

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 5 October 1999
(Morning)

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EQUAL OPPORTUNITIES COMMITTEE

5th 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:

Angela O'Hagan (Equal Opportunities Commission)

COMMITTEE CLERK:

Martin Verity

ASSISTANT CLERK:

Rodger Evans

Scottish Parliament

Equal Opportunities Committee

Tuesday 5 October 1999

(Morning)

[THE CONVENER *opened the meeting at 10:05*]

The Convener (Kate MacLean): Good morning and welcome to this meeting of the Equal Opportunities Committee. I am sorry about the change of venue. This venue may not be ideal, but apparently something more important is happening in committee room 1. I do not know what could be more important than the European structural fund objective 3 draft operational plan, but the accommodation arrangements for the committee are unfortunately outwith our control.

Objective 3

The Convener: This morning we welcome Angela O'Hagan from the Equal Opportunities Commission. Members already know her, because she gave us a briefing during the recess. Today, she will give evidence on the objective 3 draft, so that the committee can decide what representation we want to make to the European Committee.

Angela O'Hagan (Equal Opportunities Commission): Thank you, Kate. It is good to have another opportunity to meet the committee. I intend to outline the content and intent of the equal opportunities provisions in the objective 3 draft operational plan, but I do not intend to offer comments on the full European policy.

Equal opportunities have been given greater priority in the new structural fund arrangements than was the case in the past. The operational draft plan for objective 3 states:

"The incorporation of equality between men and women has become an obligation upon all spheres of EU policy and policy-making, following the Treaty of Amsterdam. With regard to the Structural Funds, programmes are expected to be able to demonstrate improved equality between men and women in terms of employment; education and training; enterprise and the reconciliation of professional and family life."

At the moment, the requirement for gender equality is a priority. In Scotland, however, a broader definition of equality than gender equality is being promoted in the programme management executives and in the Scottish Executive, particularly in terms of the indicators that are being considered. As members will appreciate, that is in line with the broader approach to equalities across public policy in Scotland. To some extent, it also anticipates a widening of the scope for equalities

issues in the European policy framework.

I would like to outline the approach taken by the European social fund objective 3 plan team in addressing equal opportunities issues and the role that the Equal Opportunities Commission Scotland has played in that process. In February 1999, when the programme management executive embarked on its work, it was concerned to ensure that there was an adequate equalities profile in the operational plan. The EOC Scotland agreed to be part of that process and was grateful for the opportunity to be closely involved in supporting mainstreaming equality in the new structural funds.

The EOC's view was that the greater priority being given to equalities issues in the new structural funds was a major development in equal opportunities and economic development policy. It was also a key area for developing a mainstreaming approach to equal opportunities in programme delivery in Scotland. We commend the Scottish objective 3 partnership for its commitment to equal opportunities and for taking the initiative to involve the EOC at the earliest possible stage.

As I said when I last met members of this committee, the EOC's resources are severely limited, so our involvement proceeded on the basis that we would, where possible, advise the plan team but that we could not comment on every aspect of the plan. To maximise the input from EOC Scotland, we requested that we become part of the Scottish co-ordination team—a group, chaired by the Scottish Executive, that brings together all the programme managers and programme management executives. In that way, we could ensure that the advice given to the objective 3 plan team would be further disseminated across all the other plans and programmes.

We are grateful to the Scottish Executive for supporting our partnership initiative to produce guidance on mainstreaming in the structural funds. I understand that the toolkit that has now been produced has been circulated to members of this and other relevant committees. The toolkit for mainstreaming equal opportunities in the structural funds has been prepared in partnership with the EOC programme representatives in the Scottish Executive. It has been circulated to all the programme directors and plan teams to assist them in the first stages of preparation of the draft operational plans. With the endorsement of the Scottish co-ordination team, the toolkit has also been circulated to the Scottish social inclusion network, because a great deal in it can be transferred to support mainstreaming equality in social inclusion programmes.

Both the structural funds review and the development of the social inclusion strategy will

involve the development of indicators and evaluation mechanisms. It was the EOC's view that that gave us another opportunity to reinforce the cross-cutting nature of equalities issues and to harmonise the way in which outputs are measured in terms of equalities issues. As members will be aware, improved data disaggregation is at the heart of both those areas of policy development and evaluation.

The aim of the toolkit is twofold. The first phase deals with the context of mainstreaming equality in the new programmes and provides practical guidance on gender impact assessments—looking at policies in draft form to consider the impact that they may have, adversely or positively, on women and men. That will ensure that the gender dynamic of the labour and training markets, as addressed by the programme plan and the subsequent projects that stem from it, will be given due consideration in terms of the promotion of equalities issues within the programme. The second phase of the toolkit, which will be produced later this month, will give practical guidance on the application and selection procedures for projects.

I come now to the way in which equal opportunities will be addressed in the objective 3 plan. As members will know, there are two approaches to equal opportunities. There is the vertical priority—to use more Eurospeak—which allows for a specific budget head for specific projects on gender equality. There is also the horizontal priority, which underpins the other four priorities in the plan and which aims to integrate equalities issues across all the programme measures. That approach contains two of the essential components for mainstreaming equality: specific actions to address inequality and gender imbalance; and the recognition that gender issues are integral to other programme priorities, such as raising employability, social inclusion, promoting a competitive work force, and lifelong learning. Specific actions for addressing equality issues as special measures, and integrating equalities across the policy spectrum, constitute the process of mainstreaming equality.

The specific measures under priority 5 in the objective 3 plan allow for positive action initiatives. It is interesting that, for the first time, that includes initiatives by employers to improve workplace practices and policy frameworks to address gender segregation and the inequalities that that perpetuates in employment and training. We regard the measures as a very positive step, as they allow equalities issues to be promoted and addressed across the board, rather than remaining the preserve of individual projects, mainly in the voluntary sector and in local government.

