

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 28 September 1999
(*Afternoon*)

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CONTENTS

Tuesday 28 September 1999

	Col.
MACPHERSON REPORT	51
EQUALITIES ISSUES	69
MACPHERSON REPORT	81
REPORTERS GROUPS.....	86

EQUAL OPPORTUNITIES COMMITTEE 4th 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

WITNESSES:

The Deputy First Minister and Minister for Justice (Mr Jim Wallace)
The Deputy Minister for Communities (Jackie Baillie)

COMMITTEE CLERK:

Martin Verity

ASSISTANT CLERK:

Rodger Evans

Scottish Parliament

Equal Opportunities Committee

Tuesday 28 September 1999

(Afternoon)

[THE CONVENER *opened the meeting at 14:02*]

Macpherson Report

The Convener (Kate MacLean): Good afternoon. Some committee members have yet to arrive, but as it is just after two o'clock we shall start. I have received apologies from Tommy Sheridan, Marilyn Livingstone and John Munro.

I welcome Jim Wallace, Deputy First Minister and Minister for Justice, and Jackie Baillie, the Deputy Minister for Communities with specific responsibility for equality issues. The Deputy First Minister is with us until 3 pm. I understand that he will make a short statement and will then take questions from committee members. The Deputy Minister for Communities will remain until 3.45 pm to deal with the more general aspects of equality. Jim Wallace will kick off.

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I welcome this opportunity to meet the committee to discuss the important issue of the action plan for Scotland, which is the Scottish Executive's response to the Macpherson report on the Stephen Lawrence inquiry.

Since the action plan was published, on 20 July, there has been a period of consultation, which closes on 30 September. I understand that the committee intends to respond to that consultation. During that time, officials in my department have been working with the Commission for Racial Equality on the membership of a steering group, which will consist of representatives of interested bodies such as the Convention of Scottish Local Authorities, the police associations and independent members. I hope to write to prospective members in the near future and to make an announcement shortly thereafter.

It is envisaged that the first meeting of the steering group will take place in the second half of October, which will allow some time for analysis of the responses to the consultation exercise. The first meeting will consider the group's terms of reference, its priorities for action and some initial time scales. Members will also want to give their reaction to the proposals in the action plan and the responses that have been received.

As a result of that, the ways forward proposed in

the action plan will develop during the next couple of months. For some recommendations, our proposals may require expansion. For others, we may choose to take a different direction.

As I have said before, the action plan is a first step on a journey that will require a considerable amount of work from a variety of bodies and people. The Equal Opportunities Committee and the Justice and Home Affairs Committee will take a great deal of interest in the progress that is being made. We will want to keep members informed of significant developments when the steering group makes progress. I welcome the opportunity to meet members of the committee, to listen to your concerns and to try to answer some of your questions.

The Convener: Thank you. Members of the committee will now ask questions.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): We broadly welcome the thrust of the report. In particular, we welcome the fact that the Scottish Executive took the time to draw up an action plan. We know that it was not obliged to do that and we felt that it was important to recognise that step. Overall, we have some areas of concern, particularly in relation to time scales and the way in which the delivery of the action plan will be monitored. Do you have any general comments about that, Deputy First Minister?

Mr Wallace: I welcome your welcome. Although many of the Macpherson recommendations were specific to the Metropolitan police, what was then the Scottish Office took the view that action should be taken if there were lessons to be learned in a Scottish context. However, it was also obvious that the relevant issues would be devolved matters, so it was left until after the election and the establishment of the Administration to address the publication of an action plan.

At the time, I was conscious that there was considerable pressure to publish an action plan sooner rather than later. That meant that there was no opportunity for widespread consultation before publication. That is why, in many respects, the plan resembles a consultation document.

I have referred to the steering group, which will have responsibility for setting time scales and timetables for the proposals. It will also be responsible for holding to account the organisations that are identified in the action plan as the lead bodies. I also expect the steering group to exert pressure on the Executive, although I intend to chair the group, as an indication of the seriousness with which the Executive approaches the issue. I expect the group to exert pressure on the Executive to ensure that it maintains progress and reports to Parliament and to the committee. I am sure that the committee will not hold back if it

feels that the Executive is slipping on its timetables.

The Convener: I will explain that the committee nominated a reporter and set up a small group to consider the issue. Michael McMahon was the reporter to that group.

Mr Wallace: I was aware of that.

Shona Robison (North-East Scotland) (SNP): Minister, you talked about the consultation process—obviously this is part of that process—which ends on 30 September. However, you used today's visit to the committee as an opportunity to launch the announcement that you are reviewing the Scottish police complaints procedure. I want it on record that I am not particularly happy about ministers using the opportunity to speak to a committee—particularly as part of a consultation process—as a means of launching their own campaigns.

I also find it strange that the minister should make such an announcement, given the fact that the consultation process is still under way. That you were not willing to wait until the consultation process ended makes a mockery of the process. Perhaps you can explain the timing of the announcement.

An independent police complaints authority is obviously a major issue in the Macpherson report. One of the key recommendations is for a feasibility study. You said, minister, that you would wait until the feasibility study for England and Wales was produced in April 2000. I find it strange that you made that announcement: how does it fit in with the feasibility study recommendation? Will there still be a feasibility study into an independent police complaints authority? If so, why can we not have a feasibility study for Scotland now, rather than wait until April 2000?

Mr Wallace: Shona Robison has asked a number of questions. I will try to answer them as fully as I can. If I omit any, I am sure that members of the committee will wish to return to police complaints, which is widely recognised as one of the key issues. It attracted considerable attention when our action plan was published in July.

The issue of police complaints goes beyond the question of race relations; it concerns a range of police activities. I am conscious of the comments that have been made and I was anxious that we should be able to address them. I think that the committee may have had more criticism if I had met it today, not let on about this matter and then made some announcement later this week or next week. In many respects, that reflects how important I consider coming before this committee to be. An announcement of this nature is relevant to the committee's deliberations, and it was important that I put it into the public domain.

It is important to emphasise that, in our action plan—perhaps contrary to some of the bigger-print headlines at the time—we said that we would accept the Macpherson recommendation to consider what steps could and should be taken to ensure that serious complaints against police officers were independently investigated. The Macpherson report laid considerable emphasis on not just what happens, but on the perception of what happens.

In our plan, we said that we would liaise with the Home Office on its feasibility study. I confirm to Ms Robison that that is still our intention. Its study, which is being carried out by KPMG, will produce options with costs that will inevitably inform future decisions. It therefore seems sensible to take advantage of such a study and not duplicate that work in Scotland. It is estimated that the results will be available in April next year, which will, I think, be well within the time scale for considering the options that we want to take forward in Scotland.

It must, however, be recognised that we have a different system in Scotland and that a solution for England and Wales may or may not apply here. It is conceivable that aspects of it would not be entirely relevant in Scotland. Significantly, there is no police complaints authority in Scotland with the power to supervise investigations or take decisions on disciplinary proceedings. We therefore have to carry out separate work in Scotland to complement the study being carried out by the Home Office.

As a first step, the chief inspector of constabulary, Mr Bill Taylor, will carry out a thematic inspection of complaints procedures in all Scotland's police forces. He will consult police authorities on their contribution to the police process. The report from that is also expected in April next year. We will be able to consider its conclusions on the current system with options identified south of the border and the responses to the consultation exercise on the action plan. In the light of all that information and the responses to the consultation, we will be able to consider what policy options or proposals we want to advance.

The thematic inspection will commence next month, when chief constables will be asked to provide information. That will be followed by visits to forces. The inspectorate will carry out a detailed examination of a sample of complaints and will interview police staff, police board members and other interested parties.

The fieldwork will be carried out by Graham Power, the assistant inspector of constabulary, and Graham Marcus, the lay inspector. The final report will be published prior to April 2000. The terms of reference will cover identification of good practice and weakness in current procedures, the

role of police boards in overseeing matters, specific recommendations to achieve continuous improvement in the effectiveness and perception of the system. It is intended to inform and provide a specifically Scottish overview of what is going on, which it is hoped will inform what recommendations or proposals we want to advance, in tandem with the feasibility study being conducted by the Home Office.

