

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 16 November 1999  
*(Morning)*

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### EQUAL OPPORTUNITIES COMMITTEE 7<sup>th</sup> 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 :

Morag Alexander (Equal Opportunities Commission)  
Sheila McWhirter (Equal Opportunities Commission)

#### COMMITTEE CLERK :

Martin Verity

#### ASSISTANT CLERK :

Rodger Evans



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 16 November 1999*

*(Morning)*

[THE CONVENER *opened the meeting at 10:06*]

**The Convener (Kate MacLean):** I welcome everyone to this morning's Equal Opportunities Committee meeting. I am sorry for the delay in starting. I thought that a supplementary agenda with other items for discussion was being circulated, but apparently that cannot be done without going through certain procedures. Perhaps I will be able to raise a few issues about disability and race under the item on reporters groups.

### Improving our Schools

**The Convener:** This morning, I welcome Morag Alexander and Sheila McWhirter from the Equal Opportunities Commission, who will give evidence on the "Improving our Schools" consultation document. At the previous meeting, members suggested a number of groups from which we could take evidence. Other organisations will be invited to future meetings. This morning, however, it is the turn of the EOC.

**Morag Alexander (Equal Opportunities Commission):** First, I want to thank the committee for inviting us along. I am Morag Alexander, director of the EOC in Scotland. My colleague Sheila McWhirter has been with us since 1 November and comes from a very strong background of education and training with an equality perspective. We will answer the committee's questions and say some positive things about how equality can be mainstreamed into legislation. Convener, can I call you Kate?

**The Convener:** Yes.

**Morag Alexander:** Have committee members seen our input to the bill?

**The Convener:** It has been circulated to them.

**Morag Alexander:** Then you will all have had an opportunity to read our submission. The EOC's responsibilities relate only to equality of opportunity between women and men. Other statutory bodies deal with other areas.

Our responsibility is to enforce the legislation, principally the Sex Discrimination Act 1975 and the Equal Pay Act 1970, but also a number of other pieces of legislation. In addition to our law-enforcement role, we have responsibility for promoting equality of opportunity for women and

men. Broadly speaking, that is what we will talk about in relation to the draft bill.

We think that the most effective way to achieve our aims is through mainstreaming equality of opportunity. I am aware that that is what the Parliament intends to do and it is quite a new idea for many people, including us. Although the concept is easy enough to grasp in principle, the practice of it causes some difficulty from time to time.

Let me say briefly what the Equal Opportunities Commission thinks mainstreaming is. The process of mainstreaming equality is concerned with the integration of equal opportunities principles, strategies and practices into the everyday work of Government and other public bodies. That must happen right from the start, rather than adding it on at the end and ticking a box saying, "Have we considered the equality implications?" when there is no way of demonstrating that we have. The process must be integrated into the work that we do.

Mainstreaming equality is a long-term strategy to frame policies in terms of the real ways in which men's and women's daily lives operate and to change organisation cultures and structures accordingly. In essence, the process puts people and their diverse needs and experiences at the heart of policy making. One can see why a process that helps to achieve that can lead to better government through better-informed policy making and greater transparency and openness in the policy process.

The process of mainstreaming equality also tackles the structures in society that contribute to or sustain gender segregation and discrimination. It can avoid the adoption of policies and programmes that replicate discrimination and exacerbate existing inequalities. However, it does not stand alone, and must complement all the other methods that have been used in the past and will continue to be used in the future to promote equality of opportunity. I am talking about the law, obviously, but also about positive action, monitoring, auditing, setting targets and having an equal opportunities programme. Mainstreaming equality is complementary to all those things.

When we say that mainstreaming equal opportunities is everybody's responsibility, that does not mean that it is somebody else's responsibility. It is your responsibility as members of this committee and members of the Scottish Parliament. We would like MSPs to go through the process whenever they consider a policy or a piece of legislation.

On 1 December, the Equal Opportunities Commission, in partnership with the Commission for Racial Equality, will launch a checklist for

MSPs. It will be a handy, laminated card, the size of a credit card, and we are trying to keep the number of words on it to a helpful limit. The cards will be backed up by background information to explain the process and give some examples. We think that members will find it helpful. The First Minister will launch the checklist on 1 December, although we are not sure what the venue will be. We understand that there have been problems finding suitable accommodation with all the right technology.

10:15

I hope that you will find the checklist helpful. I will run through some of the questions it will ask, which we used when we put together our response to the bill. The checklist would ask, what is this bill or policy for? Who is the policy for? What are the desired and anticipated outcomes? You need to be seeking the answers to those questions in terms that recognise equality of opportunity and the different equality groups.

Does the policy properly consider the needs of diverse groups? We should not forget that different groups are not homogeneous. Often they overlap, but a woman from a black and ethnic minority community has different needs from a woman in a rural area. Those issues must be considered. Has the equality dimension been explicitly addressed? That is a general question that would be asked. You would want to keep in mind the goals and outcomes of policies that either perpetuate or overcome existing inequalities.

A second main question would be, do you have full information on, and a full analysis of, the impact of the bill or the policy on all of the equality groups? If you do not, why not? Have the data that you have been given been broken down by gender, race and disability? While a lot of the statistics relating to education are available disaggregated by gender, not all of them are.

