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OFFICIAL REPORT AITHISG OIFIGEIL

Equal Opportunities Committee

Thursday 22 September 2016



The Scottish Parliament Pàrlamaid na h-Alba

Session 5

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Thursday 22 September 2016

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EQUAL OPPORTUNITIES COMMITTEE

4th Meeting 2016, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con) *Willie Coffey (Kilmarnock and Irvine Valley) (SNP) *Mary Fee (West Scotland) (Lab) *David Torrance (Kirkcaldy) (SNP) *Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Danny Boyle (BEMIS) Iain Burke (Law Society of Scotland) Gary Christie (Scottish Refugee Council) Megan Crawford (Scottish Secular Society) Carole Ewart (Jimmy Reid Foundation) Tim Hopkins (Equality Network) Matthew Lancashire (Remploy) Janis McDonald (Scottish Council on Deafness) Jamie Alexander O'Neill (Roshni) Emma Ritch (Engender) Jamie Szymkowiak (One in Five Campaign) She-Kei Wan (Scottish Youth Parliament) Derek Young (Age Scotland)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION The Robert Burns Room (CR1)

Scottish Parliament

Equal Opportunities Committee

Thursday 22 September 2016

[The Convener opened the meeting at 10:01]

Decision on Taking Business in Private

The Convener (Christina McKelvie): Good morning and welcome to the fourth meeting this session of the Equal Opportunities Committee. I make the usual request that people who want to use electronic devices switch them to silent mode so that they do not interfere with committee proceedings.

Under agenda item 1, I ask the committee to agree to take agenda item 3 in private. Are we content to do so?

Members indicated agreement.

Work Programme

10:01

The Convener: Agenda item 2 concerns proposals and ideas for our work programme. As you can see, we have a large number of guests for our round-table discussion today. We have done this before and we managed quite well the last time.

Anyone who wants to contribute to the discussion should catch my eye and I will add them to a list—that goes for committee members, too. I will try to group topics in order to ensure that we have a free-flowing discussion.

I thank everyone for coming along this morning and for the written evidence that has been submitted—we really value hearing your thoughts about the committee's work programme and where we should go from here. We have an opportunity to investigate issues and to do good things through the work that we do, but we can do that only with your help, so we are grateful for that.

We will go around the table and introduce ourselves. I am the convener of the committee.

Gary Christie (Scottish Refugee Council): I am the head of policy and communications at the Scottish Refugee Council.

Alex Cole-Hamilton (Edinburgh Western) (LD): I am the deputy convener of the committee.

Derek Young (Age Scotland): I am a senior policy officer with Age Scotland, which is the national charity that represents older people and promotes their rights and interests.

Jamie Alexander O'Neill (Roshni): I am the projects manager at Roshni, which is based in Glasgow.

Janis McDonald (Scottish Council on Deafness): I am the chief officer with the Scottish Council on Deafness, which is a membershipbased organisation that encompasses all sorts of communication issues.

Jamie Szymkowiak (One in Five Campaign): I am from the one in five campaign, which aims to increase the participation and representation of disabled people.

Jeremy Balfour (Lothian) (Con): I am an MSP for Lothian.

Matthew Lancashire (Remploy): I am a director of Remploy Scotland, which supports disabled people into sustained work.

Tim Hopkins (Equality Network): I represent the Equality Network, which is a national lesbian,

gay, bisexual, transgender and intersex organisation in Scotland.

Annie Wells (Glasgow) (Con): I am an MSP for Glasgow.

Danny Boyle (BEMIS): I am the parliamentary and policy officer for race equality at BEMIS.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I am the MSP for Kilmarnock and Irvine Valley.

Carole Ewart (Jimmy Reid Foundation): I represent the Jimmy Reid Foundation, an independent think tank that embraces all politics.

Emma Ritch (Engender): I am the director of Engender, which works in Scotland on women's social, economic and political equality.

Mary Fee (West Scotland) (Lab): I am an MSP for West Scotland.

She-Kei Wan (Scottish Youth Parliament): I am the member of the Scottish Youth Parliament for Glasgow Shettleston. The SYP is the democratically elected voice of young people across Scotland.

Megan Crawford (Scottish Secular Society): I am the chair of the Scottish Secular Society, which advocates for the separation of religion from the state.

David Torrance (Kirkcaldy) (SNP): Good morning. I am the MSP for Kirkcaldy.

lain Burke (Law Society of Scotland): I am a solicitor, but I am here as the convener of the Law Society of Scotland's equality and diversity committee.

The Convener: As we can see, there are a lot of interesting and interested people around the table to hear from, and we are very keen to hear from you. Before I kick off with the first question, I should say that we had an informal breakfast this morning with some of the witnesses, who very kindly brought along some of their service users. We managed to hear some of their concerns and ideas. We are really grateful to everyone who took part in that informal event this morning. We sometimes get to hear the real stuff in an informal setting. I hope that, after taking part in the informal breakfast and having a chance to meet committee members, witnesses will feel confident enough to talk on the record about the real stuff, which will be helpful.

The Scottish Parliament has obviously got new powers coming in, and we are looking to investigate how we can use those to the best of our ability to ensure that we inform policy and make people's lives better, which is what we want to do. We all know that fairness sometimes does not actually mean equality, but if we can get those two things to go together we can make a difference to people's lives.

We want to hear from you, because we are all in listening mode this morning. My opening question is: what is the big issue for you and how do you think we can resolve it?

Carole Ewart: The Jimmy Reid Foundation is very keen that the committee uses the full range of its powers on human rights to ensure that the public sector in Scotland complies with its duties under section 6 of the Human Rights Act 1998. There could quickly be a huge impact from that, given that there are at least 10,000 public bodies in Scotland, because human rights could be mainstreamed across staff training and service design and delivery, and inform decisions about funding.

Crucially, we want to see the power of the public pound being used through the procurement process to reward private sector companies that comply with human rights. That would mean, for example, that companies that have been proven to be blacklisting would not be rewarded with multimillion or multibillion pound contracts and that companies that pay decent wages and ensure the human right of their employees to an adequate standard of living are rewarded through public contracts. There are a lot of powers that the committee could use and we urge the committee to use them.