14:15

Mr McMahon: This question is about the role of inspection. The Macpherson report recommended that Her Majesty's inspectorate of constabulary consider all aspects of the police service. However, the minister specifically rejects consideration of police authorities in Scotland. Can he explain why?

Mr Wallace: Police authorities comprise elected members. At the moment, they are inspected by the Accounts Commission. Mr McMahon is right to say that there is no proposal to extend the role of the inspectorate to cover police authorities. Police authorities set budgets using public money and the role of the Accounts Commission is therefore relevant in assessing value for money. Police authorities are responsible for appointing chief officers and, as I said, they have a role in monitoring how police forces deal with complaints.

Her Majesty's inspectorate of constabulary has no statutory role or responsibility for monitoring that aspect of police authority work. However, given the fact that there is an interface between the work of the police authorities and that of the forces themselves, I am assured that the inspector can be quite robust in asking authorities questions about forces' responses to complaints. When he presents his report, however, I have no doubt that he will do so in diplomatic terms. It would be wrong to think that police authorities are entirely compartmentalised with regard to HMIC, although I stress that the inspector has no statutory responsibilities in that area.

Michael Matheson (Central Scotland) (SNP): The minister has made great play of perception and consultation. Before he made his announcement today about the recommendations, whom did he consult?

The minister said that there were lessons to be learned in a Scottish context, but I must confess that I am a little confused. He rules out a Scottish feasibility study for an independent police complaints authority, but he wants to wait for the Home Office to publish its report and tinker with it from a Scottish dimension. Why should there not be a feasibility study in Scotland for an independent complaints procedure for the Scottish police service? As yet, I have heard no good

reasons.

The minister stated that perception as a whole is an important part of the problem. Does he consider it appropriate that a very senior member of the police force should be responsible for the review, given that we want to ensure that the report and the review will be perceived as impartial?

Mr Wallace: The proposal to undertake a thematic inspection has come from within my department. The response to the initial publication of the action plan raised a number of points about police complaints and it is not unreasonable to say that it was the recommendation that attracted most publicity. That point has been followed up by others who have made their views known, and I thought it proper for us to respond to the recommendation.

No policy proposal emerges from what I am announcing today. However, we want to ensure that when we come to consider policy proposals, we will have the advantage of the feasibility study that is being undertaken at the behest of the Home Office—I shall return to that in a moment—and important Scottish information from a thematic study carried out by HMIC.

I think I am right in saying that it was a previous thematic study that led to the current complaints arrangements, where there is a role and a locus for the inspectorate.

Mr Matheson asked why we cannot have a separate Scottish study. It would have been theoretically and technically feasible, but we were aware that the Home Office was embarking on a feasibility study and that its time scale for publication, April 2000, was relatively short.

I will describe the areas that the feasibility study will cover. It is being undertaken at arm's length by KPMG. The aims of the study are: to establish whether and in what way changes should be introduced to the investigation of police complaints; to determine whether, in terms of public confidence in the complaints investigation process, openness and transparency is a more significant factor than independent investigation; to suggest possible organisational structures and to identify the practical, structural and resource implications of alternative systems for investigating police complaints.

That work is being done, it is being funded and we thought it not unreasonable to take advantage of it. Bearing in mind that there is a different regime in some significant respects in England, it is important that we have a Scottish contribution as well. The feasibility study and the thematic report will be valuable in informing policy and where we want to take this matter.

I said in response to Ms Robison's question that the field work will be carried out by Graham Power, the assistant inspector of constabulary, and Graham Marcus, the lay inspector. I am sure that Mr Matheson will know that in many cases in the past the inspectorate and Her Majesty's chief inspector of constabulary have not been held back by the fact that the chief inspector comes from the force. He has issued many robust reports on policing and I do not think that anyone seriously questions the robust and independent way in which he carries out his duties.

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Did I hear you say that there is a role for the inspectorate in the current complaints procedure? If so, will you clarify what it is?

Mr Wallace: The previous thematic study on complaints was in 1992. It led to some changes. There is independent oversight, which is provided by the police authorities and the inspectorate. It is possible for dissatisfied complainants to make complaints to the chief inspector of constabulary, who will investigate. He does not have powers to intervene. The Police and Magistrates' Courts Act 1994 gave the inspectorate an additional role, to examine the manner in which a force investigated complaints if a complainant was not satisfied with the outcome. The inspector cannot investigate the action taken against any officers involved or re-investigate the complaint, but if he finds that the complaint was not properly investigated, the inspectorate can direct the chief constable to re-investigate the complaint and instruct the chief constable to take into account any further information that has been brought to light.

Scottish ministers and the police authority can require copies of the inspectorate's report to be provided to them. I am advised that, since the provision came into force in 1995, 30 to 35 cases a year have been referred to the inspectorate. There has been only one formal direction so far, but that relates to the inspectorate's policy, which is to encourage forces informally to reconsider cases rather than go to the formal stage. As I said, that followed from the previous thematic inspection of complaints procedures.

Malcolm Chisholm: Is the Executive genuinely open-minded about an independent complaints procedure, or is it still minded to reform the current system?

Mr Wallace: I have already said that we have accepted the Macpherson committee's recommendation, which was to

"consider what steps can and should be taken to ensure that serious complaints against police officers are independently investigated."

That indicates our open-mindedness. We want to be well informed before we proceed, because this

has implications not only for race relations, which was the subject of the Macpherson report, but for police activities more generally.

Johann Lamont (Glasgow Pollok) (Lab): The minister has an advantage over me, because I am not aware of the announcement that was made today, having been stuck in a meeting all morning.

Are you able, minister, to say anything about the consultations that you have had so far? Has anyone taken the view that the complaints procedure should remain in-house instead of going out to an independent body? Given what emerged from the Stephen Lawrence case, and given the police's recognition of institutional racism, do you accept that perception is important? A strong independent body, far from being something that the police need be anxious about, would support them in their work. Are you worried what message we would send out if complaints continued to be dealt with by the police? This has nothing to do with the integrity of individuals, but is about sustaining public confidence in this area, which, you will accept, has taken a severe knock recently.

Mr Wallace: As Sir William Macpherson made clear in his report, perception is important. This is a case, perhaps, of justice not only needing to be done, but needing to be seen to be done. Only a handful of responses have been received, although I am aware of some high-profile responses calling for change. I accept that perception and openness are important.

It is fair to point out that this problem cannot be solved simply by creating an independent body. If members will pause for a moment and reflect—as I have had to—they will realise that the people best trained and qualified to mount a thorough investigation are the police. That is not an irony—it is a fact of life that has to be addressed. However, we are open-minded on this issue and want to ensure that, when we come to make policy recommendations, those recommendations are well informed.

Irene McGugan (North-East Scotland) (SNP): I want to pursue Johann's point about restoring confidence. I know that police authorities are subject to inspection by the Accounts Commission. However, is the minister aware that none of the indicators that the commission uses assess performance on racial equality? Surely performance cannot be adequately assessed in the absence of such indicators. What thought has been given to rectifying that?

Mr Wallace: We want to ensure that we are as open and accountable as possible in developing racial equality performance indicators for the police. That will form an important part of the consultation. It should be noted that the

inspectorate already examines race relations policing and progress on equal opportunities as part of its regular inspections of Scottish police forces. However, I have no doubt that more can be done to refine performance indicators. That is one of the reasons for having the action plan and one of the matters that the steering group will want to address in police forces as well as in the police authorities.

14:30

Mr McMahon: I am a bit concerned about your argument that the police are the best people to investigate race crimes. If we accept the Macpherson report and Lord Hardie's statements, the police are institutionally racist. So is not your argument a bit like saying that the best people to carry out a review of theft would be robbers?

Mr Wallace: I do not think that you picked up exactly what I said. I said that if there are complaints that require a thorough investigation, the necessary skills and techniques of investigation very often lie with the police—I did not talk specifically about complaints related to race, although I accept that many of them are—and I would much rather have the police investigating thefts than robbers.

You talk about institutionalised racism and the Lord Advocate's comments. It is worth reminding the committee how Macpherson defined institutionalised racism.

"The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people."