The financial allocations of all the priority

measures have still to be finalised. Although it is likely that priority 5 will be one of the smallest allocations, it will nevertheless be a significant source of funds for equalities projects and will provide a real boost to equalities initiatives and practice development. Although it will be one of the smallest budget heads, it will be supported by the fact that equalities have to be integrated across all the other programme measures, and resources will therefore have to be allocated to developing equalities practice. The mainstreaming approach under the horizontal priority will ensure that project sponsors and project applicants demonstrate how their project will address equalities within the main priority.

10:15

Another practical way in which we are aiming to underpin the horizontal priority is by expanding the references to equal opportunities that project applicants have to make and the evidence that they have to produce in the monitoring processes. Our intention is to go beyond the current practice of asking whether project applicants have an equal opportunities policy and leaving the matter at that, which is more superficial. We want a longer-term approach with evidence of practice and of developing practice over time. We hope that applicants, as part of the selection process, will be asked to complete an audit of their organisational practice and to commit themselves to executing action points that may arise from the audit. By increasing the profile of equal opportunities issues, we hope that they will become part of that monitoring process. In a sense, it will be more difficult for projects not to continue with their good intentions; more effective scrutiny of equalities issues will not only ensure greater visibility but reinforce practice.

The Equal Opportunities Commission Scotland, in partnership with Fair Play Scotland, has two European social fund projects that are intended to underpin the developments in policy with examples of good practice. They are very much pilot projects and we hope that the practice approaches will become part of mainstream business and economic development provision. That is the principle intention of our project Developing Equalities in SMEs, which is funded under objective 4 and which works with owner-managers of small businesses and a range of partner organisations from across the economic development spectrum.

Our other project, Equality in Training, is funded under the current objective 3 programme and works directly with European social fund trainers. It gives trainers training in equal opportunities, but its underlying aim is to improve awareness and understanding of equal opportunities issues and to

see that reflected in future European social fund projects. In that way, we are trying to build the capacity of organisations to respond to the operational plan's new equalities framework.

I hope that this presentation has given members a flavour of the approach at both policy and practice levels.

The Convener: Thank you, Angela. Do members have any questions?

Malcolm Chisholm (Edinburgh North and Leith) (Lab): People with whom I have spoken are generally very impressed by the outline. However, I have three points.

First, rather than making a comment myself, I want to pass on what a project co-ordinator said to me. She thought that the draft plan was admirable but that, from the point of view of management committees, it would be better if it was a bit more user-friendly.

Secondly, we all know that European funding requires matched funding. While the draft plan is good in principle, we are interested in finding out how it will work in practice. There are concerns that the matched funders do not have the same priorities. In terms of positive action, which Angela said was such an important part of the vertical approach, women-only projects have been under pressure from council budgets in past years; the perception is that women-only projects are no longer regarded as a priority for council funding. How does that fit in with the objective 3 strategy? Scottish Enterprise has stopped funding Training 2000, an organisation that Angela will know. This issue involves the big public funders—not just councils—and all of them must have the same approach as the plan.

Thirdly, the plan says:

"The final appraisal concluded that a focus on gender alone in terms of equal opportunities was misplaced and that a more targeted approach upon specific groups of women experiencing difficulty, such as lone parents, would be more effective".

To what extent has that recommendation been fully embodied in the report?

Angela O'Hagan: As a project applicant, I endorse your point on matched funding; I have first-hand experience of the difficulty of raising matched funding. However, on shared priorities, the plan's intention—indeed the intention of European policy—is to make funding agencies regard equal opportunities as a priority and to allocate resources accordingly. The measures within priority 5 include employers undertaking workplace audits and developing practice. Companies may have considered those initiatives anyway, but the funding could act as a spur to take action. The plan has been developed in

partnership with agencies such as Scottish Enterprise, the Convention of Scottish Local Authorities, national training organisations and representatives from further and higher education. The strong message from all the plan teams is that, once the plan becomes operational, equal opportunities have to be at the heart of individuals' actions.

On a targeted approach, certain issues remain to be resolved. In particular, under the social inclusion measure of priority within the programme, women are not mentioned as a target group, but specific groups of women and other excluded groups are mentioned. When guidance is circulated to applicant organisations, those organisations will be given a very clear steer to ensure effective targeting of excluded groups, such as women and black and ethnic minority people in the community. That will be a key task.

I take Malcolm Chisholm's point about the user-friendliness—or lack of it—of the draft plan, which appears to be a response to directorate-general V of the European Commission's guidelines rather than the plan team's intention. There is a big job to be done in articulating what is possible for projects under this plan. We should work collectively with groups with which we are all in contact to publicise funding for equal opportunities projects at a level of resourcing that has not been available in the past.

The Convener: Angela, you said that a priority would be to expand the reference to equal opportunities policies in applications for European structural funds. Monitoring is also going to be an important priority, as having a good equal opportunities policy and carrying it out are two different things. Who will be responsible for monitoring? Are there financial implications that will have a knock-on effect on the number of applications that can be made to the fund?

Angela O'Hagan: Your question on resource implications is one for the programme management executive. A substantial percentage of projects already have to be monitored; equal opportunities monitoring will simply become part of the procedure. The extra effort and resources in terms of time and expertise will fall on the project applicants, but they will just have to think that bit harder about equalities issues when they are putting together a project application.

We hope that that will be a way of improving the consistency of data collection. If projects are required to have the same starting point—they must think about equal opportunities from the beginning—they will have to put the systems in place in their organisations. We hope that that push across the sectors—the various delivery organisations—will result in a more effective use of resources. Data collection, which is not used

consistently in project design and implementation, will be improved. In the longer term, there will be an improvement in organisational effectiveness when projects improve equal opportunities practice, monitoring and data collection.