The Convener: One of the emerging themes for us is our obligations from the United Nations Committee on the Rights of the Child's "Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland", and how we can use some of that as a roadmap. That point came through very clearly from the evidence that we took at the last roundtable meeting. Does anybody have any thoughts on how we can use that?

Alex Cole-Hamilton: I declare an interest, in that I am a former convener of the Scottish Alliance for Children's Rights, also known as Together.

I would like Carole Ewart to expand on her point about the use of the new powers coming to the Scottish Parliament. You mentioned blacklisting by building firms as an example of the denial of human rights. Other than the UN concluding observations, is there any other audit of where we are failing in our obligations from various human rights treaties, particularly across public bodies?

Carole Ewart: Ensuring that the public sector fulfils its human rights obligations is a global challenge. Just last month, the UN had a day of general discussion about how the public sector can do more to deliver on human rights obligations—it is a common theme. The UN's concluding observations report set out a realistic roadmap for what the public sector in Scotland can do. In addition, the universal periodic review made 132 recommendations in respect of the United Kingdom in 2012. However, there is very little evidence that those observations and recommendations are explicitly talked about in health boards, local authorities or housing associations. That is not to say that organisations are not complying, but we must have the language of human rights used. It would be good to have even little things, such as an acknowledgement that human rights matter, in housing, health, social work and children's rights.

There is also the issue of people asserting their rights. The concluding observations identified that people have a real difficulty in enforcing their rights in relation to public services. People do not have rights until they know about them, and people do not really know about their human rights. For example, we can go on to a local authority website and we will see a button about freedom of information and data protection, but we do not necessarily see a section about human rights.

All sorts of little things can be done. There are all sorts of recommendations on staff training—the UN has lots of information packs and training kits that could be used. We are not short of concluding observations or universal periodic reviews.

There is also, of course, the UN's "Guiding Principles on Business and Human Rights". In 2013, the UK coalition Government published the first national action plan on business and human rights for the UK. That deals with things such as procurement, so that companies that comply with human rights are rewarded. The UK Government updated it in May 2016, which was welcome. In Scotland, we could deliver that UK action plan, but we decided to do our own. However, that is not yet published, so another issue for the committee to take up could be that of when the Scottish national action plan on business and human rights will be developed, who will participate in it and how transparent the process will be.

There are all sorts of ways in which we can influence the public and private sectors in respect of human rights.

Alex Cole-Hamilton: Thank you for that. From your reflections and the discussions that we have had, it seems that the concluding observations and various UN reports would be a good road map for the committee in considering what we need to fix.

Carole Ewart: Yes. The UN has produced guidance and said that we should look not only at the concluding observations. For example, the special rapporteur on housing visited Scotland and

produced a report, which was covered in the *Daily Record.* You need to look at that, the universal periodic review and the "Guiding Principles on Business and Human Rights". You need to hoover them all up, because the danger of treating them in isolation is that you elevate some human rights over others. They are all interdependent—there is no hierarchy. We will collectively benefit if we respect each other's human rights.

Emma Ritch: I will pick up on a point that Jatin Haria from the Coalition for Racial Equality and Rights Scotland made at the committee's previous meeting. Engender was one of the signatories to a letter expressing concerns about the expansion of the committee's remit to incorporate human rights. That was principally predicated on the question of capacity and the concerns that some UN committees had expressed about the way that some protected characteristics are vanishing into a broad equalities agenda and about the capacity challenges of sustaining focus on all the important work that we are doing. We were hopeful that the Scottish Parliament could consider some of the international models for how Parliaments engage with human rights. Parliaments have taken a variety of approaches.

Having said all that, Engender is very enthusiastic about human rights. For over a decade, we have been using international obligations and participating in UN processes to advance and promote women's human rights. The concluding observations raise a challenge for the committee and the Scottish Parliament, as well as a possibility. I agree with everything that Carole Ewart said about not using only the concluding observations. However, one challenge with those is that there are currently 900 outstanding concluding observations that have been put to the UK Government, many of which have not been written with the devolution context in mind.

As a Scottish non-governmental organisation, we have struggled to engage with UN committees in what are very abbreviated and hasty processes and to fully explain and explicate the devolution context and set out what are reserved questions and what are devolved questions. Those challenges are strongly reflected in the concluding observations. I suppose that the challenge for the committee is how to unpick what is intended for Scotland and perhaps what is not intended.

An example of that is that the Committee on the Elimination of Discrimination against Women— CEDAW—said in its recent set of concluding observations that we should have a UK-wide strategy on violence against women. As the convener and others will know, because powers to address violence against women are entirely devolved to Scotland, except for questions of immigration and asylum, that is a very impractical and potentially unwelcome suggestion for the violence against women sector and the women's sector. There is a need to tease out what is meant and intended.

However, there are possibilities for using those. I am particularly minded of something that Alastair Pringle, at the committee's last meeting, said about concerns about the public sector equality duty and its efficacy in driving substantive change in the public sector, which is a concern that CEDAW has identified.

There are undoubtedly overlaps and interleavings between our human rights and concerns, equalities and the concluding observations present a real opportunity in that respect. That said, I urge the committee to be mindful of the challenge of processing 900 outstanding concerns and potentially contemplating the interrelationship between them .and the Scottish national action plan on human rights, which many if not most of the organisations around the table will have had a hefty involvement with.

10:15

The Convener: As you know, Emma, I agree with you; indeed, we have had this conversation on a few occasions. What the committee is trying to tease out is whether there is a route that would be meaningful for us to take, and this is one of the emerging themes. I suspect that, along the way and with such complicated issues, we will have to take some expert advice on how we navigate some of this, and we might well come back to some of your organisations to help us with that. We do not want to spend the next five years mired in 900 concluding observations and not achieving very much. The question is how we focus on the things that we might be able to push forward and get some expert advice on the issues that we need to understand a bit more.

We are pretty mindful of that. Thank you, Emma—and now we need to keep talking. I think that Danny Boyle is next.

Danny Boyle: Good morning, committee and colleagues. The answers from Carole Ewart and Emma Ritch indicate the broad range of issues that will come into play when the committee broadens its remit from equal opportunities to equalities and human rights. That is not to say that the committee should not have been cognisant of its human rights obligations anyway, but the committee will have to be very clear in how that sort of thing is taken forward pragmatically, given how broad and significant the area is.