The Executive has endorsed that definition. We want to ensure that all organisations avoid the complacency that they sometimes fall into and guard against institutionalised racism. We made it clear that we were not pointing accusing fingers at any individual. But the moment that we become complacent and think that it is impossible for racism to exist in our ranks—bearing in mind the fact that that definition includes unwitting prejudice and ignorance—we do a disservice to the promotion of good race relations and to the ending of racial discrimination in this country. That is why we have endorsed the definition and indicated that, within every organisation, unwitting prejudice, ignorance or thoughtlessness can exist. Without disparaging anyone, I think that each one of us here has to be conscious of the need not to become complacent.

Shona Robison: I think that I also heard you say that the police were the best equipped to investigate themselves, which perhaps pre-empt

not only the outcome of the review but the outcome of the feasibility study in your own mind, and I am a little concerned about that. How many substantiated complaints of racially discriminatory behaviour have there been in the past few years?

Mr Wallace: I want to correct you on something. I do not have a closed mind, as you appear to be suggesting. I was simply making a practical point: the police have considerable investigation skills and techniques. There is no point in ducking that fact. We all have to address it, especially those who want us to move towards having more independent investigations of complaints against the police.

I do not have the number of substantiated complaints to hand, but if it exists, we will make it available.

Shona Robison: Perhaps I can help you out. There have been none. What is your response to that?

Mr Wallace: I am advised that we have figures on complaints, but that they are not broken down with regard to racial elements. I note the figure that you said, and it may well tell us something. People may not be coming forward—but I cannot say that that is why there have been none. We do, however, have figures for the reporting of racial incidents as they are defined at present—and you will be aware that the Macpherson committee report has proposed a definition for a racist incident. The figures have gone up. Under the present criteria, there were 376 such incidents in 1989, and, from the figures collected across the forces, 1,271 at the end of 1998-99.

You can read a number of things into that. Perhaps the number of incidents is increasing, or perhaps there is greater awareness of incidents of a racial nature and more are being reported. I would expect that, when the Macpherson report definitions and criteria are in place, the number of reported incidents will continue to rise. I hope that people will feel the confidence to report incidents. We would be failing if the numbers continued to rise for ever, but there will be a period where seeing an increase in reported incidents might be evidence of the policy beginning to have an effect. People will feel more confident and able to report incidents. Then we would want the numbers to flatten off and to fall. That is the challenge: we must ensure that people from minority and ethnic communities in Scotland have the confidence to report incidents.

Shona Robison: Do you think, minister, that the confidence of ethnic minority communities in Scotland will be increased if they know that the review is essentially being carried out by the police on the police? That is no criticism of Bill Taylor, who is a respected individual, but that is the public

perception—you have used the word a number of times yourself. Do you believe that the ethnic minority communities will want to use the police complaints system when the perception is that complaints are not independently investigated?

Mr Wallace: I also indicated that the feasibility study which is being done south of the border, at arm's length, will inform policy recommendations. The lay inspector of constabulary will be involved in that, and I know that Her Majesty's chief inspector of constabulary intends to consult the Commission for Racial Equality on his complaints inspection. There will be plenty of opportunity for people such as the CRE to have input into that. To repeat what I said earlier, there are examples of the chief inspector of constabulary making robust reports. There will be other evidence too, including the feedback that we get from consultation. This thematic report will not determine policy—that must be done by the Executive as a result of consultation—but it will inform policy.

Johann Lamont: Minister, I think that you would agree that whether racial incidents are recorded or unrecorded, they represent a distressing experience for a significant proportion of our population. I hope that the Scottish Parliament will be able to address that and make it a matter of urgency that such experiences should not occur. If confidence is at the heart of the likelihood of someone reporting a racial incident, and we make it the heart of our policy to increase confidence in the system, will an independent body scrutinising what the police are doing increase or decrease people's confidence?

Mr Wallace: I think that I indicated that that is one of the specific things that the study undertaken by KPMG is looking at. To repeat, the study says that it will

"determine whether in terms of public confidence in the complaints investigation process openness and transparency is a more significant factor than independent investigation."

It will be useful to have that kind of information. That is why we want this consultation: to get information and evidence. It would be wrong to prejudge the process when outside work is being directed to that end.

Johann Lamont: It struck me as an odd either/or: arguing in favour of an independent body or in favour of openness and transparency. I presume that we would have openness and transparency through an independent body, or a guarantee of openness and transparency from the police system itself. If we are to believe that confidence in reporting incidents has arisen from the fact that we are taking such matters seriously, do you not think that having an independent body carry out these investigations would be more likely to increase people's confidence in the

independence of the scrutiny?

Mr Wallace: I understand that there is an argument to that effect. We are consulting on the matter, to allow that argument to be examined and weighed up. I repeat, for the third or fourth time, that there are no closed minds on this issue. As far as I am concerned, it is open for discussion. I am willing to weigh up and give weight to that kind of argument, together with the other information that we receive.

There is no dispute over the outcome that we all want. We want to ensure that people throughout the community, and specifically those from minority and ethnic community groups, feel confidence in the policing system in this country. That is our objective. I would be interested to hear the views of this committee, and of others, on that. Those views will be weighed up when we consider the best way forward. The door is certainly not closed on an independent police complaints authority.

Michael Matheson: I am pleased to hear that. I would like an assurance that the Association of Chief Police Officers in Scotland will not be the only judge of the delivery of policies on equality strategies within the police force. Surely some outside help will be required in the setting of indicators. Who will monitor the effectiveness of the delivery of equality strategies in general police practice, and the investigation of racist crimes, if the police are to be the sole arbiters in deciding what is acceptable and what is not? That would pose problems.

Mr Wallace: A racist crime—I want to broaden that out to a racist incident, as there may be incidents that, for one reason or another, do not constitute crimes, but which are nevertheless deemed to be important. A racist incident is defined in the recommendations as

"any incident that is perceived to be racist by the victim or any other person".

That definition has not been determined by ACPOS or the police; it is a recommendation from Sir William Macpherson that the Executive has accepted.

The whole of our response to the Macpherson report is part of our commitment to fighting racial discrimination generally. ACPOS will not be the sole deliverer of equality policies. It has been identified as having the lead responsibility in an action plan for addressing the recommendations—which is right, as those recommendations require expertise in police procedures—but the matter will be overseen by the steering group, on which there will be representatives of different groups and individuals.

ACPOS has been identified as the lead agency,

but it is by no means the sole agency. One of the important functions of the steering group will be to have that overview. Implementation and the question of whether the right markers, benchmarks and indicators are being set may be the sort of issues to which this committee will want to return.

Michael Matheson: Minister, you raise a point about the role of the steering group. Whom did you consult prior to establishing that group and the forum? What level of consultation exercise took place?

14:45

The aspect of the action plan that was flagged up to me early on was time scales and resource allocation in implementing some of the key recommendations. Of the recommendations that have an impact on the police service, which will be seen as good practice, and which will be seen as mandatory and will have to be implemented? There is probably some concern that, unless recommendations are regarded as mandatory, they can easily be marginalised and frustrated. It is my understanding that that has been the case in some other reports, particularly on race issues.

Mr Wallace: I have not yet announced the steering group, principally because there is still consultation to take place. The group will consist of representatives of the Scottish Executive, of ACPOS, and of the Convention of Scottish Local Authorities, as well as independent members who have a professional or personal involvement and interest in the criminal justice system and the police. We are consulting the Commission for Racial Equality on the membership of the group.

Michael Matheson: Before you go further, can I take you back to the question: whom did you consult before establishing the steering group? Did you consult any organisations to find out whether that was the most appropriate way to take the action plan forward?

The Convener: Do you mean whom the minister consulted before announcing the steering group, as it has not been established yet?

Michael Matheson: Yes.

Mr Wallace: My recollection is that it was thought that establishing a steering group was an appropriate way of ensuring that this agenda was driven forward. Indeed, it was what had happened in the response that the Home Office gave to the Macpherson report—the Home Secretary has taken personal responsibility for the steering group there. As I recall, the thinking was that anything less in Scotland would send the wrong signal—that this issue was being taken less seriously here than it was south of the border.