Marilyn Livingstone (Kirkcaldy) (Lab): In my previous life, I worked in further and higher education and delivered some training—mainly objective 2. Projects have simply had to have an equal opportunities policy, but do you think that the new guidelines and the push to monitor could start to break down the sexual stereotyping that we have seen on many projects? I felt that, no matter how hard we tried, engineering courses were filled with men and the service industry courses were filled with girls. Is there anything within the plan that will strengthen the commitment to shift the balances?

Angela O'Hagan: I could not agree more with your point, which links into data collection. Not all project sponsors are as conscious as you were, Marilyn, of the training market's perpetuation of gender segregation and the consequent perpetuation of inequalities. As equal opportunities is a horizontal measure in the programme, all projects, such as those that fall within the competitive work force or raising employability programmes, have to consider gender issues.

In theory, that should mean that segregation issues are addressed. However, for that to be effective, we need the sort of awareness raising that is being undertaken by projects, such as the ones I have described. The intensive and expanded consultation exercises that all the programme plans are undertaking are also necessary. Since February 1999, there have been a number of consultation exercises, seminars, awareness-raising sessions, topic-specific sessions—including equal opportunities focus groups—and so on. All have tried to build awareness. They have tried to deal with concerns on implementing equal opportunities effectively and to address the question of why equal opportunities is an issue—we are still at that level in some cases.

Shona Robison (North-East Scotland) (SNP): The consultative draft plan says:

"The Plan highlights lessons from the previous programme, which indicate that there may still be barriers to women's participation in terms of lack of affordable childcare".

Has that been adequately addressed in the current plan? In terms of your input into the document, Angela, were you unsuccessful in any of your recommendations on action that should be taken on equal opportunities?

Angela O'Hagan: My understanding of the operational aspects of the programme is a bit

shaky. However, there are rules about supporting beneficiaries and supporting child care costs within projects—those rules have always been a feature of the European social fund.

As I said, the current plan seeks to build on the positive experiences of previous programmes. As to issues that we have raised and on which we were, perhaps, unsuccessful, on the whole there has been a positive attitude towards incorporating equalities issues to the fullest extent within the plan.

A number of pressures have arisen as priorities across the different sectors have had to be reconciled. However, under the social inclusion priority, for example, women are not designated as a target group, although specific groups of women are so designated. The way in which the measures have been scoped allow for capacity building projects and projects that address long-term unemployment or rural or urban exclusion. Those measures, along with the horizontal priority of equal opportunities, mean that there is scope for sex equality, women-only or gender projects within the social inclusion priority. By and large, there are mechanisms for that within the plan, even though that is not explicitly stated. That relates to my point about ensuring that project applicants are aware of the kind of projects that they can pull together when the plan becomes operational.

10:30

The Convener: Are there any other questions?

Johann Lamont (Glasgow Pollok) (Lab): I need some clarification. Forgive me if you have made this clear, Angela, but you said that gender equality in Scotland now has a broader definition than it has elsewhere. What does that mean?

Angela O'Hagan: I was referring to the fact that the definition of equal opportunities, or equalities issues, was broader than that of gender issues—the European Union policy drive in the structural fund guidelines is for gender equality, but the indicators and other mechanisms to support the implementation of the programme go beyond gender to include black and ethnic minority and disability issues. That is the broader definition of equalities, which fits in with the definition of equalities as addressed by this committee.

The Convener: If there are no other questions, we will move on. Thank you very much for coming along, Angela. Members of this committee may report to, or speak at, a meeting of the European Committee, so we may be in touch with you again.

The European Committee will consider objective 3 funding on 19 October. Given what we have heard from Angela, we should make a

representation to that committee. Tomorrow morning, the Social Inclusion, Housing and Voluntary Sector Committee is also hearing evidence on the subject; whoever goes to the European Committee meeting may also wish to go that meeting. As gender issues will be the main subject, it would be appropriate for the reporter on gender issues to go along, if everyone is happy with that arrangement. If Johann deals with that, will she have time to report to this committee before she goes to the European Committee meeting?

Martin Verity (Committee Clerk): No, there will not be time to report back to a formal meeting of this committee.

The Convener: It might be necessary to call an informal meeting or perhaps Johann could circulate her report through e-mail.

Johann Lamont: What about posting it?

The Convener: It could be posted. Is everyone happy with that? We will all be in touch about any representations that are to be made to the European Committee on 19 October. Obviously, the recess means that a formal meeting could be a problem, but members could get together informally.

Johann Lamont: Can I confirm that I have to go to the Social Inclusion, Housing and Voluntary Sector Committee meeting tomorrow, listen to the presentation and then draw together a report?

The Convener: Yes. Angela may be happy to help with that.

Angela O'Hagan: I would be happy to help. The programme director from the objective 3 partnership will speak to the Social Inclusion, Housing and Voluntary Sector Committee tomorrow, so the discussion will focus more on European policy—where all the measures have come from—than my presentation did. The meeting will also address the specific social inclusion measures within the programme and the importance of maintaining the dynamic of equalities within the social inclusion debate, so it may be helpful in informing this committee about the European context.

The Convener: Obviously, I hope that Johann does not have to do this on her own. Other people have indicated an interest in gender issues, so I hope that two or three members will assist her.

Police Complaints Procedure

The Convener: The next item on our agenda is the police complaints procedure, which was raised at our previous meeting. Everyone has been sent a copy of the press release, which some people

had at that meeting. The item relates to our response to the action plan on the Macpherson report, but we can deal with it separately now.

