What do members feel about that? Shall we get more information about the organisation?

Tommy Sheridan: The convener should meet him and report back.

Johann Lamont: Then we could decide whether we want to meet him.

The Convener: I will get more information, pass it round the committee and then we can decide whether we want to meet him.

Shona Robison: What about the second item of correspondence, which is an invitation to a consultation meeting. Is that an invitation specifically for the committee or is it for everyone?

The Convener: I think that everyone was invited.

Shona Robison: I wonder whether, rather than sending a group of individuals, we ought to send someone as a committee representative, so that we are seen to be responding to the invitation.

The Convener: Jackie Baillie passed this invitation to us. It is open to any committee member to go. If members who wish to attend the meeting give their names to Martin, they can get a copy of the invitation. We will make sure that the committee is represented.

Tommy Sheridan: Can the committee be represented by someone other than a committee member if no members go? If we leave the arrangement as you suggested and no one is able to make the meeting, the committee will not be represented.

The Convener: I will make sure that we are represented because Martin will let me know if no one puts their name forward.

Tommy Sheridan: So if no one else goes, you will go?

The Convener: Yes, or I will nominate someone.

Are there any more comments on the correspondence? The rest of it is just invitations. The Commission for Racial Equality has invited all members to attend a meeting. It is up to members to decide whether they want to go, but it would be good if a lot of us went, especially as everyone should be in Edinburgh on that day.

Johann Lamont: Which meeting is that?

Tommy Sheridan: I do not have a note of that invitation.

Martin Verity: The invitation came after we prepared the papers, but I believe that it was sent to each member.

Tommy Sheridan: What are the details?

The Convener: The Commission for Racial Equality has invited members of this committee to attend a meeting of the joint equalities group after

our meeting on 17 November. I will get Martin to send members a copy of the invitation. Many organisations will be there, so it would be good if members could attend.

Tommy Sheridan: I am sorry to raise another point that is not on the agenda but—this may already have been done—has the Scottish Human Rights Centre given the committee a briefing on the implications of the European convention on human rights on the legislation that we have talked about and on equal opportunities? If not, do you think that such a briefing would be worth while?

The Convener: We have not had a briefing on that issue. The committee has been deciding the briefings that it wishes to have. I am happy to organise any briefings that members feel would be useful.

Shona Robison: It would be a good briefing—the ECHR keeps cropping up with regard to legislation and I would like to have a better handle on the issue. The SHRC would provide a good starting point for that.

The Convener: We will have to have a briefing at an open formal meeting—it is getting difficult to fit in extra meetings between our formal meetings.

All the business has been dealt with. Thank you for your attendance.

Meeting closed at 11:14.

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