Not that long ago, we sent the committee our leaflet "Supporting Gender Equality in Lifelong Learning". In it, we tried to produce gender-disaggregated information on a range of issues. I thought that information on children at primary and secondary schools would be available in a gender-disaggregated form, but it is not. At some level, someone must know that information. If you are making decisions about what is going on in schools you would want that data.

Information on children with a record of needs is not available in a gender-disaggregated form; neither is information on pre-school or primary-age children, young adults and adults who are in community education. I am sure that someone has the statistics. It would be important to ask the questions and to explore what the difficulties are in

letting you have such information.

You would want to ask, who has been consulted? There is a need for expert voices and ordinary voices to be heard. The latter voices are largely those of the consumers of the services that you are providing. Have you considered the fact that it is harder for some groups to speak out than others?

The third main question you would ask is, has the full range of options, and the differential impacts on equality groups, been presented? You should ask what the impact is of values assumptions and stereotypes on the options that have been presented and have been favoured. How have your own values, opinions and experiences influenced your understanding of the issues?

A fourth main question is, what are the outcomes and consequences of the proposals? Have the indirect, as well as the direct, effects of proposals been taken into account? When we produce the checklist with back-up material on 1 December, we will provide examples from either this country or abroad where the difference between the direct and the indirect effects has been tremendous.

Our fifth question is a clear question—how have the policy makers in the Executive demonstrated that they have mainstreamed equality? How will such a policy be monitored and evaluated and how will improved awareness of equality implications be demonstrated? The mechanisms that will be put in place to examine progress on that policy will need to be examined to see whether the policy achieves the objectives that were set out for it. There will be a need to examine how that policy has impacted on different groups and whether targets have been met.

Those are the kinds of processes that we believe should be taken into account when legislation is being formulated—and it is why we have approached the examination of this bill as we have. If the committee has questions for us to answer or wishes us to participate in discussion of any of those issues, we will be happy to try to do so.

**The Convener:** Thank you, Morag. Sheila, do you want to come in at this point or are you going to answer questions?

**Sheila McWhirter (Equal Opportunities Commission):** I will answer questions, although I had hoped to keep a low profile until at least my fourth week in my job.

**The Convener:** Sheila has recently taken up her post with the EOC.

**Sheila McWhirter:** I hope that I will be able to answer any questions pertaining to the

recommendations.

**The Convener:** Do members have any questions?

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I would like to start with a general question. Towards the end of your contribution Morag, you said that one of the questions that must be asked of the Executive is how it has demonstrated that it has mainstreamed equality. Would you say that any attempt has been made to mainstream equality in the bill, or would you give the Executive only one out of 10 for that?

**Morag Alexander:** I will give the Executive one out of 10 for that. In "Targeting Excellence—Modernising Scotland's Schools" the previous Government did a very thorough job of mainstreaming equality. Although this bill is different, some of the processes that we went through and some of the recommendations that we made for that document could have been taken into account for it. I am disappointed that that did not happen, but it is not too late, of course.

**Marilyn Livingstone (Kirkcaldy) (Lab):** On page 21, point 5.9—which is on special educational needs—of the EOC's response to "Targeting Excellence—Modernising Scotland's Schools" you mention that traditionally a gender-blind approach has informed work on special educational needs. Would you expand on that?

**Morag Alexander:** I could, perhaps, refer you to the point that I made earlier regarding pre-school education and compulsory schooling. There are children who have a record of needs in those circumstances and gender disaggregation is not available. There are different requirements for children with special needs, as there are for boys and girls generally. The gender-blind approach simply will not throw that up. If boys and girls are treated as identical units, the best answers will not be found and it will not be possible to target policies and services effectively.

**Marilyn Livingstone:** We have taken evidence from other groups who work with people with profound learning difficulties. We debated the subject last week, but what is your opinion of attempts to stream people with special educational needs into mainstream schools?

**Morag Alexander:** That question would be more appropriately put to those with special disability expertise. Our focus is on gender equality, although I appreciate that this is an equal opportunities committee. We try to recognise that the world in general does not break the equalities issue down to the responsibilities of statutory bodies. We try to produce evidence, guidelines and helpful back-up material that take account of the way ordinary people will need to use them. It is not necessary for people to be experts to use what

we produce.

However, there are areas in which the committee will need the expertise of those who are expert in disability equality issues.

**Sheila McWhirter:** One of the key elements about which people with disabilities express concern is having choice, so that if they wish to take part in mainstream education, support mechanisms are there for them, their needs are taken into account, and they are treated as part of the whole school system.

**Michael Matheson (Central Scotland) (SNP):** You talked earlier about the monitoring and evaluation of policy implementation, and your submission refers to the need for national performance indicators for equality issues. Also, you say that at a local level there should be consideration for each school. Do you envisage HM inspectors being responsible for evaluating policy implementation within schools?

Later in the submission you refer to the need for criteria for inspectors monitoring issues. Do you think that HM inspectorate should be the main body to monitor the process?

**Sheila McWhirter:** One of our recommendations is that the draft code of practice for the inspection of schools be amended to include a commitment to equality of opportunity. It is important that that commitment is built into the performance indicators framework. It is also important that schools are encouraged to have their own monitoring and evaluation procedures that take account of equality issues.

**Michael Matheson:** If the local authority sets indicators for its schools and the local authority is responsible for evaluation and monitoring, there is potential for a conflict of interest. Although the local authority should have a role, should the inspectors be explicitly responsible for identifying issues and flagging them up to local authorities? If there is a national trend of problems, should HM inspectors be responsible for flagging up to ministers issues about the effectiveness of policy?