Johann Lamont: We may want to deal with the substance of what is in the press release later, but it seems unfortunate, to say the least—and I know that we have rehearsed some of this before—that the press release reported something that had yet to be announced at the Equal Opportunities Committee. At the very least, it would have been helpful for that press release to have been available to us before we went into the meeting, or for the press release not to have been issued until after the meeting, so that it did not predate the announcement.

We can deal with the substance of the press release separately, but we need to clarify how ministers deal with committees. I can understand that they want publicity for their announcements, and perhaps it is legitimate to make announcements at committee meetings, but the timing must be right and the announcement must relate to something that the committee is engaged with.

The Convener: I signed off a letter to Jim Wallace on the matters that were raised at our meeting—if he has not received it, it should be winging its way to him now. When I get a response, I will circulate it to members and I will be happy for the issue to be on a future agenda if members wish it. Is it agreed that we will deal with the substance of the press release in our discussions on the draft response to the action plan?

Members: Yes.

Progress Reports

The Convener: Item three on the agenda is progress reports—if there are any. This item will probably be on the agenda at every meeting, although I do not expect reporters to report at every meeting—it will be on the agenda so that reporters have the opportunity to report. The first report is from Michael Matheson.

Michael Matheson (Central Scotland) (SNP): I welcome your comments, because I do not have anything to report.

I e-mailed everyone at the end of last week, suggesting that we meet for an hour before this meeting. However, no one replied. I was not sure whether technology let me down or no one was talking to me. I am sure that it was the technology. As no one got back to me, the disability group has not met. Naturally, I was going to suggest at the meeting that we go through the information that was given to us during briefings in the recess, try to establish an agenda and priorities and feed the

outcome back to this meeting.

I should say that I am still in the dark somewhat as to which members of the committee are interested in being on the disability group. I would welcome clarification on that so that I know who I can target future e-mails to, rather than send them to everyone.

The Convener: I thought that that information was already available. I have a list of who is on each group. Would it be useful if I read it out?

Members: Yes.

The Convener: The disability group comprises Michael Matheson, Irene McGugan and Michael McMahon. The gender group comprises Johann Lamont, Malcolm Chisholm, Irene McGugan and Elaine Smith. The sexual orientation group has Nora Radcliffe, Marilyn Livingstone and Shona Robison on it. The race group consists of Michael McMahon, Shona Robison, Malcolm Chisholm and Michael Matheson.

Johann Lamont: I would be willing to work on the sexual orientation group.

The Convener: Okay. Those are the groups so far.

Tommy Sheridan (Glasgow) (SSP): Can you add my name to the race group?

The Convener: Yes.

Marilyn Livingstone: I put my name down for the gender and disability groups, but I am not on either—as has been said, if you miss a committee meeting, that is what happens to you. I would be interested in being on those groups, if that is all right.

The Convener: Yes, it is. Martin has the list. Members should speak to him so that it can be finalised. Everyone should know which groups they are on. As I said, I will put the item on the agenda for every meeting, but I do not expect a report every time.

Malcolm Chisholm: I am slightly worried that the reporters will spend half of their time trying to arrange meetings, because a problem arises with clashes with other committees. I thought that we agreed at our first meeting that alternate Tuesdays would be a vacant slot. That may cause problems if members are on two groups, but are we still working on the assumption that we will try to meet on the vacant Tuesday?

The Convener: That would be a good idea, but the problem is that the Justice and Home Affairs Committee has filled up the vacant Tuesday and some members may have to attend that committee in the morning. Generally, Malcolm's suggestion is a good one, but it is up to the groups to decide. It would be better if members had their

first meetings and decided what to do.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): I do not think that it was envisaged that we had to meet every week: that depends on which issues we are discussing. Malcolm is right that we said that Tuesdays would be an appropriate time for the groups to meet. Even though we are on other committees, we do not have to meet all the time and we do not have to use up all three hours of an allotted time. If there is a clash, we can move forward or back an hour.

Michael Matheson: On a point of clarification, convener. With regard to support for groups in organising meeting places and so on, should the reporter do that, or should we go to the clerks?

Martin Verity: I am afraid that the reporters will have to do the organising, but we can give as much help as we can in finding rooms. Obviously, there will be some difficulty in finding rooms on Tuesday afternoons, because some committees will be meeting then.

The Convener: There are rooms in Parliament Headquarters.

Michael Matheson: So the reporters raise the matter with the staff at the visitors centre?

The Convener: There is a number—I cannot remember what it is—for booking rooms. It is on the signs on the doors of the meeting rooms in PHQ. Some members use their researchers to organise rooms.

Michael Matheson: I just needed to have that clarified because I was not aware that there was an established procedure. That is fine.

Nora Radcliffe (Gordon) (LD): If something arises from our discussions that we want done, do we feed that to Martin and his team?

Martin Verity: If the group produces a paper, we can put it on the agenda.

Nora Radcliffe: Is it the case that any action arising from that paper would need to be taken at the request of the whole committee? Will the mechanism be that the clerks will pick up on any action once the papers are put to the committee?

Martin Verity: Yes. We do not service the reporters groups. Obviously, we will give as much help as we can and we will put the output from the groups on the agenda.

Nora Radcliffe: That is fine.

The Convener: It will often be a case of this committee agreeing to ask another committee to deal with an issue, or making a recommendation that the Executive deal with an issue, in which case the civil service, rather than us, will deal with

the matter.

The committee does not have the resources. That has been discussed at the conveners liaison group. With regard to reporters and smaller groups, members are having to provide resources themselves. There is an on-going discussion on that issue. If members have problems, they should report them to this committee, because there is a limit to how much members or their staff can do themselves.

Martin Verity: Basically, the reporters report to the committee.