I welcome the opportunity to put this on the record. Establishing a steering group was intended as a clear signal that we considered the Macpherson report to be very important, and that the Executive wanted to tackle racism and racial discrimination in Scotland seriously. The steering group, which will be widely representative and which I will chair, is an indication of the seriousness with which the Executive takes this issue.

That almost answers the second part of your question. It is certainly my intention and that of my ministerial colleagues that these recommendations should not be marginalised and allowed to gather dust. Tackling racism in Scotland goes to the heart of what this Executive and Parliament are about. If we do not tackle racism and racial prejudice, we will let down very seriously some of our fellow citizens, who will not be able to contribute all that they can to the community of Scotland. That is a loss for all of us. This Executive is determined to root out racism, to tackle racial prejudice and to address racial disadvantage. That is why we will not allow these recommendations to be marginalised, and why the steering group will have the important responsibility of setting time scales and ensuring that those who are identified as holding the lead responsibilities live up to them.

The Convener: Michael Matheson asked about the race equality forum, for which Jackie Baillie is responsible.

Mr Wallace: Jackie Baillie will answer about the race equality forum.

The Deputy Minister for Communities (Jackie Baillie): I strongly believe that there has been a long-held view about the need to have a mechanism in place so that people from ethnic minority backgrounds can access Parliament and its committees, and the Executive. The purpose of the race equality advisory forum was, as a short-life working group, to devise a strategy to tackle race awareness in Scotland, to develop action plans to tackle institutional racism and—perhaps most important—to advise the Executive and the Parliament on how we establish the most appropriate long-term mechanisms for consultation.

In formulating the membership of the forum, we consulted widely: we consulted, for example, the Commission for Racial Equality, the Scottish Trades Union Congress, racial equality councils, the Confederation of British Industry, the voluntary sector and the health sector. We deliberately adopted a sectoral approach to ensure that the forum would cover every aspect of the Executive's portfolio.

Michael Matheson: No one was consulted in regard to the establishment of them at the time,

not even the Commission for Racial Equality.

Jackie Baillie: That is not correct.

Michael Matheson: I am going from Jim Wallace's comments.

Jackie Baillie: I am giving you mine as we are dealing with a different area.

Informal contact was made and the establishment of the forum was broadly welcomed. I hope that you will welcome the forum too.

Malcolm Chisholm: We are running out of time, but I hope that you can see how strongly we feel about the independent complaints commission.

We should develop the theme of consultation. We are keen that there should be as much participation and consultation as possible. Will the performance indicators be consulted on and will there be an indicator that covers consultation?

Training is crucial. How much time do you think should be allocated to training on these matters for the police? Will there be training in relation to racist incidents?

Mr Wallace: I welcome your suggestion that there be a performance indicator on consultation. As I hope that I have made clear, the purpose of developing performance indicators for the police is that the process should be open. It is a matter that the inspectorate will take forward as it examines race relations policing, and the steering group will also be involved.

Training for racism awareness is one of the important recommendations in the report. I know that doubts are often expressed about some racism awareness training. Fears have been expressed that the training can reinforce stereotyping. Evaluation of training is therefore important, not just its provision. I understand that the level of training that has been provided across the police forces has been variable but the forces have accepted that there is a need for improvements and that there should be national guidance.

The Association of Chief Police Officers in Scotland has the lead responsibility in this area. In November, it will produce a national equal opportunities training strategy, which I and the steering group will want to examine. Training is a very important part of the process and there is progress to be made.

Nora Radcliffe (Gordon) (LD): I would like to comment on what Michael said about consulting about consulting. The situation is of a chicken-and-egg type, but we have to start somewhere.

We have talked a lot about tackling institutionalised racism in the police, but we have

to tackle racism at the outset. Prevention is better than cure. Nobody has mentioned the importance of education in stamping out racism in children but to deal with that would be to tackle the disease, not the symptom.

Aside from the police, other groups of people—social workers, those on children's panels—have equally important responsibilities and we should consider them.

Mr Wallace: I want to emphasise the importance of education, particularly as views can be established at an early age. Unlike in England and Wales, which is the context relevant to the Macpherson report, we have no national curriculum in schools. Our response to the report accepted the principle of valuing cultural diversity and preventing racism. Advice was provided by the education and industry department of the Scottish Office to ensure that similar points were contained in the recommendations that are made to education authorities and head teachers.

HM inspectors of schools monitor whether curriculum guidance, including guidance on cultural diversity, has been implemented. In addition, the recent HMI publication "A Route to Equality and Fairness" gives schools greater guidance on how to ensure that they are performing and will allow schools to achieve some degree of self-evaluation.

The wider range of public services falls beyond the scope of the Macpherson report, although I do not for a moment diminish their importance. We need to start somewhere. The broader issues will be addressed by Jackie Baillie's forum rather than by the steering group or in the action plan that arose from the Macpherson committee report.

The Convener: Jackie Baillie will be able to cover those issues.

Four people have indicated that they want to ask questions. We will try to get through all of them before Jim Wallace has to leave.

Irene McGugan: The issue of resources was mentioned, but was never properly addressed. Has the Scottish Executive considered the action plan's resource implications for all public sector organisations and for the black and ethnic minority voluntary sector? I know that funding for Victim Support is to increase, partly to fund witness services in court, which is an area that is under-resourced and where there is a need for more expertise in Scotland. What percentage of the Home Office grant will come to Scotland via Victim Support?

Mr Wallace: I cannot give an exact answer to that question, but it will be noted, and if an answer can be given, we will write to the clerk with that information.

The action plan does not attach additional resources to any specific initiatives. No additional resources are planned at the moment, although I will come back to the specifics on Victim Support.

The aim of the Executive's policy is to ensure that issues of race and gender are built into our core business and are not an add-on. Jackie Baillie and her department are addressing the matter. She may want to add something about the funding of the voluntary sector, which is important. Equal opportunities must be seen as a core responsibility for public bodies and not as an optional extra.

On the question of Victim Support, three courts currently have witness support schemes. It is intended that that number will double in the relatively near future—I cannot remember off the top of my head exactly when it is planned that that should happen. Victim Support Scotland receives £1.5 million annually.

The partnership agreement indicates that we want to address the issue of victims in our justice system. That is one of the Executive's policy objectives.

Elaine Smith (Coatbridge and Chryston) (Lab): The reporters group, under the section on prosecution of racist crimes, raised the issue of disclosure of information to families. The Macpherson report recommends:

"That the CPS ensure that all decisions to discontinue any prosecution should be . . . recorded . . . and that save in exceptional circumstances, such written decisions should be disclosable to a victim or a victim's family."

The Executive's response says that the matter requires further consideration and that reasons for disclosure

"are recorded at the moment but are not disclosed because of sound public interest reasons".

The Executive's response goes on to say:

"It is not proposed to change this position at the moment".

Does that mean that victims and their families in England and Wales will be entitled to a lot more information than victims and their families in Scotland, if it is decided to discontinue a prosecution or if a charge is reduced, for example, from murder to assault? It is distressing for people not to understand why a charge has been dropped or changed.

Mr Wallace: I will start by referring to the areas for which I have responsibility. We intend to try to improve the provision of information to victims on the progress of a case. We plan to introduce a system that will automatically inform victims and, in relevant cases, next of kin, about key dates in a trial, including any decision not to prosecute.

The second part—the crux—of your question deals with a matter that is the responsibility of the Lord Advocate who, as is well known, operates independently of the Executive in terms of prosecution policy, and rightly so. He was asked that question by the Justice and Home Affairs Committee—not in the context of the Macpherson report but more generally in the context of decisions not to prosecute and of why certain charges are changed. Rather than interpreting his words, I should draw this committee's attention to his answer to the Justice and Home Affairs Committee.

15:00

The Convener: I ask Michael McMahon and Malcolm Chisholm to ask their questions briefly. After that, it will be up to the minister to decide how long he wants to stay.

Mr McMahon: When this committee was established, we realised right away that there was a glaring problem, as none of the faces around the committee table were black or Asian. We recognised the potential for co-option.

In the action plan, the Scottish Executive rejects a statutory duty for local authorities to reflect the local ethnic mix in its police authority. Minister, can you give me the reason for that decision? Is there not a good argument that local authorities should be able to co-opt if they are in the same position as us, which is that we cannot identify a black person to sit on this committee?