We in BEMIS agree that the concluding observations, the 900 recommendations and the multitude of issues that have been raised should

absolutely be used to enhance and encourage the committee's ability to advocate on behalf of the equalities issues represented around the table. However, it is incredibly important that, when we discuss issues around the UN concluding observations we remember that technical papers on the observations or any raft of treaties do not necessarily penetrate into the grass-roots community organisations that we work with directly.

What we have, particularly from a race equality perspective, are domestically and grass-roots led policy and strategy papers, which are live documents. Indeed, one such paper was launched just prior to the dissolution of the previous Parliament. I am also aware that this committee inherited the previous Equal will have Opportunities Committee's work on race, ethnicity and employment. We also have the race equality framework, which brings together 19 or 20 years of practice in race equality in Scotland, and that is where we really see the recommendations on making substantive change in how we take that matter forward.

That framework has a raft of recommendations; it recommends not that race equality be the premise of the Equal Opportunities Committee, BEMIS, CEMVO Scotland, the Coalition for Racial Equality and Rights or any of the groups that we work with, but that it be the responsibility of all public sector agencies in Scotland. Again, through the public sector equality duty, we have domestic legislation that should give gravitas to that argument, which, as the Equality and Human Rights Commission and others have pointed out, is not necessarily as robust as it could possibly be.

In direct answer to your question about how we link the domestic agenda and international treaties, I think that we have to look at the intermediary bodies and communities that are represented here. They have a wealth of practical grass-roots suggestions to make about how we take things through, and that should be the route that we use to drive things forward, enhanced by the recommendations in international treaties. I contend that that should be the initial standpoint, because the evidence and the work already exist.

The Convener: I absolutely agree with you. I was part of the team that launched the Joseph Rowntree Foundation ethnicity report in this room yesterday morning, and a big chunk of that is about employment, access that. to underemployment and so on. We had Abdul Bastani here, whom many of you will know very well-it was nice to see him; I had not seen him for many years-and who, although he now has a degree in accountancy, cannot get a full-time job. Why is that? He got all As and he got a distinction in his degree, so why can he not get a full-time job? That is the barrier that we face, as was identified clearly yesterday. The foundation's chief executive and a few others have met the Scottish Government to discuss some of the findings from that report.

You are absolutely right, Danny: such issues inform how we should go about our work. We need to get it right, because if we do not, that will affect people's lives, which are what matter. We are mindful of your contribution.

Tim Hopkins: The Equality Network is very much in favour of the committee extending its remit to cover human rights as well as equality. We do not think of those two things as being the same; we think of them as overlapping sets. Unfortunately, that means that it is inevitable that the committee's workload will increase substantially as a result of the expansion of its remit.

I want to pick up on something that Emma Ritch alluded to. The international human rights treaty obligations do not cover all the equality strands, and lesbian, gay, bisexual, transgender and intersex equality—certainly, lesbian, gay and bisexual equality—has been very difficult at UN level, because some countries are very much opposed to any action on it. That is why it is very important that the committee keeps its focus on the equality strands as well as human rights and somehow makes those two things work together.

I agree with Danny Boyle that there is already a wealth of information and expertise available, and I am very grateful that the committee has gathered us all here together. If I had to mention one thing that I think would help the whole of the public sector to make progress on equalities across Scotland, it would be to do better engagement with communities. Public bodies should engage with equalities communities on our own terms in places that are accessible for people to get to and at times when it is possible for them to get there, and they should ask people what their priorities are instead of asking them to give an answer to question X. Engagement is vital.

Janis McDonald: That is a good point for me to come in. We are a bit late in coming to the table on human rights; it has taken us a while to process equalities. It takes longer for things to be worked through in the deaf sector, because the communications are a barrier.

When it comes to engagement, I would like inclusive communications to be provided on crosscutting issues, not just on the disability world. We have argued for a cross-cutting theme in the disability action plan, but I would argue that there needs to be a cross-cutting theme in everything that we do. We are often not included in things we are not in the room, and if we are in the room, we cannot hear what is going on and it takes us a while to catch up. When we ask a question, everyone else has moved on. Therefore, the way in which we engage will be critical if we want to deal with matters in a more reasonable and fairer way in the future.

The Convener: That is a fair comment.

Derek Young: Age Scotland did not co-sign the letter that Emma Ritch referred to, but we had some of the same concerns about the committee's remit. I think that we would give a cautious welcome to the proposed expansion of the remit. There are certainly positive reasons to do it. First, it provides an opportunity to show the linkage that exists in the human rights culture that Carole Ewart referred to, which is about embedding the idea that human rights are not just legally enforceable instruments but can affect the mindset and behaviour of people who act in a public capacity.

There are also practical reasons for expanding the committee's remit. We know that human rights will be a key feature of the next parliamentary session. There would have to be a lead committee to deal with a legislative consent motion on a UK human rights bill anyway, so it makes sense to set that out in advance.

We have concerns about the capacity issue that has been raised, but it is probably wise to note that human rights issues will probably still arise in the context of other committees' considerations, too. For example, the Health and Sport Committee will look at the way in which health and social care integration happens. Rights in care will be a key theme, and it probably makes sense for that committee to examine that issue in depth as we deal with implementation and try to understand how self-directed support is being implemented and so on. Therefore, this committee will not necessarily become the sole repository of human rights discussions, even if it develops a better focus on and a greater level of expertise in human rights, which would be welcome.

It makes sense for me never to speak after Tim Hopkins, because he says many of the things that I would wish to say. I am not familiar with the UN's 900 concluding observations—I apologise for that—but if I had to hazard a guess, I would suggest that they probably do not focus to a great degree on ageing, because it is another area, like LGBTI, which is not really covered to an enormous degree in international human rights instruments, particularly at the UN level. However, it is one of the protected characteristics and part of the equality framework that we deal with domestically.

One reason that we had some of the concerns articulated by Emma Ritch is that there was a hope among some equality organisations that protected characteristics, particularly those that struggle to get as much attention, might have a bit of attention devoted to them throughout the next parliamentary session and in the work of this committee. We would welcome opportunities for that to continue and hope that the committee is willing to think about its capacity by trying to accommodate the extra responsibilities with the existing ones.