The Convener: The next group is the gender issues group.

Johann Lamont: My position is the same as Michael Matheson's—I feel good that I was not the first to have to make his admission. The same points apply to the gender group as apply to the disability group: we want to pull the group together as quickly as possible, identify a straightforward or limited issue to address, target it and, if we have some success, move on.

The Convener: Michael, do you have anything to report?

10:45

Mr McMahon: I want to say at the outset that the response to the action plan on the Macpherson report should not be seen as a model. The time scale was far too restrictive. If there are flaws, I hope that people will understand that we were not left with enough time to plan ahead; it was a case of meeting, drawing up a draft and asking people to comment on it. Letters and e-mails were flying backwards and forwards. That was not appropriate. I would like to thank everyone for their help and for their understanding of the problems that I have faced.

I am happy to accept comments or criticism of the report—on its style or on how things were conducted. We tried to work to the initial deadline of 30 September, but that was never going to be practical, as became clear when I spoke to Martin last week. I asked Kate to explain the situation to Jim Wallace. I hope that, as we are a committee of the Parliament, our views will not be ignored even though the report is late, although I do not know what Jim Wallace's position on that is.

Malcolm Chisholm: I am sure Jim Wallace will understand. We could not get our report done by 30 September because he could not see us until 28 September, whereas we had wanted him to come on 21 September.

The Convener: My understanding is that there will not be a problem with its being a few days late. Are there any comments or questions?

Mr McMahon: We followed the structure of the action plan, looking at the general issues before the specific issues. As the introduction to the paper indicates, we felt that, although the plan makes a lot of welcome points, some areas could be strengthened and that there were omissions. We wanted to be constructive rather than critical and to fill the gaps where appropriate.

Most of the issues raised in the section entitled

"Openness, Accountability and the Restoration of Confidence"

were fairly straightforward, but we had some concerns about the delivery of what is proposed. The action plan will not be sufficient if people are not confident that it will achieve its aims. Our point is that it is not enough to say that things should be done; there must be ways of proving that they are done. Confidence will be restored only when it can be shown that things are being done, which will provide openness and accountability.

In England, it has been proposed that Her Majesty's inspectors of constabulary should look at police authorities. We felt that it was a glaring omission that the action plan said that that would not be the case in Scotland. We could see no reason for that. HMIC should look at all aspects of the police service.

We asked for clarification of what was intended in other areas. We felt that COSLA was being asked to look at certain issues but not to deliver on them. If COSLA cannot deliver an ethnic balance in police authorities, that balance should be delivered through co-option. We have looked at the possibility of co-option to this committee and there is no reason why local government should not co-opt members of ethnic minorities to ensure a proper balance when race issues are being discussed.

Under the heading

"Police Practice and Investigation of Racist Crime"

we expressed our concern that the police are being asked to police themselves. There should be more scope for scrutiny of police procedures and of investigations of racist crimes. To have the police as the investigators of the police is far too narrow. There should be wider consultation with other organisations on how the police are performing. The action plan does not allow for that.

We are concerned that, although family liaison was identified as important, the resources and the professionalism of those involved are unlikely to be sufficient. There must be greater professionalism and high standards so that the arrangement is not makeshift but a proper means of delivery.

Similarly, the proposed consultation on victims seems very restricted. We would like to see it widened to ensure that those who are directly affected as victims are given the means to make their position clear. Victim Support Scotland was identified as the means of doing that, but the action plan contains no clear commitment to support VCS if it finds that its resources are restricted. Jim Wallace has said that VCS would be supported, but the committee needs to insist that that is stated in the action plan.

The issue of disclosure gave the group the greatest difficulty because we felt that we did not have the professional background to comment definitively on the legal implications. However, we believed that, where it would benefit the victims and their families, there should be room for manoeuvre on disclosure. There have been cases where disclosure would have had no effect—that is always true when the case is completed. It can be very important for families to know what has taken place and what information was available during the trial. We could not be specific about when we felt disclosure was appropriate, but we wanted the issue to be looked at more closely than was suggested in the action plan.

We felt that the action plan was vague on recruitment and retention. We wanted a more studied approach to police training and to ensuring broader ethnic minority representation in the police. We felt that the action plan was remiss not to give a clearer commitment on that. We suggest that a report is commissioned to ensure a police policy on recruitment and retention that is deliverable and being delivered.

A glaring omission from the action plan is any comment on how education should deal with racism. Malcolm was keen to ensure that the education bill was highlighted. The action plan considers only the police—we commented on that omission under the heading “Miscellaneous”. The broader services that impact on all areas of racism in Scotland should be looked at, especially social work, the probation services and children’s panels. Without looking at those areas, the action plan will not have the impact that it could.

Shona Robison: I am puzzled because the previous draft referred to a feasibility study. The group agreed that there was no reason for the Scottish study not to go ahead and that we should not have to wait until April 2000 for it. That has disappeared from this paper.

Mr McMahon: I am puzzled myself. I have noticed a couple of omissions—I do not know what has happened to a couple of the sentences that I saw my assistant type. Page 5 says that the committee urges the Scottish Executive

“to review issues concerning civilians and special

constables”.

I asked my assistant to use the words “civilians employed within the police service”—I even saw him type them in—yet they are not there now. I do not know what has happened. I have a draft that mentions the feasibility study, but it has now disappeared. I will try to clear that up.

Shona Robison: Will you make sure that the feasibility study is reinserted before the response is submitted?

Mr McMahon: Because the matter has been raised here, I will speak to Martin and ensure that it is reinserted. We have agreed it twice and it was in a draft that everyone has seen.

The Convener: Could this be an earlier draft?

Mr McMahon: I am not sure what has happened. I am puzzled.