**Sheila McWhirter:** The improvement framework states that ministers can set national priorities but that there should be local consultation and that local authorities have the responsibility to meet the standards that are expected of them. The school development plans are a mechanism for ensuring that the schools have monitoring and evaluation of equality issues built in. The whole process is about national priorities informing local practice, and vice versa—both are essential. There should be a seamless joined-up thinking process.

**Malcolm Chisholm:** One of the central things is persuading people that there are good performance indicators. What kind of indicators

should we highlight?

**Sheila McWhirter:** The HMI "A Route to Equality and Fairness" document gives a useful framework for measuring equality with performance indicators.

It is important that the process should not just be number crunching; there should be qualitative mechanisms for assessing progress and the student should be considered. Personal learning plans can be a useful tool in setting targets for improvement with the individual student. Performance indicators—this point is not about equality—could relate to working more effectively in groups and having greater awareness of issues around them. We must set soft as well as qualitative indicators.

**Malcolm Chisholm:** Is not that the problem? Did not you say at the beginning that you regard the HMI indicators as satisfactory?

**Sheila McWhirter:** HM inspectors put together a pack on how to assess schools' equality policies.

10:30

**Malcolm Chisholm:** I see. I thought that one of the reasons a problem had not been flagged up was that it was thought that the indicators were not available. You say, however, that they are, so it should not be a problem to build assessments into the bill.

**Sheila McWhirter:** We are all in the fairly early stages of developing performance indicators on a range of issues. The Equal Opportunities Commission and the Commission for Racial Equality have worked with the former Scottish Office and the Accounts Commission in the past couple of years to develop equality indicators for the overall process. We are making progress, but it is important to recognise that we are not seeking only numerical or quantitative indicators, although they can help at times by setting a benchmark.

We must work with members and education specialists to agree what the appropriate equality indicators in particular circumstances might be. We would be happy to work in partnership to produce effective guidelines and performance indicators that would be recognised as being useful. That is the touchstone; they must be useful and go with the grain, so that they do not overload hard-pressed officials and teachers with additional work and systems. We want to find performance indicators that can be derived from work that is already being done, rather than indicators that place additional responsibilities on people.

**Malcolm Chisholm:** Can you give a concrete example of what you mean by performance indicators for pre-school education?

**Morag Alexander:** I would be happy to come back to you on that, Malcolm. We will write to you.

**Tommy Sheridan (Glasgow) (SSP):** My question is also on performance indicators. I seek guidance from you on supporting best performance in schools, which you deal with in section 8 of your submission. Point 8.4 says:

"EOC Scotland recommends that the criteria used by authorities in identifying schools that are falling behind or failing to achieve the standards of which they are capable must be inclusive of equality monitoring and evaluation procedures."

I am worried generally that performance indicators are often used in the wrong way, particularly when they take no cognisance of the different levels of inequality from which some schools start. The teaching unions also are wary of performance indicators being imposed. When you discuss suggestions and proposals, is there a mechanism for discussing with the teaching unions their concerns to ensure that a broad level of indicator is not set against the schools, which takes no note of the different inequalities that exist in different areas?

**Sheila McWhirter:** A group called the education and training strategy implementation advisory group, which includes representatives from all levels from a range of key organisations across the education and training sector ensures that any recommendations that come out of our work are informed more deeply by their expertise. The teaching unions are represented on the group by the Educational Institute of Scotland and the Scottish Trades Unions Congress.

**The Convener:** Morag, I was interested that in the section "Hearing Parent Views", you put considerable emphasis on training for parent-teacher organisations and for other bodies that are involved in the management of schools. What policies or action plans for equal opportunities are in place at the moment, and how much emphasis do you put on those? When training is discussed in the context of education, that is not often taken to refer to parents' organisations.

**Morag Alexander:** If someone is involved in taking decisions, either about employing people or about policies, they have a responsibility to be aware of the equality implications of those decisions. We recommend strongly that such people receive training, not just in the law, but in best practice. I hope that that is happening in our schools and on our school boards.

We take the issue seriously and are about to produce a useful booklet for parents to help them to help schoolchildren from an equality perspective. The booklet sets out the legislation, but also offers practical ways in which parents can assist their children. It helps them to work with



schools to ensure that the abilities of every child are developed to the full without being limited by the gender segregation that still bedevils our schools and which means that very few girls do computer studies and very few boys do languages to certificate level.

**The Convener:** What is the current situation? Are there school boards or PTAs with equal opportunities policies and action plans, or is that generally not the case at the moment?

**Morag Alexander:** I am afraid that I do not know. We hope to distribute this publication to schools throughout the country. It is a partnership document that is being produced with the Scottish Parent-Teacher Council and the Scottish School Boards Association, with funding from the former Scottish Office. We are bringing people with us. We are saying that, whatever has happened in the past—and I am sorry that I cannot answer your question about the situation at present—this is what should be happening in the future. The booklet gives good, clear, well-presented advice.

**Elaine Smith (Coatbridge and Chryston) (Lab):** You mentioned the importance of teacher training. Have you examined the teacher training course to see what sort of equality training is included? Do you have any recommendations on that? You also mentioned that more than 90 per cent of primary teachers are women. Do you have any ideas for changing that and for promoting primary teaching as a career for men?