Mr Wallace: The very nature of police authorities lies behind that situation. Police authorities are constituted by local authorities and involve elected members. The local accountability of elected members who are involved in the police authority has always been an important part of the set-up.

As members will be aware, one of the themes of the McIntosh report—I have to remember to separate McIntosh from Macpherson—was that local authorities should reflect the communities that they represent. The Executive wishes to see a diverse range of councillors reflecting the communities from which they come. A working group under the chairmanship of Richard Kerley is considering a number of these issues, such as how we can bring about such changes in the composition of our local authorities. That is an appropriate matter for McIntosh to address.

A fortnight ago, I chaired a meeting of the Police Advisory Board for Scotland, which includes representatives of the police associations and of every policy authority. Among the latter were two representatives from the minority ethnic communities, so there is representation. I think that I am right when I say that the chairman of the

Strathclyde police authority is from an ethnic minority background, as is the vice-convenor—or convenor—of the Grampian police authority.

Malcolm Chisholm: Information sharing about racist incidents is an important proposal in the second main section of the action plan. However, the report says that there are problems of data protection, although the group that considered the action plan was led to believe that the problem was not too big. Can you expand on the problems, minister?

Mr Wallace: We wanted to flag up the fact that data protection could be a problem as there are limitations on information exchanges between agencies. One example that comes to mind is the difficulties that some police authorities now have in passing on names to Victim Support. It is okay if individuals approach Victim Support, but difficulties have arisen when the police have passed on names off their own bat. We are addressing those issues with the Home Office. Current legislation allows for ways of exchanging information, such as protocols on the protection of information. It was right that we flagged this up as a potential difficulty, but we would like to overcome it if it is legally possible to do so.

The Convener: Thank you, minister, for coming to the meeting and answering members' questions. I have no doubt that, because of this committee's wide remit, we will ask you to come back in the future.

Mr Wallace: Thank you very much.

Equalities Issues

The Convener: Thank you, Jackie, for attending this afternoon's meeting. I understand that you want to make a brief statement before the committee asks questions.

Jackie Baillie: I am conscious, convener, that we have sent out a detailed memorandum, which I hope was helpful. I welcome the opportunity to begin the dialogue on equality with the committee. I believe that all MSPs—and members of this committee in particular—share the Executive's commitment to encouraging equal opportunities. Ensuring that that concern for equality lies at the heart of policy making is a positive challenge for us.

On the equality agenda more generally, there are a number of areas in which we might want to share ideas and engage in useful dialogue with a view to adopting an approach to the encouragement of equal opportunities in Scotland. That dialogue will be between us and the statutory equality agencies, as well as with other key interests such as local authorities and the voluntary sector. That sharing of ideas builds on

the constructive exchanges between the committee and various organisations this summer.

At its meeting on 21 September, this committee discussed the role of the new equality unit and its relationship to this committee. I hope to clarify the fact that the unit has been established to support the Scottish ministers. Its members are civil servants who are bound by the civil service code and the recently agreed guidance on contact between civil servants and MSPs.

Through the clerk of the committee, I have issued copies of the earlier announcement about the new head of the equality unit, who takes up that post tomorrow. I hope that members have received copies of the document—we can arrange to have them sent to those who have not received them.

The establishment of the unit is consistent with the principle of mainstreaming equality across the work of the Executive. The unit will support lead departments within the Executive in the development of policy. That is consistent with our commitment to putting concern for equality at the heart of policy making.

Responsibility for the preparation of equal opportunities impact assessments for the policy statements that accompany all Executive bills will, in practice, lie with the lead policy departments. The unit will support them in that work. There will clearly be advantages to many areas in sharing developing knowledge and expertise—such as on mainstreaming—with the committee and, indeed, more widely.

I am conscious of the time, so it might be best if we consider at future meetings how we can take that agenda forward. I thank the committee for the opportunity to discuss those issues. I am happy to take questions today or at future meetings.

The Convener: Thank you very much—I think that you will have to do both, Jackie. Are there any questions? Would you like to kick off, Michael?

Mr McMahon: During the recess, we held a series of briefings with a lot of organisations to examine equal opportunities as they stand at the moment. One of the themes that came out in all those briefings was the lack of information on equality issues. Can you give the committee some indication of the Scottish Executive's attitude to the provision of the resources and information that would allow proper scrutiny of equal opportunities policies?

Jackie Baillie: We are currently—through the equality unit and the central statistics unit—looking at how we can get better data on the range of equality issues. The committee will appreciate that some of the gender-disaggregated data are currently not bad, although there are patches that

we want to examine. Data on disability issues are available, but in different forms. At the moment, we are struggling with the concept of self-description and with the issue of those who describe themselves as disabled or as having a limiting long-term illness.

We are keen to ensure that there is adequate data collection on race. Some measures have already been introduced. The 2001 census will provide data about ethnic populations from both small-area and larger-area levels, which will be useful for policy development and service planning. Furthermore, we have established the Scottish household survey, which will provide useful data on about 60,000 Scottish households over four years. We have started down the road of ensuring that the data sets are appropriate, but it will take time to make sure that we have got those sets right. We are keen not just to make this an issue for the equality unit but to bed the matter down in all Executive departments.

Michael Matheson: One of the key policy initiatives in Scotland mentioned in the minister's submission concerns working with Westminster on the Home Secretary's bill to extend the Race Relations Act 1976. The submission says that the bill will apply to Scotland and that officials are working with the Home Office on the issue. At what level are those discussions and what areas are they targeting?

In a similar vein, the disability rights task force is reviewing the Disability Discrimination Act 1995 with a view to recommending changes. What role is the Scottish Executive playing in that review and what proposals has it suggested?

Jackie Baillie: Michael has naturally and appropriately raised a wider point about the extent to which legislative competence on these areas is reserved to Westminster. The Parliament's role is promotion of and competence over areas where it has devolved responsibility. We are keen for Scottish Executive officials or ministers to be involved in consultation on race relations and on the disability rights task force, one of whose members is from a voluntary sector organisation in Scotland. We are also keen to make such links throughout Scottish civic society.

I cannot give precise details about the discussions, except to say that we will engage in formal and informal discussions to ensure that Scotland's interests are represented at the table. Furthermore, on-going ministerial discussions ensure not only that our interests are taken on board, but that the impact of any proposed changes are a matter for consultation with the Executive.

Malcolm Chisholm: I have a couple of questions to begin with. Obviously, we will have to

examine legislation, the first item of which is the education bill. What work has the equality unit done on the bill and how will the bill work in terms of equality proofing?

As for gender statistics, the minister's briefing mentions a rather generous figure of around 47 per cent of public appointments being women. The target is 50 per cent. However, as many of those women are involved with children's hearings—and we need to get more men on those boards—would it not be better to break that figure down into different kinds of public appointments lest we get complacent?

Jackie Baillie: I will deal with the final point first. Malcolm is absolutely right about the figures. However, he will appreciate that many statistics about public appointments are collected and that we do not publish all of them. I am sure that the figure will be available in the format that he has requested.

I will pass on Malcolm's offer to volunteer in the future for children's panels to Jack McConnell, who is responsible for public appointments. We have deliberately set ourselves challenging targets in this area, because, as well as being members of boards in general, more women should chair public bodies.

I am aware that the education bill is about to be introduced. The equality unit's role is to encourage and to train other Executive departments to perform equality proofing. We have adopted that approach because we want departments to have an understanding of and some ownership over the equality-proofing process. We want the process to have equality at its heart; we do not want to have to approach the matter afterwards with a checklist. That will take much encouragement and engagement with departments, which is already happening. There are proposals to widen the process out across the legislative programme. Naturally, the equality unit will take an active overview of what is happening.

15:15

The Convener: Most of the organisations from which we received briefings during the recess raised the point that there are alarming discrepancies in public appointments. According to your own figures, 3,800 public appointments are made a year, 2,000 of which are to children's panels. The figures on gender balance look good, but I suspect that, if those 2,000 appointments were taken away, we would need to address the gender imbalance in the remaining 1,800. The committee accepted that public appointments seriously needed **looked at**. If the figures were broken down, as Malcolm suggested, gender balance is one issue that could be dealt with.