Johann Lamont: In the section “Recruitment and Retention” on page 4, I am concerned about the way in which the sentence on quotas reads. I am anxious that we do seem to argue that positive action means giving up high standards. My party very courageously decided to use quotas to increase women’s representation in Parliament and I would defy anyone to say that that resulted in a lowering of standards. I am not sure whether that is what the group meant, but the sentence implies that there is a cost to the use of quotas—when we are addressing issues as fundamental as lack of participation and exclusion, that matters. It would be helpful if you could clarify what the group intended.

11:00

Malcolm Chisholm: Where is that reference?

The Convener: It is at the bottom of page 4. The last sentence states:

“The committee is concerned that a lowering of standards does not result from a necessity to meet targets through the introduction of quotas.”

Malcolm Chisholm: That should be omitted.

Mr McMahon: It was inserted because it was one of the specific points made by the representatives of the Commission for Racial Equality, which did not want tokenism or for the police to deliver purely because of quotas. The commission wanted it specified that the ethnic minority community should be represented in the same way as other communities and that standards should be maintained. It did not want token gestures that meant that a certain number were recruited but not to the benefit of the ethnic minorities.

I do not want the sentence to be omitted, because I know what the CRE was saying. I agree

with Johann that the wording is not as tight as it should be, but the CRE asked us to state—and the reporter group agreed—that we did not want tokenism in the police. That sentence is aimed at ensuring that the police cannot simply deliver x amount of people into the police service. Those people must properly represent the ethnic minority community and the way in which they are trained and supported must ensure quality.

Johann Lamont: That is not what the sentence says. Its implication is that the service would bear a cost because it would have to be more flexible in the way in which it recruited people—the implication was that some people would not be up to the current rigorous standards. I understand that we want to underpin positive action initiatives with support for people coming in. We must ensure that this does not become a numbers game and genuinely move the police forward. The sentence is worded in such a way as almost to give succour to those who argue against quotas on the presumption that the police will have to lower their standards. Although that is not intended, it could give out the wrong message, so the sentence should be rewritten.

Tommy Sheridan: I suggest that we state that the committee believes that standards will be maintained through the introduction of quotas. That would be a more positive statement. Michael McMahon's concern is that the CRE has flagged up the issue, so it would be wrong to drop it. We should say that the committee is confident that standards will be maintained after the introduction of quotas, which would be more positive than saying that the committee was concerned about a lowering of standards.

I take on board the point about members being on a learning curve. This is a good report, given the constraints and the fact that everybody writes in their own style. However, the second paragraph on page 2—on openness, accountability and restoration of confidence—is a wee bit clumsy. Michael has clarified that what he is saying is that this committee is opposed to the fact that HMIC is not to be allowed to inspect police authorities. However, the paragraph seems to say that the committee is concerned that the Executive accepts the recommendation of the report, but rejects moves for HMIC to inspect police authorities. Could we change it to say that the committee believes that HMIC should be able to inspect police authorities as well as all parts of the police service?

Mr McMahon: Yes.

Tommy Sheridan: At the top of page 3, the draft response states:

"The committee also notes the Scottish Executive's rejection of statutory duty for Police Authorities to reflect any local ethnic or cultural mix, and suggests this may be a

case for co-option".

As Michael said, we should be clear in what we are saying. We should be clearer here and say that the committee believes that this is a case for co-option. We should push that issue forward with a more positive statement.

I have a similar point to make about the fourth paragraph on page 4, which states:

"The committee of the Parliament recognises the importance of racism awareness training and encourages the Executive to ensure that Police Authorities to allocate time for officers".

Could we replace "encourages" with "insists"? We should be in your face about those issues.

The end of that paragraph states:

"The committee would also encourage the effective monitoring and evaluation of training."

We should add that we want local communities to be involved in that training. In Scotland, there is often a centre where all police forces go for particular training. It is much more important that local communities in different parts of Scotland are involved, so the training should be done on a divisional basis rather than across Scotland.

Michael spoke about the omission of a Scottish feasibility study, but did we not have a stronger commitment on the need for an independent police complaints authority? I hoped that, as a committee, we would be more up front in saying that we believed that there was a strong case for an independent police complaints authority. We should call for the feasibility study in Scotland to proceed immediately.

Mr McMahon: When Jim Wallace announced the review last week, we agreed—I have checked what was said—not to discuss it in the report until we had examined the statement. It would have been wrong to comment on it before the committee had met today to discuss the matter. We could add a comment now, if the committee takes a clear view about what Jim Wallace is proposing.

Tommy Sheridan: That is a fair point. I hope that the committee will now agree to include a stronger comment on the need for an independent police complaints authority, as we have an important role in promoting that as an objective. We should not call for one without having examined a feasibility study, but we should state that we recognise the strong case for it.

What I will say on the education aspects may involve other legislative considerations, in particular section 28. As the Equal Opportunities Committee, should we not argue for the specific inclusion across the school curriculum of an equal opportunities package? We should call for each school to have a promotion of awareness package

that includes race. We would expect each school to have a race awareness workshop, or a tolerance workshop, as part and parcel of school life. Why should we not also have a sexual orientation and gender package? The former could come into conflict with section 28, so we may not be allowed that, but we should certainly push for a racial awareness workshop.

Malcolm Chisholm: Tommy's final point leads on to what I said about the education bill. We should say something more than that we want to ensure that the syllabus is being effectively applied, because part of the problem is that the syllabus is not adequate in this regard. Tommy is right in saying that we should examine the whole area, not as part of this report but as part of our work on the education bill. I am aware that we are not allowed to add extra items to the agenda, so I had better comment on that now. We should decide how to deal with the education bill, because we will be up against the same time constraints if the consultation ends at the end of October. The bill will roll on from there and we should not do another quick report because we will not cover the issues properly. Tommy is right that we should examine race, gender and sexual orientation on the curriculum.