**Sheila McWhirter:** To encourage men to apply for jobs in primary teaching, we must emphasise the importance of the job and ensure that people are aware of the key role that primary head teachers play. We need to beef up the job so that anyone would find it desirable. That is what Veronica Rankin of the Educational Institute of Scotland suggested.

We have not yet explored in depth the issue of teacher training. Teachers are a great source of expertise and they could share best practice for dealing with equality issues in the classroom. They could be used to inform our approach to training in the future.

**Morag Alexander:** I want to pick up Elaine's point that the huge majority of primary teachers are women. Given that so many single-parent households are headed by women, we are concerned that boys, in particular, are finding no strong, kind male role models at school. We should be concerned about that. We recommend that the Scottish Executive encourages men to enter into primary teaching, and ensures that advertisements for teaching posts encourage men to apply for jobs in an area where they have been under-represented in the past. That is entirely lawful under the Sex Discrimination Act 1975 and

has not been done in Scotland before; it should be done.

Similarly, most teaching assistants are expected to be women and the opportunity to encourage men into those jobs has not yet been taken. Obviously, as recruitment continues, there is still time. I strongly recommend that lawful positive discrimination be applied.

**Elaine Smith:** That principle should be taken all the way back to primary teacher training. Advertisements can encourage men all they like, but if men are not applying for such training in the first place, they cannot apply for the jobs.

**Morag Alexander:** It is entirely lawful to encourage men to enter teacher training for primary school and I am surprised that that weapon in the arsenal has not yet been used.

**Michael Matheson:** In paragraph 13, headed "Registration of Independent Schools", you recommend

"a direct reference to compliance with the Sex Discrimination Act"

when Scottish ministers

"issue a formal notice of complaint".

Are you concerned about the issue of equality in independent schools, given that they are outwith the strategic framework?

**Morag Alexander:** I do not have any particular schools in mind. This is a general point. Such schools must comply with the Sex Discrimination Act 1975 and we want them to promote equality of opportunity.

**Michael Matheson:** Do those schools have any internal mechanisms by which to address the issue? You mention entering into a dialogue with the Scottish Council of Independent Schools, as well as with the Scottish ministers. Has anything been done to address such issues and to set standards?

**Morag Alexander:** I am not aware of any such moves.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** Two of your recommendations require local authorities to supply certain information. What has been your experience of that up to now? Are local authorities ready to supply the information required to allow proper monitoring of equality issues?

**Morag Alexander:** The picture is patchy; although many local authorities might be in a strong position to provide such information, some are not. However, some local authorities have done useful, ground-breaking work with the Convention of Scottish Local Authorities to develop methodologies and practices that allow

the mainstreaming of equality. That is fertile ground.

**Malcolm Chisholm:** Can you send us a note of those educational statistics that are not disaggregated by gender? Such a list would allow us to follow up some issues.

**Morag Alexander:** The Parliament has a good resource in the form of Esther Breitenbach, the women's issues research consultant in the Scottish Executive. I will talk to her and to our research unit for a range of such statistics.

10:45

**Malcolm Chisholm:** I want to ask one final question about best value, although it probably takes us beyond the scope of this bill. You mentioned that the EOC would like to see greater weight given to equality measures within the best value framework, beyond simple cost measures. I am sure that this committee will be giving its attention to that.

**Morag Alexander:** We want to see much more explicit reference to equality; we want equality to be mainstreamed. We want the questions that I outlined earlier detailed in the best value process. We want the questions to be asked and answered with a focus on equality.

Equality of opportunity has a very proper place within the process. We are not suggesting a new system, but we are saying that mainstreaming fits into best value, for example; it goes with the grain. To use another example, we envisage an equality perspective on continuous improvement, which can be achieved with mainstreaming.

**Nora Radcliffe (Gordon) (LD):** Are you aware of what equality training is given to teachers in teacher training colleges? Is there a module or whatever specifically devoted to it, and is it adequate?

**Sheila McWhirter:** My area of expertise is adult and continuing education. I cannot comment on the training that teachers receive, but we can find out how equality is taken into account in teacher training.

**Nora Radcliffe:** If we are going to change attitudes, that is where we will have to start. Teachers should go into the classroom with some awareness.

**Morag Alexander:** I know that equality is part of the teacher training process. Whether it is suitable or adequate is another question. Sheila mentioned earlier that we work with the education and training strategy implementation advisory group—the oddly titled ETSIAG—to ensure that we have access to the skills and expertise of the people who can really help us to make the changes in the

education and training sector that we want to see with regard to equality. That is the type of question that we can discuss at an ETSIAG meeting, and we will call upon our colleagues there to help us answer it.

I do not think that we should ever be satisfied with what is happening. When teachers come out of the teacher training process, they have, in some cases, insufficient awareness of the impact of inequality and of how insidious it is. The roots of why so few girls do physics and computing at higher level go back, to an extent, to the home. I am conscious of that, as an enthusiastic grandmother. I know how difficult it is to recognise that the wee child I know is cut off, perhaps, from a whole range of future jobs because of the education and guidance received. The roots of it also go to pre-school and primary school education.

Our not producing enough specialist graduates in science and technology is partly because of the fact that we are not helping girls to develop in that direction. We have an opportunity in the education system to make a positive contribution to Scotland's future economy.