Johann Lamont: I have a specific question about the data in your memorandum, which I thought helpful in providing us an outline. You talked about the census in 2001. I am sure that you are aware that the census will not ask a question on religion, although that question will be asked in other parts of the United Kingdom. You will also be aware that many groups—including religious, black ethnic minority and campaign organisations—are arguing for the inclusion of a question on religion. Where are we on that issue, and what role would either this committee or the Scottish Parliament have in pressing to have that question included?

In much of the briefing that we received during the summer, it was argued that the question may have been excluded because bodies did not ask for it, but bodies did not ask for it because they were not aware that they should have asked for it. By not asking the question, we are denying ourselves information that would help in targeting services. I want to identify what stage we have reached, whose ultimate responsibility the matter is, how we can influence their decision and whether a change is possible.

Jackie Baillie: The Minister for Justice, who has just left, takes the lead responsibility on the issue. The working group that was established received consultation on the formulation of census questions. At that stage, it advised ministers that no business case had been established—I think that that was the form of words that was used. Having said that, no decision has been made and the matter will not be brought before the Parliament until November. There is an opportunity for any interested party, and for members of this committee, to write to us indicating their views on whether the question should be included. We have an open mind about it. There are several forceful arguments from both sides, and it would be helpful if they were put.

Johann Lamont: A point was made about general attitudes in education. I am a great believer in winning hearts and minds, but I do not believe that we should hang about until hearts and minds have been won before progressing on equality issues. The task—through the Executive's structures and this committee—is to ensure that all the aspirational stuff has been done and to focus on targets and on progressing things.

I welcome the fact that you used the phrase women's issues, rather than gender issues, which neutralises the experience. You talk a lot about research and what has been done. That is important, but I wonder what targets the Executive is setting on women's issues—other than gathering information and doing research. Given that so much research is already in the public domain, do you have some idea of your key target

areas?

Jackie Baillie: There is quite a bit of research in the public domain, but there are huge gaps in it—they would frighten you. We are keen to get a feel for the lie of the land before we take decisions about where we are going. I am keen that the equality unit should have a role in engaging directly with Executive departments and in encouraging them to undertake pilot projects and to do innovative work. I would welcome contributions from the committee on that subject.

On one of my recent trips around Scotland, I was struck by the fact that we have an excellent economic development unit at the project in Glasgow—the only one of its kind in Britain—that is looking at the subject of women into business. Such examples are of interest not only on a UK basis, but in terms of how we spread that work across Scotland. There must be a balance between equality proofing, which is central, and encouraging innovative work.

Other than for appointments and internal recruitment within the Executive, we have not devised any specific targets because we would rather take a step back and ensure that our focus is correct.

Irene McGugan: The minister's memo was very helpful, but it is sprinkled with words such as research, consultation, discussion and advisory groups. If we are to convince minority groups that there is a real commitment to equality, there must come a point when talking ends and action begins. Mention of time scales and commitments would be useful.

You have talked about the role of the equality unit. Could you explain what you see as its relationship with this committee?

Jackie Baillie: As I said, the equality unit is essentially made up of civil servants. They are happy and willing to provide factual information and briefing for the committee as it is requested. Policy issues are raised with me, as the responsible minister. I hope that our relationship can be open and encouraging. There is a huge body of work that we can take forward collectively.

I take the point about the need for action, which is why I am trying to highlight examples of where I would like the equality unit to work with lead departments in taking forward pilot projects. I also recognise that the unit is small—it is to be strategic—and that part of the work extends beyond the Executive and must bed down equality within local government, health boards and wider Scottish society. That is an enormous agenda, but we are keen to bring action plans for operating that agenda back to this committee and to the Parliament for scrutiny.

Shona Robison: Thank you, minister, for the press statement, which you had the courtesy to send out in advance—unlike the Minister for Justice. My question is similar to Irene's, but it is on the race equality advisory forum. This committee is concerned about the possibility of duplication; we especially want to avoid confusing groups and organisations with which we will all be consulting. I would like your view on how we should do that.

Jackie Baillie: The last thing that we want to do is to duplicate work—that would be a waste of time for us all. I would be happy to give the committee an indication of my forward plan for parliamentary business, potential announcements and other work, so that members could get a sense of what I and the equality unit are doing. There will be areas that, frankly, the equality unit will not consider and that the Equal Opportunities Committee may choose to examine. I hope that we can complement each other in our work.

Nora Radcliffe: I want to bring the discussion back to home base. Have we monitored our performance as employers and does our work force represent Scotland's ethnic make-up?

Jackie Baillie: I can answer in terms of the Scottish Executive and the civil service, but the Scottish Parliament's employees, and those of MSPs, are matters for the Parliament and not for me. I am afraid that I cannot provide those figures, but I can find out who can, if that would be of interest.

The Convener: I can answer that, because it is the responsibility of the Scottish Parliamentary Corporate Body. I am on the working group—I have been to one meeting—which has been meeting for some time and which is looking at an equal opportunities policy for the Parliament. The group will produce a draft equal opportunities policy for the 300-odd staff who are employed by the Parliament. This committee will be able to examine that draft policy before anything is finalised.

Nora Radcliffe: I just wondered what the facts were at the moment.

Michael Matheson: On the programme of action for public appointments, there is some helpful data on people from an ethnic minority background and on women in relation to such appointments, but there are no figures on disabled persons. My question may refer back to an answer that the minister gave earlier—I did not catch the full details. Does the Executive intend to produce figures on the number of disabled persons on public bodies and to set targets to try to achieve a more balanced pitch within the various organisations?

Jackie Baillie: It is wonderful when we think in

the same way, Michael. That is exactly the point that I picked up. It is interesting that there are targets in certain areas and not in others. I think that the exact wording is: "We would encourage appointments of disabled people to public bodies."

We are keen to take that forward, but to do so sensitively. We are working with the Equal Opportunities Commission, the Commission for Racial Equality and the National Disability Council on what action would be appropriate. These matters are live and continuing, so I would not like to say that we are leaving things there, although it will be some time before we come back to them.

Elaine Smith: Point 3 of "Promoting Equality for People with Disability" says:

"Our policy is to make the services and opportunities which are readily available to non-disabled people in Scotland equally accessible to people with disabilities."

I am particularly concerned about the old Carnegie libraries, many of which are partnership libraries with the Scottish Parliament. I know that the one in my constituency is not easily accessible and that is just one example. How do you intend to put this policy into practice?

Jackie Baillie: The provisions of the Disability Discrimination Act 1995 on access to goods and services are being implemented between now and 2004. As Elaine rightly pointed out, we are talking about access not just to goods and services, but specifically to facilities; changes must be made to the physical make-up of buildings to ensure that access is improved and that the physical barriers can be overcome.

We are providing extra help and making reasonable adjustments to give disabled people access to public buildings, but that will happen over a period of time. We are also keen to encourage the private sector, which also provides services and owns buildings, to do the same—that is a requirement of the act. We have also contributed to a national information line that will make the private sector aware of the requirements and point it in the direction of information and advice on how it must meet those requirements.

15:30

Malcolm Chisholm: I am always worried about how overworked you are, Jackie. It strikes me that you chair an awful lot of groups and task forces—the race advisory forum, the homelessness task force, the social inclusion network, the Scottish Partnership on Domestic Violence, and probably many others that I have overlooked. Some of them predate the Parliament, and they are all good bodies. However, to go back to an earlier point, what interests me is how their way of doing things relates to the new Parliament and, in particular, to the committee. I am not sure what the answer is,

but I have a nagging concern that back benchers will feel that government is being contracted out and that somehow they are not involved. You can be assured that we will not let that happen.

I want to press you on the Scottish Partnership on Domestic Violence, which I have spoken to you about before. You went to the debate on it at the beginning of the month, which many people think has been the most remarkable debate since we started. There is obviously much momentum in the Parliament to get the partnership moving. I think that you have just come to the end of the consultation period. How are the results to be taken forward, and how are MSPs to feel part of that process? Although the partnership is doing good work, there is concern about the way in which its remit has been narrowly defined, rather than made part of a general strategy on violence against women.

Jackie Baillie: I am touched by your concern for me, Malcolm. If I am feeling a bit low, I will come and speak to you and you can bolster me.