The Convener: Thank you. We are looking at different, innovative ways to do fewer long, big and deep inquiries and more short, sharp things with lots of letter writing so that we can gather the evidence that we need to produce something quite quickly and be much more responsive. With a long inquiry, by the time we have published the report, the impetus and opportunity have gone.

We are also looking into how the committee is supported via the Parliament. All the committees have additional powers, so there is a bit of a conversation between the conveners about the support that the committees need to cope with the additional issues, whether they are social security, tax, human rights or other things that we are expanding our remits to include.

The big elephant in the room is Brexit and its impact on some of the rights, responsibilities and freedoms that we currently enjoy. There is a lot on the agenda, but we are looking into innovative ways to address all those points. If you have any ideas on how to do that, please share them.

She-Kei Wan: The Scottish Youth Parliament supports human rights being added to the committee's remit and responsibilities but, as Janis McDonald and Tim Hopkins said, the committee needs to ensure that engagement is at the top of its agenda. The groups affected by all the changes need to be engaged with. For example, the convener mentioned Brexit. Young people and children were not mentioned in the European and External Relations Committee's initial report on the referendum despite the fact that the younger generation will feel the long-term changes the most.

A lot of work needs to be done on rights impact assessments. The transport committee recently passed a piece of legislation that will affect transport pricing, yet no rights impact assessment was done on that because it was felt that it would not affect young people, despite the fact that young people take transport like everyone else. The committee needs to ensure that all the appropriate people are involved in the conversations that affect them.

The Convener: I am motivated to ensure that everything that happens in this place is filtered through the rights agenda. I have a real hobbyhorse about equality impact assessments and how well they are done. I have been having that conversation for a while and I am mindful of what it means. If an assessment is not done at an early stage, it does not work for anybody.

We are really grateful for the work of the Scottish Youth Parliament and we have some ideas on how to engage you in some of our work, so we will come back to you on that.

Tim Hopkins: I want to pick up on the point about equality impact assessments. For us, a big problem is that, sometimes, people think that they need to base an EqIA on hard data but no hard representative data is available for the equality constituencies, some of which are quite small. We will never get that data through, for example, the Scottish health survey. It is therefore really important to recognise the value of qualitative information, which you can get through engaging with communities on the ground and from information gathered in surveys. Because surveys are self-selecting, information from them will never be as hard as information from, for example, a census. Nevertheless, we can get really important information about what is happening to equality communities through that softer, more qualitative way of engaging and finding things out.

If you will forgive me, convener, I want to make a further point about the census. At the moment, the two equality strands out of the protected characteristics that do not feature in the census are sexual orientation and gender identity. For 10 years, we have been calling for a question on sexual orientation to be added to the census. The issue will come up in the next five years, and I hope that the committee will keep an eye on it in the next three or four years as decisions are made about the questions that should be in the census in 2021.

10:30

The Convener: Yes. There are a host of equalities issues to do with the LGBTI community. Committee members are interested in those issues and we will be pushing for progress on some of them.

I invite Matt Lancashire to tell us about his work at Remploy. You have ways of resolving some of the challenges that we all face. After Matt, I ask Jamie Szymkowiak to talk about the achievements of his campaign.

Matthew Lancashire: It is really all about the practicalities and what they mean to the people—particularly disabled people—who Remploy supports to find employment.

I apologise that I do not have the exact figures— I am sure that we can find them—but there is a huge gap in Scotland between people with disabilities who are employed and those without a disability who are employed. The figures are about 40 per cent for disabled people and 80 per cent for non-disabled people. If we break that down even further and look at those with learning disabilities, the figure is less than 10 per cent. We all know that that is not good enough and that we need to narrow the gap.

To do that, we need services that support disabled people into employment and fair work, but we also need to change the mindset of employers so that they know that taking on a disabled person is not an issue and that supporting a disabled person to work increases productivity and reduces absence and leave in their businesses. For a private company—or any type of company—that can only be a good thing. In order to reduce the gap, we need to start conveying to employers those messages about the power of various groups, and particularly disabled people.

We also need to support disabled people who might be at risk of losing their jobs. Yesterday, I heard Scottish Government figures that show that 30,000 or 40,000 people a year lose their job because of a health condition or disability. That might be due to their age or the onset of a health condition, which can happen to any of us at any time. The issue is how we support people to retain their job and progress in it. One of the key issues for the committee to focus on is disability, and a key part of that is the employment gap. If the committee can include in its work programme some work on how we reduce that gap, it will really support disabled people.

We know about the struggles with modern apprenticeships in Scotland. A very low rate of people with a disability take up a modern apprenticeship. At Remploy, we are committed to looking at that through the certificate of work readiness, which could enable people with disabilities to move on to the modern apprenticeships that are provided. We would like things such as that to be expanded. We would also like to support more thinking about how we move young disabled people into modern apprenticeships. That fits with the aim of raising attainment, which is a big thing that we hear about from the Government at present.

What is the point of all of this for Remploy and others round the table? We spend 70-odd per cent of our time at work, and work is a reflection of ourselves and our communities. We want a broad range of people to work with different employers, but we also want them to work in fair employment. That is the key, too. It is about how we encourage organisations and Government to support the fair work agenda for disabled people. **The Convener:** The Scottish Government is doing some work on its fairer Scotland programme, which has come across my radar in the past few days. Maybe that is something that we should focus on in our work.

Jamie Szymkowiak: I will make some comments following on from what Matt Lancashire said and some of Janis McDonald's points. The one in five campaign does not necessarily have a view on how the committee should organise itself, but accessibility is the most important thing for the disabled community so that we can feel part of what is going on in what will be a significant change over the next two years in terms of equal opportunities and human rights.

That is not just about the material that the committee puts out for people to access and whether it is in British Sign Language, in Braille or in easy read format for people with learning disabilities; it is also about the committee ensuring that it is accessible by not restricting itself to Edinburgh and trying to reach out to communities, because transport and travel is a particular difficulty. If the committee can hold some of its meetings in accessible venues in other parts of the country, that will certainly encourage disabled people to become part of things and understand more of what the committee is doing.

The Convener: Yes—we are very, very aware of that. Jeremy Balfour is next with a follow-up question.

Jeremy Balfour: On Matthew Lancashire's point, first, do people with certain disabilities have more difficulty getting into employment than others, or are there hidden disabilities that we as a committee are perhaps not aware of? Secondly, are things getting better or worse in Scotland with regard to employment for people with disabilities? Are there any figures or findings on that?