**The Convener:** If there are no more questions, I thank Morag and Sheila for coming. If anyone on the committee wants to get in touch about any specific issues related to this discussion, they should just contact you directly. As we proceed, we might ask you to come along again, if necessary. I hope you do not mind that.

**Morag Alexander:** Once again, thank you for inviting us. We will be happy for members to get in touch by e-mail or by phone and we will try to answer their questions. We will be happy to participate in any further meetings on a range of subjects.

**Sheila McWhirter:** We will leave these documents for you. One document is about gender and differential achievement.

**The Convener:** Thank you, Sheila. I will ensure that those are circulated to all members of the committee.

## Progress Reports

**The Convener:** We will now deal with the progress reports from the committee's reporters. The first report, from Michael Matheson, is about disability issues.

**Michael Matheson:** I do not have anything to report, as the disability issues group did not meet because we gave a report at the last meeting that set issues for the committee to discuss.

**The Convener:** Jamie McGrigor raised two points. He mentioned some complaints that he

had had regarding the accessibility of ferries.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** When I was in the Isle of Bute a while ago, the question was raised by a lady called Dorothy MacDonald, who is the chairman of a group called Achievement Bute, which helps young children with disabilities. She talked about the ferries between Rothesay and the mainland and asked me to raise the matter of disabled access. I advised her to write to our clerk. What did she write, Martin?

**Martin Verity (Committee Clerk):** There is a suggestion in the letter that the islanders might send a delegation to the committee to put their case. They would be grateful if the committee would tell them whether it wants them to come.

**Mr McGrigor:** I have spoken to the chairman of Caledonian MacBrayne, who said that he would be willing to send a representative to join in the discussion. The problem is that a lot of the ferries are old. We should suggest that if any new boats are built, they should include facilities for disabled people.

**The Convener:** The organisation raises a number of issues. It might be worth finding out if the committee could meet in Bute so that we could experience what the crossing on the ferry is like. However, the organisation might prefer to give evidence in Edinburgh. What do members think about that?

**Malcolm Chisholm:** In principle, we should go. However, I was going to raise a point about disability and housing and I think that there might be a question about the order in which we tackle subjects. As we will be dealing with transport quite soon, when we consider the transport bill, it might make sense to deal with the ferry issue when we do that. I am worried that we will have too many balls in the air before Christmas.

**Tommy Sheridan:** The letter from the group indicates their willingness to come here. I think that would be better at this stage. I hope that committees generally will be willing to go outwith Edinburgh to discuss various issues, but if the Equal Opportunities Committee goes to Bute to discuss the ferry, will that set a precedent? Will we be expected to visit other parts of the country to discuss problems in regard to other modes of transport and other issues such as housing? We have been asked, rightly, to be selective about where we take the committee, but I hope that that will not be restrictive. We should also invite the chairman of Caledonian MacBrayne.

**Mr John Munro (Ross, Skye and Inverness West) (LD):** I agree with Tommy. The problem is not only with the Clyde ferries. We hear that there are problems up and down the coast. It is not so much of a problem once people are aboard the

vessels. The difficulty is encountered in getting from the quay to the vessel. Some of the new vessels that Caledonian MacBrayne has built have excellent facilities. If the group from Bute comes to the committee, we will see the wider picture.

**Marilyn Livingstone:** I support what Malcolm said. There is an issue about the ferries—no one would dispute that—but there are also issues about trains and buses. It would be useful to put together all those problems relating to access and public transport, including ferries, and to examine the big picture. We should have a debate on the wider issues of access and we should spend some time examining transport, but I leave it to you, convener, to decide in what order we should examine the issues.

**The Convener:** Is everybody quite happy with that?

**Michael Matheson:** I agree with Marilyn. If we are going to examine the ferries, we should try to do something about the general situation and set up a committee on transport issues.

**The Convener:** Are we agreed that we will invite the group from Bute and the ferry company along to the committee to give evidence?

**Members indicated agreement.**

**The Convener:** There is a housing seminar on 14 December—when we are scheduled to meet—to which this committee has been invited. Do members feel that the committee should attend, or should we send a representative to speak for the committee?

**Tommy Sheridan:** Has the whole committee been asked to attend?

**The Convener:** Yes. It is one-day seminar on developing an equality agenda for housing. Bob Benson, director of Disability Scotland, has been in touch about this. I have been asked to speak at the seminar and, if this committee wants to meet, I will not be able to speak, as this committee cannot go ahead unless I am here. The committee could send somebody else to speak, or the whole committee could go along.

**Tommy Sheridan:** I agree that we should send a representative of this committee to the seminar with a remit to give us a written report on it which can be circulated and discussed at the next meeting. I am sorry to be a killjoy, but if the entire committee agrees to go to one conference or seminar, how many other requests to do the same will we get in the next four years? The seminar might, however, be very important and it would be useful to have a written report on it.

**Martin Verity:** The only problem is that the seminar is taking place on a day on which this committee is scheduled to meet so, if a member

went, they would not be able to attend the committee meeting.

**Tommy Sheridan:** That is an insurmountable problem, Martin. We cannot ask that seminars and conferences meet only on the days that we do not. We have to accept that the member of the committee who is selected or asked to go will have to miss the committee that day. Did you say that you are going to be chairing it, Malcolm?