There are high expectations of the Parliament and of the way in which we do business. That is our collective responsibility. I get the sense that people want the Parliament to be open, accessible and accountable, and that they want a role in government. Although ministers and Parliament will make the final decisions, there is a positive role to be played by the voluntary sector and by other public agencies in informing our decision making. I may chair a lot of things, but I am not necessarily the expert, and we have an opportunity to factor in knowledge from other bodies across Scotland and to use it productively.

I am sure that back benchers will also play an important role, not only in debates and in the passing of legislation, but in committee work and in informing ministers of current thinking. There are several layers, but I would not necessarily be too worried about them—their existence is a measure of how inclusive the Parliament is attempting to be.

The Scottish Partnership on Domestic Violence was set up, as you rightly say, by the previous Administration, but I heartily welcome it. It has been producing a work plan and devising a strategy on domestic violence in Scotland. It will consider the legislation, costs and funding, and the consistency of service provision. It met yesterday, I believe, and it is revising its work plan, which has been out for consultation. In the near future, it will make recommendations to ministers. I assure you that it will not take long to sign off those recommendations, so that we can get down to implementing a strategy.

Like you, Malcolm, I welcomed the debate enormously, and I got the sense that this is one

issue on which the Parliament is unified.

Mr McMahon: I welcome the research project on transport provision for disabled people that you spoke about, Jackie. If legislation is reserved, how will the Scottish Executive—to deliver for disabled people in Scotland—implement any recommendations on the regulation of public transport that might come out of the Reid-Howie Associates review?

Jackie Baillie: There are areas where Westminster and the Scottish Parliament have responsibilities that cover the divide. Responsibility for legislation might remain central, but service provision is our responsibility. Plans are already in place to examine access to rail. Plans are under way to consider accessibility to public transport. Buses, taxis and coaches—all forms of public transport—will be considered. While the Minister for Transport and the Environment has responsibility for the matter, we all have a common interest in ensuring that we get it right, as public transport is a key barrier to disabled people gaining access to economic and social opportunities.

Mr McMahon: We could therefore regulate, if that was deemed necessary.

Michael Matheson: What influence can you, as a minister, bring to bear on the availability of documents in alternative formats, which is highlighted in part 12 of your document on promoting equality for people with disabilities? My concern, which is a concern that has been raised with me by several individuals, is the statement that

“consideration is given to making publications and other documents available in alternative formats”.

The document refers to that as a

“mainstreaming initiative”.

I would have thought that it was a mainstreaming activity only if it were happening as a matter of course. For many disabled people and disabled organisations, this is a matter of empowerment. When someone considers a matter on their behalf, it disempowers them.

Jackie Baillie: I can give a commitment to do more than exercise the limited influence that I have. By providing access to information in a variety of formats, such as Braille and audio cassettes, and by putting Scottish Executive and Scottish parliamentary publications on the web, we are ensuring that we are far more open, transparent and accountable in the work that we do. It should be a matter of course that all publications are available in different formats—and, equally, in different languages—to ensure the widest coverage.

Malcolm Chisholm: I want to get a feeling for how the unit and the civil servants that it will influence will go about considering the legislation. How proactive will they be? That goes back to the education bill and what we were talking about with Jim Wallace. Will it be a matter of avoiding things or of trying to introduce things in bills that deal with some of the issues that we talked about? To what extent, for example, will the education bill take on board the proposals on anti-racist education, which are so fundamental to dealing with the problems that we were talking about?

The other area that we have not touched on is sexual orientation. There is much discussion now on how we can get rid of section 28. Has any consideration been given to that and to the appropriate bill for it?

Jackie Baillie: The equality unit will be proactive and will avoid creating opportunities for discrimination in new legislation. However, I stress that the equality unit will not be responsible for equality-proofing legislation. It will act as a strategic advisory service to ensure that other departments, such as the education department when it takes forward the education bill, understand equality proofing and have mechanisms in place to take that forward.

That is the best way to achieve what we are seeking—not only the avoidance of discrimination, but proactive encouragement of legislation that addresses the points that you made. There must be a balance. The equality unit will not scrutinise line by line every piece of information that arises from legislation. It will ensure that other departments have clear ownership of that agenda.

I am pleased to confirm that it is ministers' desire to repeal section 28 of the Local Government Act 1988. We are looking for an appropriate legislative vehicle. Consideration must be given as to whether it is entirely a devolved matter or a reserved matter, but we are keen to make progress, and I am delighted to tell the committee that we are looking actively at ways in which to repeal section 28.

Johann Lamont: We would all welcome that, and it would be welcomed broadly in Scotland as well.

The difficulty when we talk about equal opportunities is that we want to focus on individual areas that you have identified, so you will forgive me if I address two of them.

You will recall that the first formal lobby of this Parliament was by people with complex impairments—they had a sensory and a visual impairment—and organisations associated with them. Issues arise from the fact that people have two impairments. You identify each impairment separately but not together, so has any work been

done in that area? One of the things that was raised at that lobby was the type of signing that was required, the fact that people do not get that support as of right and how isolated they feel because of that.

In your paper on racism, you identify social inclusion issues. What is being done to scrutinise what social inclusion partnership boards are doing with regard to women? Will that be monitored by the Executive, or will the boards be expected to do it? Clearly, child care and supporting women into work are key strategies, but how closely are they monitored?

Jackie Baillie: I am trying to scribble down all your points.

I recall the lobby on disability in committee room 1, by Deafblind UK and Sense. Iain Gray, the Deputy Minister for Community Care, and I had a thematic day on disability and invited a range of organisations to present their cases to us and to engage in a dialogue on what the issues were and the role that the Parliament could play in moving them forward. You are right to identify the category of multiple impairment. Small numbers of people are affected and, to an extent, local authorities and service providers sometimes do not appreciate the difficulty because there are not the numbers to merit attention. While that is understandable, it is not necessarily acceptable.

Iain Gray is keen to look at service provision based on the person. As you will know, we are currently considering how to make progress on a range of community care initiatives that are centred on the individual. To put it simplistically, they give individuals control, in effect, of a pot of money to access services. That might be a way forward. I know that the officials in community care and the minister will consider that.

I will say two things on the issue of women. First, you will be aware that we have established a social inclusion network, which includes a variety of people with interests in social inclusion. One of its action teams deals with evaluation and it will report formally on an evaluation framework that can usefully be implemented and that will address issues such as the role of women. In my experience, the role of women in community activity is extremely powerful, and we need to examine mechanisms to support women in that setting so that they can participate in the community and, beyond that, so that they can access employment and training. Indeed, part of the national child care strategy is aimed directly at expanding such provision to enable women to participate more fully.

In December, we will publish a monitoring and evaluation procedure that all social inclusion partnership boards will be required to adopt. That

will enable the committee and the Executive to monitor centrally how effectively the money that has been set aside for tackling social exclusion is being spent.

15:45

The Convener: Unless anyone has a pressing question that has not been answered, I will thank the minister for coming. We intend to invite the equality unit to a meeting soon. The minister is more than welcome to stay for the rest of the meeting.

Jackie Baillie: I hope that the committee will not be offended if I say that I have other pressing engagements.

The Convener: I may be.

Macpherson Report

The Convener: Item 3 is further consideration of the committee's response to the Executive's action plan, but Shona Robison has passed me a note about Jim Wallace's press statement. Would she like to raise that issue now?

Shona Robison: I propose that a letter of complaint be sent to Jim Wallace on behalf of the committee. I do not know how many members have seen the press statement—from the number of shaking heads, it would seem that most have not. It was extremely discourteous of Jim Wallace to issue a press statement without giving us an opportunity to see it beforehand. We spent an hour trying to obtain the statement this morning and succeeded only with great difficulty. It is not acceptable for ministers to fail to supply statements and to come to a committee meeting when they know that most members will not have seen what they have issued. This was an extremely important statement; to make such a major announcement without informing us first was at best discourteous, and at worst an attempt to hijack the meeting for the minister's own ends.

The Convener: Has the statement appeared in or gone out to the press?

Shona Robison: It has gone out to the press.

The Convener: But has it appeared in the press?

Shona Robison: It will do.