Matthew Lancashire: I will take the last question first. The employment figure has kind of remained unchanged; it floats around the 40-odd per cent mark and has done so for a number of years. We have seen an improvement recently. I cannot give you a reason for that because I do not think that there is one. Perhaps there has been a more sustained effort within the employability sector to change that. There has been more focus on disability in recent months and years.

On the types of disability, I have said from the off that people with learning disabilities really struggle to find work. Right now, in Scotland, less than 10 per cent of people with learning disabilities are working, which is poor. As a community and as Remploy, we want to improve that, and I am sure that members of the committee and the Scottish Government want to do that as well. We support the committee and the work that it can do around that issue, which needs to be a focus.

Likewise, the number of people with learning difficulties who are employed is very low. There is some concentrated work that we can do there, but 40 per cent employment is still low compared with 80 per cent, considering that people have a broad range of different disabilities from mental health to other hidden disabilities.

To translate what has been said so far down to the level of where we want to go, I note that we want to change those figures, to move more disabled people into work and to have a broad range of people in the workplace. That will show our Scottish communities well; it will show the vast array of people who can work; and it will create more cohesive communities—it is as simple as that.

lain Burke: I have a couple of points from the Law Society's perspective. First, my concern about the committee's expanded remit—this might be a personal view—is that there is a possibility that human rights will become the overriding agenda. There is already a lot of jurisprudence out there about human rights issues and its regulation is a much more understood area of law than equal opportunities. Human rights underpin everything. It has been said that all the committees' remits will include human rights, but the jurisprudence on equality issues is not as strong as that on human rights issues. The committee has to make sure that equality issues remain a focus.

Picking up on what Matthew Lancashire said, I add that we are concerned about tribunal fees in employment tribunal cases because the number of discrimination cases has nosedived since the fees That is partly because came in. most discrimination cases are brought by people who are still in work. They are not on benefits so they do not get remission from the fees and they have to pay them. They are often at the low end of the pay scale, and £1,200 is a huge amount of money for them. Employers know that there is a strong likelihood that those people will not pursue their claims.

That is an example of why disabled people—or people who have any of the protected characteristics—are at a disadvantage in the workplace. However, that is being missed. It is important that the committee does not let human rights issues overshadow that.

The Convener: I have spoken on many occasions about tribunal fees and we have managed to secure from the Scottish Government, which has control over those fees, a commitment to drop them. I am sure that there are many people round the room who will not let the Government forget that—we are on it.

Carole Ewart: This is a fascinating discussion. It is great to hear that so many folk round the table are involved in human rights. It would be great if that was reflected more in the ordinary delivery of public services in Scotland.

On the point that Iain Burke made, the right to an effective remedy is a fundamental human right in the European convention on human rights. We should not try to distinguish between equality issues and human rights issues. Human rights underpin the rights that we all want to enjoy and they define the values and practice of our society.

On the UNCRC's concluding observations, the complex devolution settlement in the UK is quite challenging for the United Nations and it has been raised a number of times in the concluding observations. Most recently, in August, the committee's concluding observations on UK compliance with the convention and the elimination of racial discrimination stated that, notwithstanding the devolution settlement, it is the UK Government that is a signatory to the UN convention, so its recommendations are targeted at the UK Government and it is up to the devolved Administrations to deliver them as they see fit. It is important to remember that and to interpret the concluding observations in that spirit.

On employment, there is a real danger that we start to compartmentalise issues. As with the right to an effective remedy, the UN guiding principles on business and human rights should be the overarching framework for how the Scottish Government and the Scottish Parliament expect private and public sector companies to do business. That will enable us to tackle disability and discrimination issues to do with communication, accessibility and empowerment.

In responding to your request for some guidance on how to take matters forward, I have two specific recommendations, which are in the Jimmy Reid Foundation paper on human rights. First, the Scottish Parliament has to make statements on the implications of bills for human rights, so there are lots of statements about human rights and how they impact on bills, legislation, practice and services in Scotland. They should all be hoovered up into one database that MSPs and clerks from all the committees can refer to.

My one caveat is that those statements are not as fulsome as they should be. It has been a sore point in the past that civil society, in particular, has not had access to the legal opinions on the human rights implications of bills. Those opinions have not been released under the freedom of information rules on the basis that to release them would harm the internal conduct of business and that legal advice is not included under freedom of information. Notwithstanding that, however, a database could be very useful.

Secondly, we mention in our paper the charter of rights in the state of Victoria in Australia. The whole point of the charter, which was taken forward by a devolved Parliament, was to focus on public sector delivery of human rights, which was understood to be somewhat wanting. Eight years later, there has been a review and 52 recommendations have been made on how the charter could be more effective. A number of those recommendations resonate with the situation in Scotland. We do not have the same charter of rights, but we have the Human Rights Act 1998 and a high-level political commitment to international human rights treaties. I commend those recommendations to you.

10:45

Danny Boyle: Sorry, I have inherited a squeaky chair today—I will take the opportunity to get myself comfortable.

To expand slightly on Jeremy Balfour's question from a race equality perspective, I was at the Joseph Rowntree Foundation event yesterday and met Jeremy prior to it. He asked me what single race equality priority I would want there to be in this parliamentary session. I instantly touched on the issue of employment, because we know that there are clear issues around underrepresentation across the board in various employment strands for ethnic and cultural minority communities.

I urge the committee to be bold in its thinking about advocacy and identifying key areas to look into. Further, because there is already clear discrimination evidence about and underrepresentation, I urge the committee not to undertake another evidence process. The communities that we are working with have been involved in the past six to 12 months with the creating a fairer Scotland process, the race framework, equality the Joseph Rowntree Foundation and the race, ethnicity and employment review, and the same issues are coming up again and again. Those communities will eventually experience frustration and fatigue if we do not see progress on the issues.

Organisations such as BEMIS and other race equality intermediaries will be working with the Scottish Government and other partners on the race equality framework, but that is a significant document. We hope that the structure of this committee will mean that it will be able to think outside the box on issues. For example, Carole Ewart referred to the issue of procurement, which also came up yesterday at the Joseph Rowntree Foundation meeting. From our BEMIS perspective, we have been talking for a while about procurement in a race equality context. People ask what procurement has got to do with race equality. In terms of representative employment and the economic situation that Scotland currently finds itself in, procurement has everything to do with race equality, disability equality and so on.