**Malcolm Chisholm:** I am chairing the afternoon meeting, but I am not in favour of missing a committee.

**The Convener:** Michael, would you be able to attend?

**Michael Matheson:** My only concern is that I do not want to miss the committee. I was wondering whether someone from the disability issues group might be interested, or whether we should approach Bob Benson to ask whether he could give us a summary of the issues. Circulating a summary to all members of the committee might be better than one committee member going along and missing our meeting.

**The Convener:** All right. I will talk to people and try to get something worked out.

The next report is from the gender issues group.

11:00

**Mr McMahon:** Johann Lamont is not here, but I spoke to her yesterday and she has produced a report. Her main concern was whether the groups that were discussed at our previous meeting had been invited and whether there had been any response from them. I think that SAY Women was one, and she mentioned two or three others that were in the initial inquiry that she had conducted. I think that Tommy mentioned another group a few weeks ago.

**The Convener:** I spoke about that to the committee clerk this morning, and it is all in hand. I hope that we will shortly have a timetable for all the different groups that will be coming and speaking to the committee. It is just a case of fitting them all in.

**Tommy Sheridan:** I can confirm to the committee that the invitation to the Scottish Human Rights Centre is now in hand.

**Martin Verity:** The invitation has not gone out yet, but it will go out soon.

**Tommy Sheridan:** I wonder whether, in Johann's absence, Elaine Smith can answer a question about the visit to Cornton Vale prison. Is that visit being organised in relation to a specific issue, or is it a general visit? If it is a general visit, is it open to all members of the Equal

Opportunities Committee?

**Elaine Smith:** Sylvia Jackson is organising that visit, and she happened to mention it to Johann. Sylvia is checking how many visitors Cornton Vale can accommodate at one time. I had also been interested in going, but I have something else on that day. We should have a word with Sylvia. It may be that the prison wants only one or two people, but we can check that. If it is not possible that way, Tommy, perhaps this committee could think about organising a visit.

**The Convener:** So will you check with Sylvia and get back to Tommy?

**Elaine Smith:** Yes, I will.

**Tommy Sheridan:** I am sorry to return to this, Kate, but I am not a member of the group so I have to raise these questions in committee. The reason I asked about the visit is that I am looking forward to the paper from Sheila McLean on alternatives to custody for women prisoners. That is an issue that everyone is concerned about, and it would be good to link that paper with a visit to Cornton Vale. It could make clear the inadequacy of Cornton Vale as an institution to deal with women, especially young women, who are being sent there for very minor offences.

**The Convener:** Although the Justice and Home Affairs Committee is very busy at the moment with the legislative programme, the treatment of women offenders and young offenders are issues that it is interested in. Elaine can check who can go on the visit that is being organised, and we can discuss at a future meeting whether this committee wants to organise a visit as well.

**Elaine Smith:** We do not yet have a date for the publication of Professor McLean's paper, although Malcolm may know more about it. I think that the visit to Cornton Vale will be in the next few weeks. The two may not tie in, so it might be better and more appropriate for the committee to think about a visit after having seen the paper.

**The Convener:** Elaine can let me know when we get that paper.

The next subject is the race issues group.

**Mr McMahon:** The first meeting of the group is scheduled for Tuesday morning. On the agenda will be the Act of Settlement 1701, an issue that was raised at the previous meeting of the committee. In the interim, I have made some initial contacts and carried out some research on the issues that may arise. It is a complex matter. I have given a draft statement to the members of the group so that the issue can be discussed when we meet. The clerks office has provided a series of guidelines that lay out the procedures that we must follow if we are to produce a report and, once that report is completed, what we can do with it.

Given its complexity and importance, we cannot rush into this matter. I hope that the committee will understand that we have to take our time and follow correct procedures if our outcome is to have any meaning. That will have implications in other areas, because the debate on this matter is on-going. If the committee is to do a proper job, I plead with other groups and individuals who have an interest to give us a chance to deal with it before it is dealt with anywhere else.

As a committee, we can take this matter to the Executive. It would then be up to the Executive to decide how it relates the matter to the rest of the Parliament. However, to give this committee its place, and given what I have said about the complexity of the subject, I ask that no one rushes into this matter in any capacity. We must do it right.

The Catholic Church, in my initial contacts with it, indicated that it did not want the issue to become a political football. It is important that that is borne in mind. I am just highlighting some of the difficulties that we will uncover. Martin Verity knows what the procedures are and we must follow them. We cannot deal with this matter in the immediate future but, as the Catholic Church has waited 300 years, I do not think that there is any rush to achieve an outcome.

**The Convener:** I will open up the discussion on the procedures that we will follow, but not on the issue itself.

**Shona Robison (North-East Scotland) (SNP):** I have no intention of addressing the issue itself—that is for the reporter's group to discuss. I would like to see in writing the procedures to which Michael McMahon referred. Are they new or are they guidelines that are laid down in the standing orders?

**Mr McMahon:** The guidelines are new. I think that they were published in November 1999. I came across them only because I wanted to check the procedures that had to be followed. I wanted to wait until next week to give the reporter's group a chance to look not just at the issues, but at the guidelines on how we can deal with it.

**The Convener:** The guidance is for the operation of committees. I received a copy at my constituency office on Friday, so it is new. I am sure that anyone can obtain a copy.