The Convener: But it has not appeared yet?

Shona Robison: The statement was issued only today. However, the press have it. Some members of the committee have been phoned by journalists. The fact that that has happened, yet we have not had sight of the statement, is a problem in itself.

Ministers should not do business in that way. This is not a personal attack on Jim Wallace—this is about a committee saying to a minister who is due to attend one of its meetings that it does not expect to be treated like that. We deserve more courtesy.

Nora Radcliffe: Was not the statement put out on e-mail? I should have thought that that was standard practice.

Shona Robison: There was nothing.

Michael Matheson: Jackie's press release is on the Scottish Executive website, but trying to get hold of Jim's was an absolute nightmare. As Shona said, we spent about an hour trying to do so. We were able to get it only by going to the Scottish Executive's press department.

The Convener: You mentioned Jackie's press statement.

Michael Matheson: Jackie also put out a statement.

The Convener: About the meeting?

Michael Matheson: Yes.

The Convener: Was that issued before the meeting?

Michael Matheson: She had it published on the internet.

The Convener: So you do not object to statements being issued before a meeting?

Michael Matheson: No, because Jackie had hers published. Furthermore, she was not making a major announcement. Jim, on the other hand, used the committee as a platform to make a ministerial announcement on a specific issue. There is a difference in access to information—Jackie Baillie made the information available to committee members, but Jim Wallace did not. He made an announcement that committee members had difficulty getting hold of. It is inappropriate for any committee to be used in that manner—Jackie did not do that.

Nora Radcliffe: Is it the case that Jackie's staff are more efficient than Jim's staff? Can we establish the facts before we go off at half-cock?

The Convener: How do other members feel about the issue?

Johann Lamont: There is no doubt that it was made fairly clear to the minister how members who knew that the press release existed felt about it. I would be reluctant to comment, as I do not know what is in the press release.

There are two related issues. There must be discussion—which could be positive—about the way in which we work with ministers. They make

announcements on the back of a committee, but those announcements should be presented to the committee first, as a matter of courtesy. We should establish a clear procedure, and if the procedure is not followed, we can address the problem head on at that stage.

Related to that is an issue for committees generally, when committee members spin stories out of committee meetings. For example, they might issue a press release on how they will go to a committee to say this or that and so on. I hope that in this committee there is good faith among members that we come to the committee, discuss matters and come to a view. At times, members of the committee will not agree with one another—agreements might break down across party lines. However, I hope that none of us will seek to use the committee as a vehicle whereby members identify what they will say in advance, work it into the report and then go out and put some spin on it. While that is an important issue for this committee, it applies to the whole committee structure. I do not want committees to fall into a state of disrepair because members feel that they have been used cynically.

I would like us to be able to establish exactly what happened in this case. It has already been flagged up to Jim Wallace that we are unhappy about it, but he might furnish us with further information. Until I see what is written down, we should deal with the matter in stages. It would be helpful if the convener raised the protocols between ministers and committees through the conveners group.

The Convener: I can do that and I have no objection to writing to Jim Wallace, if the committee wishes, to tell him about the discussion that we have had on the matter.

Nora Radcliffe: You should write because it was discourteous, but we should find out why it happened. Perhaps someone somewhere did not do what they should have done—we should ask who, where and why.

Shona Robison: We should ask for an explanation.

The Convener: We return to item 3, which is further consideration of the committee's response to the Executive's action plan for Scotland.

Mr McMahon: I wonder how we can formulate our response. At the reporters group, we identified many questions; I think that we asked all of them. If we did not get specific answers, we certainly asked the questions on every area that we identified. I suggest that every member should go away to collect their thoughts and then e-mail me with their views on what happened today and the answers that they received. I could collate that information, draft a report, get it back to members

as soon as possible and have it available for Thursday.

I know that that means that members will have to go away to work on their responses now. Everyone will have to return them to me by tomorrow, which will allow me to draft a report that could be sent back out by tomorrow night, if we are working to the 30 September deadline. It will be Thursday before it can be agreed properly by everyone on the committee. It will have to be done through the ether—we will not be able to sit down together to discuss the report. It will be a process of members e-mailing me as quickly as possible with their initial reactions and then giving their response to my draft report with an indication of their agreement or non-agreement with its contents.

I do not know whether anybody else can suggest another way. I am open to suggestion.

Shona Robison: That sounds sensible. I am sure that most of the information in the report from the sub-group will remain the same, so we are talking about additions to it. My only concern is the committee's response to Jim Wallace's announcement about the review of the Scottish police complaints procedure. That is the main difference between the information that we had when we wrote the report and that which we have today. Members must see the press release and comment on it, but our response will be a collection of individual responses rather than the result of a discussion about a major announcement.

Mr McMahon: Given that we are looking at the action plan in response to Macpherson, we can keep our response to the press release separate from our response to the action plan. I do not know whether there is a time limit for our response, but we could deal with it next time we met as a full committee. We could look specifically at what Jim Wallace is saying in the press release, but keep it separate. There is a link, but it would complicate matters if we tried to draw anything from the press release and Jim Wallace's statement. If we are to look at that, it might be best to keep it as a separate item, rather than include it in our response to the action plan.

Shona Robison: It depends whether our response is considered to be part of the action plan response. I would be happy if the committee decided that it was not, and if we gave a separate response to the press release.

Mr McMahon: That would be best—it would mean that we could consider the press release in more detail.

The Convener: Do you want that to be an item on next Tuesday's agenda?

Shona Robison: Yes.

The Convener: Everybody must e-mail Michael McMahon as quickly as possible.

Malcolm Chisholm: That is fine, but are we anticipating agreement on every point that committee members make? We have a problem if members make controversial suggestions that have not been agreed by the committee. Is the point about the independent complaints authority the most controversial one? Members might not agree with my generous remark that we are pleased that Jim is open-minded about it, but does the committee take the view that there ought to be an independent complaints authority?

The Convener: I got the feeling that everybody was in favour of that. It would be the most controversial point.

Michael Matheson: There should be at least a feasibility study to look at it as an option. We have not even had an explanation of what that would involve.

Malcolm Chisholm: I am trying to protect the credibility of the committee, in terms of how it deals with other areas on which somebody disagrees. It might be hypothetical, but how will a matter be resolved for the final report if somebody e-mails me to say that they do not agree?

The Convener: The final report could contain things that are unanimously agreed by the committee and things that are not.

Mr McMahon: We could have appendices. If I submit a final draft and someone does not agree with a specific point, I do not see any harm in saying that there is not unanimous agreement.

Nora Radcliffe: One or two members might have a different view.

Shona Robison: That is why the report said that there was unanimous agreement in the sub-group on the need for a Scottish feasibility study, rather than what its outcome would be. We deliberately worded it in that way, in case anyone was unsure about what they would like to see as the outcome. However, we all agreed that there should be no delay in having a feasibility study.

Mr McMahon: The report could be drafted in such a way that it allowed minority views on an issue. It could say that although the majority felt one way, a minority felt another way. We will not say what we expect from the review, but we want to ensure that those who review the action plan are aware of the issues raised by the committee, whether members were unanimously agreed or not. That would inform those who are carrying out the review of the strength of feeling of the committee. Unanimous and minority views should come through.

The Convener: May we leave the matter in your capable hands?

Mr McMahon: I do not know about that.

Reporters Groups

The Convener: I have managed to get the four groups reasonably balanced, with at least three members in each. I suggest that the disability group be led by Michael Matheson, the gender group by Johann Lamont and the sexual orientation group by Nora Radcliffe. It has already been agreed that the race group be led by Michael McMahon.

If the committee agrees on who will be in each group, I will get in touch with those people so that they can arrange to meet. Although it is a short time scale, the groups could come to the next meeting with a list of suggestions for topics that they will consider. Is everybody happy with that?

Members indicated agreement.

The Convener: We will put that on next week's agenda and it will be a regular item, although if nobody has anything to report, that will be fine.

Malcolm Chisholm: What else is on Tuesday's agenda?

The Convener: Objective 3 funding is on the agenda—I hope that members have read the document. I have not.

Elaine Smith: It might be appropriate to thank the ministers for coming to the meeting.

Meeting closed at 16:01.

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