In the 32 Scottish local authorities there is underrepresentation across the board in staffing structures of ethnic and cultural minority communities. We are about to move into a period of more recruitment freezes by local authorities, so we will not see a major increase in representation in that public sector in the coming period. Where is our public expenditure money being spent? On procurement, national infrastructure and local infrastructure, and we feel that that aspect has to be looked at.

Tim Hopkins has touched on the issue of equality as a product, as has the Equality and Human Rights Commission. We can do an EqIA, get an outcome and say that that is fine, but quite clearly that does not fit the bill because there is an issue around equality as a process that has continually to develop. That has to start now on processes such as procurement, on which we are spending money, rather than with an arbitrary, social context pledge from which we do not necessarily see any outcomes.

There should be positive action measures around apprenticeships, representation, the nature of the workforce and who contracts are being given to. Some issues arise from the technicalities of how the procurement process works, but others arise from the systematic use of the procurement hubs mechanism, which potentially disadvantages and locks out more than just people from ethnic and cultural minorities. The buzzwords are around sustainable and representative equitable. economic development, but some of our rural communities are locked out of the procurement hub process. For example, if a roof needs to be fixed in Aberdeenshire, that is dealt with by the central procurement hub and the local community is not involved.

There are systematic issues around that model that we have to review. A much more stringent focus from an equality perspective is needed. I hope that this committee, given its extended remit and being particularly cognisant of economic, social and cultural rights, will look at that procurement model stringently in order to enhance progress in the key areas that have been identified.

The Convener: Yes. One of our innovations will be not to have big, lengthy inquiries on matters that lots of other organisations have worked on but to learn from their work. That was part of what we discussed with the Joseph Rowntree Foundation yesterday.

Emma Ritch: On Carole Ewart's point about international obligations and the question of the UK as a unitary state, Engender has tried to read some of the mood music coming from various UN committees. As committee members will know, those committees operate independently and different committees take different approaches. In our estimation, the United Nations Committee on the Elimination of Discrimination against Women— CEDAW—was trying to reach beyond the idea of the UK as a unitary state to the question of what Scotland should be doing on various things, including the modern apprenticeship programme, which others have mentioned as a key issue of concern.

The Committee on Economic, Social and Cultural Rights took almost the opposite point. I think it did so in a bit of frustration because Northern Ireland did not participate in that process and it was concerned that Northern Irish civil servants and ministers not appearing did not mean that they should not therefore take action. A lot is going on in the UN system and I offer Engender's support to committee members who want to tap into our knowledge to try to unpick some of that. It can be quite a daunting process to get underneath practically.

There are real opportunities for the committee to make some bold choices that equivalent structures in Westminster perhaps have not made. There has been a bit of a disappointing silence there in response to some sets of concluding observations and other regional instruments. Carole Ewart mentioned the experience in Victoria. At the crossparty group on men's violence against women and children, there has been a lot of discussion of the Istanbul convention, which is a Council of Europe instrument on violence against women.

CEDAW was of the view that Scotland could commit to implementing the Istanbul convention although it is not able to ratify it due to not being a state in and of itself, and that a commitment to implementing the convention would have a real impact on the delivery of responses to violence against women. That would integrate extremely well with Scotland's strategy on violence against women, "Equally Safe", which is taking a bold approach by linking violence against women to women's inequality and, therefore, placing it squarely within the purview of this committee.

Alastair Pringle and others at the previous session mentioned the sexualised and sexist bullying of girls in schools. If Engender was to pick a couple of things that we would really urge the committee to focus one of its short, sharp processes on, that would be one such issue. Currently, no data is gathered on the experience of the sexist and sexualised bullying of girls. We are aware from other survey data that sexual harassment, assault and even rape are occurring in schools in the UK. We would dearly love to know what is happening in Scotland so that we can intervene to ensure that girls do not experience education in a toxic and hostile environment.

Other things that we would like the committee to focus on include the question of the public sector equality duty and the extent to which equality impact assessments are functioning at all to make change. The EHRC is reviewing the duty this year and the committee could usefully echo or parallel that work.

The question of modern apprenticeships has been well rehearsed by the committee in previous iterations, but we now have the Skills Development Scotland equality action plan, which is focused specifically on modern apprenticeships, and that is looking at disability, race and gender. We are in the early stages of taking substantive action on that most pernicious of questions: how to open up that programme to a wider variety of Scotland's younger people. The committee could usefully scrutinise that plan and the extent to which it is making change happen.

The Convener: Excellent—thank you. Of course, we have seen the report from the Educational Institute of Scotland, the launch of which we were both at in the summer, on issues in schools. Margaret Mitchell and I launched the standing safe programme for universities last week, and there is a debate on that very subject in the chamber later today. There is a lot of topical discussion and cross-party support on how we move forward with many of the points that you raised and I am keen to do that.

Mary Fee: I thank everyone for their contributions and comments. The session has been really useful. I am not quite sure how we will find the time to do all these things, but we will endeavour to.

I have a question for Gary Christie about the policy work that is done by the Scottish Refugee Council. Can you give us an update on the changing landscape of the nature of your work? I am thinking in particular about the human rights stuff but, obviously, you have Brexit on the horizon, too. What should our priorities be in relation to your work?

Gary Christie: Thank you for that question. I was starting to think about those things. I do not want to make any further comments on the committee's broad focus, because all the comments so far have been helpful in framing the work.

In preparing for the meeting, I was thinking about the coming five years and, as has been mentioned, Brexit and the Human Rights Act 1998. Brexit should not affect our international obligations to refugees under the 1951 refugee convention but, obviously, it has influenced UK attitudes towards migrants and refugees, which is a key concern. It is positive that we have seen refugees arrive in all areas of Scotland, and it is to be really welcomed that local authorities have stepped forward. We would hope that that would continue. However, not all those areas have received refugees before and, although the initial welcome has been good, the long-term integration of people arriving in all our communities has to be considered.