**Tommy Sheridan:** I am a member of the race sub-group, so I am in danger of arguing for early redundancy. If you read yesterday's business bulletin and look at the motions that have been lodged, you will see that an extraordinary number of members have signed a motion on the Act of Settlement. There is an extraordinary level of interest in the Parliament's attitude towards the act, regardless of our legal competency in the

matter. I wonder, therefore, whether we should not have a full committee investigation of this issue, rather than leaving it to the race sub-group. I think that the issue may be too big for the sub-group.

**Mr McMahon:** According to the guidelines, the reporter or convener must produce a draft report to come before the committee. It is suggested that the initial meeting to discuss the draft report should be held in private, in case any comments that members make in that discussion have wider implications. The reporter then produces a final report, taking on board members' views, which is again brought before the committee. If there is a vote, any amendments or dissenting positions must be noted. The report is then sent to the Scottish Executive.

**The Convener:** That said, it would be for this committee to decide whether the draft report was discussed in private. As convener, I feel that as little business as possible should be discussed in private. It would be up to the committee to decide on the day whether the meeting should be held in public.

**Shona Robison:** Are there time scales for when the report would come back to the full committee?

**Mr McMahon:** We have a committee meeting next Tuesday afternoon. If we hold a meeting of the reporter's group that morning, it may be possible to have a draft report ready for discussion at the afternoon meeting. However, I suspect that that will not be possible if we want to do this issue justice. The next formal meeting of the committee will be on 14 December. I imagine that we will aim to complete the draft report for that date, rather than for next Tuesday.

**The Convener:** I will put discussion of the report on the agenda for next Tuesday, just in case it is ready.

**Michael Matheson:** I have not seen these procedures, so they are new to me as well. Can a reporter draft a report, to be submitted to the committee meeting in private, without reference to the other members of the reporter's group?

**Mr McMahon:** The reporter's group is an informal group.

**The Convener:** Our reporters' groups are informal, so, unlike reporters, they are not recognised in the guidance for the operation of committees. However, the situation that Michael Matheson has described would not arise because of the way in which the reporters' groups work.

**Michael Matheson:** There is a point of principle here. One way in which the committee can avoid having to meet in private is for the reporters' groups to be consulted on reports that are to be submitted to the committee. As a reporter, I would be more comfortable with that. I would be

concerned about submitting a report on a disability issue without consulting the disability reporter's group, as it might then be ripped to shreds in informal discussion by the full committee. We should take a step back and establish at the outset that reporters should consult the relevant reporter's group before submitting anything to the committee.

**The Convener:** I am happy for the committee to agree to that, but we would have to do so informally. No one is less happy than I am about some of the procedures in which we seem to get tied up. However, any agreement that we made would be informal and would have no place in the guidance that has been issued.

**Michael Matheson:** Is that agreed, then?

**The Convener:** Yes, as far as the members of this committee are concerned.

**Mr McMahon:** I agree with Michael Matheson. The situation that he has described is what I was saying would take place in this instance. The report will have to be discussed by the informal group next Tuesday before it is brought before a meeting of the committee. I would not come to this committee with a report without having discussed it with those members who had declared an interest.

**Elaine Smith:** It has been suggested that meetings to discuss such reports should be held in private because the reports would still be at draft stage. If the meetings were held in public, it might be assumed that these were final documents.

**The Convener:** I am reluctant for any meetings to be held in private. I do not see a problem with the public or the press having a better understanding of how we reach a final conclusion because they have been involved in the discussion all along. That is my personal opinion, and it is up to the committee to decide. However, I am reluctant for the committee to discuss in private matters that have been debated in the press. When the draft comes to the committee, we can decide, but I am definitely biased towards having all our meetings in public.

11:15

**Tommy Sheridan:** I understand that the guidance on private meetings indicates that the principle behind them is to defend someone's personal interests. For example, someone may be aware of a Catholic who wants to marry a royal, and perhaps that should be discussed in private. *[Laughter.]*

**The Convener:** The proposal is in the post.

**Tommy Sheridan:** Failing that, however, we should be willing to discuss drafts as well as

reports openly. If anyone asks about those discussions or comments on them, we should simply emphasise the fact that the document under discussion is a draft. We are mature enough to discuss a draft and then a final document, and we will probably be misquoted whatever we decide to do, so the idea of something going on in private, behind closed doors with white smoke coming out of chimneys, will probably lead to even more misquoting.

**Mr McMahon:** I had better declare an interest here—my daughter has always wanted to be a princess. *[Laughter.]*

I take Tommy's point. I am not saying that we should hold debates in private; I am saying that we have the option to do that. If a smaller group decides that a private meeting would be in the interests of the committee, it could recommend that. However, I am certainly not recommending that that is what should happen. I am simply pointing out something that is in the guidelines and that should perhaps be considered.

**The Convener:** If a discussion were likely to disclose private information about an individual, it may be in the committee's best interests to meet in private. That will always be an option for us. In general, however, we would want all our meetings to be in public.

**Nora Radcliffe:** How was the guidance arrived at? Who drew it up? What consultation was there? Should we, as a committee, discuss the document? We all have a vested interest in how the committee is run, so that may be either a helpful suggestion or a can of worms.

**Martin Verity:** The document has been drawn up in the clerking division. The Parliament is regulated by the Scotland Act 1998 and by standing orders, issued under the authority of the Scotland Act 1998. Within those standing orders, the clerks will offer advice on any issues that we are asked to comment on.