We should change what this report says about monitoring so that it specifies that racist incidents must be effectively monitored. We should also state that the Scottish Executive should ensure that the syllabus is developed and effectively applied. We should put down a marker for what we will do in more detail in a few weeks' time.

Nora Radcliffe: Should we specify the equality syllabus, as the syllabus covers reading, writing and arithmetic?

Michael Matheson: The report should specify race equality.

The Convener: It covers the whole syllabus.

Johann Lamont: The report refers to the

"considerable volume of work undertaken by Head Teachers in ensuring the delivery of equal opportunities teaching".

Perhaps we should refer to the considerable volume of work undertaken by schools in ensuring the delivery of equal opportunities teaching, as head teachers do not necessarily do that on their own.

Mr McMahon: I have no problem with that.

Shona Robison: The sub-group discussed the issue of head teachers' discretion—I apologise for not faxing that information to Michael last week. It would be useful to state that we did not want the decision on whether anything happened to be left to the discretion of head teachers. That is why the

reference to head teachers is relevant. If we replace "Head Teachers" with "schools", as Johann suggested, perhaps we should add another sentence, stating that we do not believe that addressing racism within schools should be left to the discretion of head teachers. The discussion that we had at the sub-group was about what happened if a head teacher perceived that there was not a problem.

The Convener: Do you want to come back on any of those points Michael?

Mr McMahon: If the committee has no objections, I have no problems with making the suggested amendment. All the way through, we have had consensus about we are trying to do. I have no problem with tightening up the wording or with adding comments to clarify the report and make it more effective. If the committee agrees with members' points, there will not be a problem in amending the report accordingly.

The Convener: I have a problem with Tommy Sheridan's suggestion about strengthening the paragraph about co-option at the top of page 3, which states that the Scottish Executive has rejected the need for a statutory duty on police authorities to reflect any local ethnic or cultural mix. If we think about it, there is no statutory duty on any public body. Every police board is made up of councillors, but there is no duty on councils to reflect the ethnic mix of the community and no statutory requirement for co-options. We want co-options on this committee. Possibly, they should be extended to councils and every service area that they deal with. I do not think that the requirement for co-option is a matter for the police authorities in isolation. It would have to be part of a review to ensure equal representation on all public and elected bodies. That would give this Parliament problems. The wording of the report could be changed, but it should reflect that the issue has to be considered in the wider context.

11:15

Tommy Sheridan: I raised that point because there is growing concern about the operation of the police in relation to ethnic minorities. We have to reflect that concern, although you make a valuable point, in terms of the changed wording.

As Malcolm said, more things could be said about education generally in relation to the bill.

In relation to this report, we as the Equal Opportunities Committee should recommend that the police authorities should co-opt rather than simply encourage. I worry that reports are not taken on board unless they are quite up front in what they ask for.

Irene McGugan (North-East Scotland) (SNP):

What Tommy is saying reflects what we were talking about with the minister. We need to be clear about how much is discretionary and how much is mandatory. As we all know, when things are discretionary, some people tend not to adhere to them.

Michael Matheson: On page 4 of the document, under the heading "Victims and Witnesses", we read:

"The committee welcomes the role of Victim Support Scotland in addressing support needs of ethnic minorities."

One of the concerns that was highlighted at last week's meeting with the minister was that additional resources were provided by the Home Office in England and Wales, whereas there appeared to be none in Scotland. If anything, Victim Support Scotland's resources are being squeezed, particularly in the west of the country. The primary reason for that is the complications that arise from the Data Protection Act 1998. Could that section of the document be tightened up to reflect that?

The Convener: Is it agreed that Michael McMahon will incorporate those comments in a final draft and that that should be sent to Jim Wallace?

Members indicated agreement.

Martin Verity: Do committee members want the final report to come from the committee?

Mr McMahon: I think that that would validate it.

The Convener: It would have to come from the committee.

Martin Verity: If it comes in the name of the convener on behalf of the committee, the clerking team can help with the drafting.

The Convener: Nora is reporting on the sexual orientation group.

Nora Radcliffe: I took a leaf out of Michael's book and e-mailed the people who I knew were involved—Marilyn and Shona—and we arranged a brief meeting this morning. British Rail messed up Marilyn's schedule, but Shona and I met and agreed that the obvious target for the committee was section 28. The first task for us in that area is to determine whether the Executive wants to tackle the repeal of section 28.

We knew that the Equality Network was making a presentation and we thought that we might pick up suggestions from that on what areas we might look at. Another issue that would fall under the sub-group's remit was whether same-sex couples should be able to have a civil marriage ceremony; we might consider that. That is as far as we got.

The Convener: The briefing that we get after

the meeting will—

Nora Radcliffe: We hoped that that would throw up other topics that we could take on board.

The Convener: Does that cover everything on the agenda?

Tommy Sheridan: Could the sub-group consider in more detail whether the Equal Opportunities Committee could propose legislation on section 28?

Nora Radcliffe: We will have to work through the committee anyway, Tommy.

Tommy Sheridan: That is what I meant. Some committees have already suggested subjects on which they might introduce legislation. I would have thought that there might be a specific remit for the Equal Opportunities Committee on that issue.

Nora Radcliffe: There has been some discussion about whether the issue comes under the education bill or the local government bill. We could propose an amendment to the bill, but first we must find out the Executive's intentions.

Tommy Sheridan: How do we do that? Will someone come to speak to us?

The Convener: We can ask a minister to brief the committee. Alternatively, the committee can write to the Executive, or individual members can lodge written questions.