A concern is the awareness of refugee rights in Scotland, particularly in relation to devolved and reserved competencies. For many years, a large part of our work has been in trying to resolve that confusion. We have stated to the Scottish Government that it should be bold. To return to Emma Ritch's point about looking at international obligations under CEDAW and the refugee convention, although the Scottish Government cannot ratify those instruments, it should seek to embed the obligations in Scotland and look at developing national standards. A concern is that refugees, wherever they arrive in Scotland, should have a fair entitlement to public services. That matter is of particular concern to refugees who arrive without status, for example separated children, whom we have heard a lot about in the news. We want local authorities to come forward to welcome separated children, but we need to ensure that the services are there to meet their needs-legal representation and guardianship, for example-so that their rights can be ensured in the longer term.

That is the broad picture, but the question of what is reserved and what is devolved will come up even more in relation to the Immigration Act 2016. A big concern is local authorities' ability to conduct human rights assessments for those who have no recourse to public funds, and what their responsibilities are given the reserved powers in that area. The Immigration Act 2016 will remove support from families who have been seeking asylum; that will cause more confusion to local authorities about what they should do in relation to those families. We already witness destitution; we will witness even more. A specific piece of work around local authorities' understanding of the rights of those who have no recourse to public funds would be very welcome.

The Convener: Mary, do you want to come back in?

Mary Fee: No; that was a through explanation. Thank you.

Alex Cole-Hamilton: A fundamental disconnect is apparent between the political rhetoric and the reality on the ground. We have heard that time and again in the excellent presentations from stakeholders round the table today, particularly in Matt Lancashire's description of the difficulties that people with disabilities face in the employment sector.

When I reflect on that matter, I always come back to one example. In 2011, a significant local authority set itself the target in its single outcome agreement of helping 200 17 to 25-year-olds with disabilities into employment. When it reported on the outcome the following year, it admitted that it had succeeded in getting only 11 of those people into employment. That metric defines just how problematic the issue is.

I want to throw a question to the wider group. If we accept that there are all these areas in which Scotland is still failing in its human rights and inequalities obligations, would incorporation of some of the treaties—where it is legally competent for Scotland to do so—be a way forward?

The Convener: Jamie, I know that you wanted to come in. Will you answer some of those points in your contribution, too?

Jamie Alexander O'Neill: I will try to. I suggest that we consider what the situation is for minority ethnic communities in Scotland and how anything that we decide, including anything that is done in the Parliament, affects the reality on the ground and how families and people are living their everyday lives. We have not done enough learning. Scotland is constantly introducing new communities. Gary Christie spoke about refugee communities; new migrant communities have also settled in Glasgow in the past few years. There are issues there that do not seem to be addressed.

11:00

Unaccompanied minors come to seek asylum. There is a whole range of issues to do with how we support them to get their immigration status, housing and health in order; how they have been welcomed in Scotland; how they learn about how to be a citizen of Scotland; and how they fit in socially. A lot of unaccompanied minors may be supported until they are 18 or 19, but what happens after that? Are they given keys to a flat and left on their own? Do they get employment or do they have to go through the Home Office rules and report every week when the Home Office tries to detain and deport them? We still need to learn about a lot of issues.

A lot of my current work focuses on radicalisation and how we create safe spaces for young people to discuss issues that they want to

discuss rather than pushing those issues underground and forcing young people to go online to speak openly to God knows who, who will influence their perspective.

There are also a lot of issues to do with women and how being from a minority ethnic community is an additional barrier. When we talk about employment, we need to consider jobs that are culturally suitable for women. We have not done enough of that.

We want a lot of work to be done on supporting families and understanding child rights and what can be expected from institutions that look after children. A lot of the work that any project in Roshni does involves asking people to focus on three areas: the institution that we work with; the families and the community; and the children and young people.

On radicalisation, we need to start conversations with children at a younger age. We find that a lot of children and young people sit in households, watch things on the news and hear their parents or older brothers and sisters talking about things, but there is nowhere for them to talk. Their opinions are based on those of everyone else around them.

We do a lot of work in faith organisations. We work not just in mosques, but we do a lot of work in them. We are about to launch a guidance book for organisations that look after our children and young people. The idea behind that is to introduce child protection policies and how people should legally look after a child.

We also do a lot of work with unregistered groups. A family that wants their child to learn the Qur'an can pay their neighbour who speaks Arabic £20 to teach them every week. If there are 10 kids in a living room environment and no child protection guidance or policies, we want to get into those groups and encourage people to become registered and find institutions that will support them.

I usually focus on one subject, but there is a lot that I could probably go on and talk about.

I would like all organisations to consider additional barriers for minority ethnic communities. I used to be a member of the Scottish Youth Parliament for Glasgow Anniesland, so I welcome She-Kei Wan. Organisations should start to have more conversations with children and young people, learn from them and give them opportunities to come to speak in the same way that we do with every equality group.

The Convener: Thanks. You have brought into the discussion issues to do with religious freedom and responsibility, which we have not touched on. I am conscious of the fact that Megan Crawford has not managed to get a say yet. This may be a good place for her to start.

Megan Crawford: Absolutely. I represent the Scottish Secular Society. We advocate for equal footing for all beliefs and none as well as addressing religion's mandatory privileged positions in Scottish law. Our main concerns this year have been endemic inequality and the ignoring of children's rights, either passively or actively, in the education sector. Our chief concern is the mandatory appointment of church representatives on our local authority education committees. We have found that a lot of people are not aware of the mandatory appointees. Every local authority education committee must have three appointees that are appointed by the church, independently of any voting system. There is almost no regulation on the appointees after that. Some are appointees for life and some are cycled out annually or biannually.

The important point is that the nominees are involved in every level of decision making in their local authority. There are 32 education committees, and the religious representatives hold the balance of power in 19 of them. They circumvent the democratic electoral system. In the most recent survey, the majority of Scottish reported that they have no religion, and that covered the majority of people under 40, which would include probably many parents of children who are in school. We believe that the church does not necessarily reflect the interests of those people, either local or nationally. We would like that issue to be looked at and addressed.

The Scottish Secular Society feels that we might need to move from having mandatory religious reps to having them co-opted on. We are not arguing that they should be removed; if local constituents want religious representatives, they should be allowed to vote them on. However, there should be accountability.