The purpose of this document is to indicate the advice that clerks will give. It has been approved by the clerking division and by the Parliamentary Bureau. It is a public document that is available on the website and will be updated from time to time. It indicates to members of the Parliament and members of the public the advice that clerks will give when procedural questions are raised.

**Nora Radcliffe:** Is it a clarification of what is already in the standing orders and the Scotland Act 1998?

**Martin Verity:** Yes. It cannot override either the standing orders or the act in any way.

**Nora Radcliffe:** I had not seen it before, so that explanation was helpful. Thank you.

**The Convener:** A copy reached my office on Friday. If anybody feels that there are problems with it, those problems could be raised at the Procedures Committee. The document is an interpretation of the standing orders and people may disagree with it, so I invite any comments.

The final progress report, on sexual orientation issues, is from Nora Radcliffe.

**Shona Robison:** Before we go on, I notice that we have received an invitation from the Africa Centre Scotland to discuss the Immigration and Asylum Bill. The important issue of the Act of Settlement 1701 will probably dominate the next couple of meetings of the sub-group. However, the committee should consider the equal opportunities issues arising from the Asylum and Immigration Bill which at the moment is shuttling between the House of Commons and the House of Lords. Can I suggest that the sub-group examine the bill as soon as possible?

**The Convener:** Okay. Michael McMahon will take that on board.

Nora is passing around copies of her report.

**Nora Radcliffe:** On 3 November, we met people from the Equality Network and Outright Scotland to discuss what issues the reporter's group should be considering. I think that the report is reasonably self-explanatory. The repeal of section 28 of the Local Government Act 1988 was welcomed. There were some questions about how we set about benchmarking and collecting data. At the previous committee meeting, we said that we wanted copies of the City of Edinburgh Lesbian Gay Bisexual and Transgender Community Safety Forum report on violence and harassment. Andrew O'Donnell, one of the authors, would like to report to the committee and I will consult the convener about that. Sorry, I should have done that already.

**The Convener:** That's fine.

**Nora Radcliffe:** I am not catching up with myself.

One of the key issues concerning the Adults with Incapacity (Scotland) Bill is equality for same-sex couples, which raises the question of what other legislation will be affected by that underlying principle. We will need to do a lot of work to get equality for same-gender couples into all legislation. The report outlines what we need to do to tackle the problem.

I think that the rest of the report speaks for itself. In the Adults with Incapacity (Scotland) Bill, the definition of next of kin derives from the Mental Health (Scotland) Act 1984. Does the committee agree to make a representation to the Millan committee about this issue? Do we need to submit a report to the lead committee?

**The Convener:** About making a representation to the Millan committee?

**Nora Radcliffe:** No. I am asking whether we need to ask the lead committee whether we should make a representation to the Millan committee on this issue.

**The Convener:** I think that that would have to be an agenda item.

**Nora Radcliffe:** Yes, that is what I am saying. The reporter's group should put together a report on the matter.

**The Convener:** It might be worth finding out what other areas of legislation will be affected, instead of doing things in bits and pieces.

**Nora Radcliffe:** It will take decades of work to cover all the relevant legislation.

**The Convener:** I mean in the current legislative programme. We could get advice from the Equality Network, which is probably more au fait with the issue than the committee is. Do members have any questions for Nora about her report? She has obviously done loads of work since the previous meeting.

**Nora Radcliffe:** Well, I had one very productive meeting.

**The Convener:** Very good. Is it agreed that Nora should report back to the committee on same-sex relationships?

**Members indicated agreement.**

## Correspondence

**The Convener:** Members should have copies of the most recent correspondence. Shona Robison has already raised the matter of the Immigration and Asylum Bill, which the race group will take on board. There was also a letter from the Commission for Racial Equality asking us to support its submission on the new race relations bill. The Queen's speech is scheduled for 17 November, so it is too late for the committee to discuss and take a formal position on the matter. If members of the committee want to do what Dharmendra Kanani has suggested and write to the Home Secretary, they should do so today. A summary of the commission's suggestions has been sent out to members and is also available from the clerk.

**Malcolm Chisholm:** Are the CRE and the Centre for Education for Racial Equality in Scotland coming to the committee or will we wait until they have written their report?

**The Convener:** There will be a joint submission on the improving schools bill.

**Malcolm Chisholm:** Will that be before Christmas?

**The Convener:** The timing is up to them.

**Malcolm Chisholm:** That leads on to a question about the time scale for the education bill.

**Martin Verity:** The consultation document contains a draft proposed bill. We will move to stage 1 when the Executive presents the bill to the Parliament. I do not know the precise time scale for the bill.

**Malcolm Chisholm:** So if we hear evidence on the matter, we can make comments at stage 1?

**The Convener:** We can make comments on the general principles of the bill.

**Malcolm Chisholm:** We will probably be able to make comments in the new year.

**The Convener:** Yes, and amendments would be made at stage 2. We will hear evidence quite early in the process. I have asked Martin Verity to invite the teaching trade unions to give evidence on the equality aspect of the bill. If anybody feels that there are organisations that they want to take evidence from, they should contact Martin.

**Mr McMahon:** At our previous meeting, we discussed the possibility of briefings on the Disability Discrimination Act 1995. Capability Scotland had said that it would contact Martin. Has he received any information yet?

**Martin Verity:** We have not been able to move that forward but will do so as soon as we can. We have to get a handle on all the requests that are coming in and arrange a timetable.

*Meeting closed at 11:28.*



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