Shona Robison: We may have a problem with the time scale. I had not appreciated that 31 October was the end of the consultation period for the education bill. Today is 5 October, so we need to find out the Executive's intentions. I assume, however, that the date by which an amendment to the bill would have to be produced would not be the end of October, so first we need to establish whether we should draft an amendment. We could use the consultation period to find that out.

Drafting a major amendment to the education bill would involve a lot of work. I do not think that the process of committees drafting amendments has been tested yet and I am concerned about the lack of resources available to committees. We need clarification on who will assist us in drafting the amendment.

Martin Verity: I cannot answer that but I will find out and let members know as soon as possible, before the next meeting.

The Convener: Given that we want to start our consideration, do members want me to invite the minister, or an official, along to our next meeting to answer questions?

Nora Radcliffe: Would not it be simpler to write and ask the Executive whether it has any intention of dealing with the repeal of section 28?

The Convener: That is not the only thing that we would want to ask about the education bill.

Malcolm Chisholm: I asked Jackie Baillie about section 28 last week, so we can look at the *Official Report*. Her response was certainly positive. A point that intrigued me—and which I should have pursued—was her reference to reserved aspects. I am not clear about that.

Perhaps we should not be bound by the end of October on the education bill. We want to hear from other people before we hear from the minister. On race, we should hear from Rowena Arshad, who has put in a very good submission on the bill on behalf of her unit at Moray House Institute of Education. We should also hear from someone on section 28, gender and general inclusion issues, including disability. The question of people remaining in mainstream education is central to this. We want to hear from three or four people pretty soon after the recess.

The Convener: We are writing to various organisations with an interest in equality issues to ask them for their comments. We can then decide which organisations we want to brief us. That will have to be decided fairly soon. We will also want to invite someone from the Executive along to ask them about gender equality issues in the bill.

Nora Radcliffe: We have talked about this Parliament being open and accessible and consulting people, but have we taken any steps to invite members of the public—ordinary people, rather than representatives of organisations—to feed in their views? Is that something that we should be doing? If so, how should we set about it?

The Convener: As far as I know, we are not doing that. I suppose that we ought to, but it is proving quite difficult to get even organisations to offer their points of view. However, I suspect that, as the Parliament's work continues, people will get more used to making representations.

Nora Radcliffe: Would it be worth sending out press releases to say which subjects the committee is considering and that if any member of the public wishes to make a representation they can send a letter to, or e-mail, such and such a person? I do not know whether we will get any response, but we should work harder to involve ordinary people.

The Convener: I do not know whether the media would even cover such press releases. However, the Parliament has a media section that will issue a press release on behalf of the committee.

Nora Radcliffe: We will not get feedback overnight, but we should try to start the ball rolling. We need to get people more involved, so that the

man and woman in the street think that they have direct access to the committee and that what they have to say will be taken into account.

The Convener: Once I have received responses to the letters that have been sent out I will circulate them to the committee. Will the committee remit it to me to organise briefings by different equality organisations? If members want to hear from specific people, they should let me know, so that I can get things organised for immediately after the recess.

Shona Robison: Will we be into the education bill by then?

The Convener: Yes.

The Scottish Out of School Network has sent me invitations to a reception. I will get Martin to circulate those to everybody, with the details. The reception is at lunchtime on Thursday 7 October, which is quite soon. People may want to note that in their diaries.

That is the end of the formal, open part of the meeting. The Equality Network will give us a briefing once the meeting has been closed.

Malcolm Chisholm: Like other members, I have been wondering why briefings are held in private.

The Convener: There is no reason for them to be held in private. However, we decided to have briefings during the recess on the four main areas that the committee deals with. The first three were in private, so it seemed appropriate that the last one should also be. Any future briefings can be held either in private or in public. This briefing will be in private purely for the sake of consistency.

Johann Lamont: We agreed to have informal briefings, for which there would not be an official report, so that people would feel free to hold a dialogue. The decision was made for a positive reason. I would not want a spin to be put on it, as though we had decided to meet in closed session.

The distinction between formal and informal meetings may be less helpful than we thought, and I would be quite relaxed about having everything open to the public. It is highly dubious whether every word that we say in a debate is worth recording. However, we would all be comfortable with the public listening in on the committee.

The Convener: Johann is right. All these informal briefings should have taken place during the recess, but the briefing by the Equality Network has been postponed for various reasons and has now run into the time when Parliament is meeting. The briefings were intended to inform the committee's work programme.

Mr McMahon: May I be facetious? If, now that we have entered an area of controversy, we take

up Nora's suggestion that we issue a press release inviting disabled people to send us their views, there is much more chance that the press will cover it.

11:30

Michael Matheson: I imagine that, as ever with press releases, the press will diffuse what it wants to anyway.

We talked about the meeting being private, but is there any reason why it could not be an informal meeting at which members of the public could remain?

The Convener: It is a pity that no one discussed that before. The meeting will be held in private because that was what was discussed with representatives of the Equality Network. I do not know whether they would have any objection to allowing members of the public to remain. I do not have any objection to it, but it would seem a bit unfair suddenly to change in an ad hoc way what had been agreed. I do not think that that would be fair to whoever is giving the presentation.

Tommy Sheridan: Could we ask them, Kate?

Malcolm Chisholm: We would have to ask their permission.

The Convener: They were invited to an informal meeting.

Tommy Sheridan: I think that Malcolm is right. There are only a few people in the gallery, and we would have to tell them that they had to leave. I think that you would be against that, convener.

Nora Radcliffe: Does informal mean private? I do not think that it does.

Tommy Sheridan: It should not. Informal means not having to wear a tie.

The Convener: I close the formal part of this meeting. We now move on to the informal, public part of the meeting.

Meeting closed at 11:31.

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