We consider education and access to education to be a right that comes from our shared humanity and citizenship, not from our membership of a particular group. We are very wary of the political wisdom behind the arrangements whereby all taxpayers must pay into the school system, but only some taxpayers get to enjoy that system, because schools are allowed to weed out students according to their baptisms and educators according to their religious affiliations. In a nutshell, when we are speaking about education we are not speaking about religion. We are speaking about the right to education. I will probably echo what many others have said-Tim Hopkins talked about this. We are running into a lot of people who do not realise that that is the case with our education system. They do not realise that that is the case because there are no

feet on the ground. There are no people talking to the people who are involved. They are removed, and we would like to see more proactive efforts on mandatory religious representatives and religious policies in the education system.

The Convener: That is another clear area that we will have to take a bit of time to ponder and concentrate on. Thank you for that.

She-Kei, you wanted to come in. I do not know whether you have an answer to Alex Cole-Hamilton's question.

She-Kei Wan: I would like to respond to some of the points that have been made by Jamie Szymkowiak, whom I thank for bringing up the Scottish Youth Parliament.

It goes without saying that I am in full support of bringing young people to the table for discussions. Jamie Szymkowiak spoke about learning and having open and safe spaces for young people to talk about issues that affect them, and there is a big wasted opportunity with the personal, social and health education curriculum. The Equal Opportunities Committee has an important responsibility to work with the Education and Skills Committee to ensure that equalities are promoted across the board. In our lead the way consultation, we spoke to 72,000 young people across Scotland, and about 79 per cent of them feel that the PSHE curriculum needs to be changed. It needs to represent the big issues that affect young people today, such as sexual relationships, consent and mental health-all those issues that are not on the curriculum now.

There is a massive opportunity for the Government to engage with young people during that one hour a week when they can sit in a safe space and talk about all the things that affect them, but it is being wasted in discussing subjects such as teen pregnancy and gang crime. Those issues are prevalent, but they are not the big issues that affect us right now. We need to take a step back and look at the curriculum, and ensure that young people are involved in facilitating its design and delivery. This committee needs to work with all the other committees to ensure that equalities are promoted in all opportunities across the board.

The Convener: I have an 18-year-old who has over the past two years lamented laboriously what a waste of an hour each week personal, social and health education is.

There is a members' business debate in the Parliament next week on mental health education, so you will hear some points from members on the subject then. Again, we are interested in and mindful of the issues in that regard, and we especially want to hear the young voice. We have less than five minutes left, and Emma Ritch and Carole Ewart both want to come back in. That will answer some of the questions—I see that Alex Cole-Hamilton has his hand up, but he will not go away disappointed. Carole Ewart can go first.

Carole Ewart: I instinctively think that incorporation is a great idea. However, my real concern is that, although the Human Rights Act has been in place since 1998, there is a contradiction in terms of its delivery. It is not clear whether the act is just being ignored by the public sector or whether it is being delivered in such a subtle way that people do not know that that is happening.

If you are going to invest a lot of time and energy, I think—based on what I am hearing today and on my own experience—that you should invest it in human rights happening in local places where they can make a difference to people's lives. We should be looking at that rather than focusing on big, high-level incorporation issues that gobble up time and energy.

I emphasise that we have a big problem with the perception of human rights, because they do not happen in local places and people in Scotland do not seem to understand what human rights are. The Scottish Government commissioned an opinion poll last year, and the results were published in November 2015. The poll revealed that one in five Scots say that human rights are for minority groups only, and two in five Scots say that human rights have no bearing on their everyday life. That is shocking, because the whole point of human rights is that we are treated equally and we are supposed to have an understanding of dignity, fairness, respect and equality. That understanding is lacking in our culture, and we have to look at practical ways to ensure that human rights add value to people's everyday lives.

Earlier, the committee had the opportunity to meet Stuart Merchant, who is sitting here today. He is a blacklisted worker-he was blacklisted completely unfairly, which is an endemic problem. We have a body of evidence that blacklisting is endemic, because the UK Parliament published its report on blacklisting in March 2015. We have talked about public procurement as a way to improve private sector business responsibilities in respect of human rights. It is important that we choose issues in which to invest our time and energy that will make a difference to people's lives. Blacklisting has impacted horrendously on people's lives, and we need to use the full powers of human rights to make a difference to private sector behaviour, because that will make a difference in people's everyday lives.

The Convener: We pricked up our ears at the suggestion of a Scottish version of SNAP's piece

of work on business and human rights. We will be looking for that from the Scottish Government so we can take forward some work in that area.

Emma Ritch will have the final word.

Emma Ritch: Thank you, convener. I take on board Carole Ewart's point that we do not want more legislation that is not implemented appropriately and under which access to justice is beyond the reach of individuals.

That said, the United Nations committees that we have appeared before have been emphatic that justiciability or the lack thereof is a major gap in the realisation of human rights. We have called for the incorporation of the UN Convention on the Elimination of all Forms of Discrimination Against Women into Scots law on the basis that there are currently rights for women that are not being realised and are not interrogated through the current system.

The Convener: Emma Ritch was very quick there, so Jamie Szymkowiak has a minute.

Jamie Szymkowiak: I will be very brief, convener. Jeremy Balfour kindly lodged a motion on disability equality training, which the Presiding Officer said that the Parliament will work towards. I implore all members of the committee to reinforce the notion that all MSPs should attend that training.

The Convener: We hear you. Derek Young has 30 seconds.

Derek Young: If the committee is looking for cross-sectional, short, sharp inquiries, I suggest the topic of digital exclusion. Older people, those with learning disabilities and people for whom English is not their first language are all disproportionately affected by the increasing drive towards public services being online only. We are seeing that with sheltered housing applications in Edinburgh, for example, which are online only.

The universal credit system—which I know is reserved—is now being rolled out in Musselburgh as a full online service. There will be increasing pressure on public authorities to try to restrain their costs, and they will see moving services online as a way of doing that. There are ways in which we can support people, but we should consider the needs of those who find it impractical or unfair to be pushed in that direction.

The Convener: That is a brilliant point to end on. I thank you all very much for your points this morning—to make them so concise and straightforward has been very helpful indeed.

This session is not a one-off as far as our communication and relationship with you is concerned. We want to build on those relationships and hear your ideas so that we can consider how we take forward the pieces of work that we have in mind. Every member of the committee is open to influence, experience and persuasion, but only in a good way. I thank you for your attendance—please keep in touch with us all.

11:15

Meeting continued in private until 11:36.

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