

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 26 September 2000  
*(Morning)*

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## EQUAL OPPORTUNITIES COMMITTEE

19<sup>th</sup> Meeting 2000, Session 1

### CONVENER

\*Kate MacLean (Dundee West) (Lab)

### DEPUTY CONVENER

\*Shona Robison (North-East Scotland) (SNP)

### 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)  
Tricia Marwick (Mid Scotland and Fife) (SNP)  
\*Mr John Munro (Ross, Skye and Inverness West) (LD)  
\*Nora Radcliffe (Gordon) (LD)  
Tommy Sheridan (Glasgow) (SSP)  
\*Elaine Smith (Coatbridge and Chryston) (Lab)

\*attended

### CLERK TO THE COMMITTEE

Lee Bridges

### ASSISTANT CLERK

Alison Campbell

### LOCATION

Committee Room 2



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 26 September 2000*

*(Morning)*

[THE CONVENER *opened the meeting at 10:03*]

**The Convener (Kate MacLean):** We should get started.

I move that we take item 2, on the appointment of an adviser, in private. We will take item 7, the updates from reporters, after item 3, because some members who are giving reports have to leave early.

**Members indicated agreement.**

10:04

*Meeting continued in private.*

10:21

*Meeting resumed in public.*

**The Convener:** I welcome Joaquina Alemany i Roca, the convener of the equal opportunities committee in the Catalan Parliament, to the committee this morning. I hope that she enjoys the meeting.

## Single-sex Schools

**The Convener:** The discussion of single-sex schools was deferred from last week's meeting to allow Johann Lamont to take part; Tommy Sheridan had requested that the gender group consider this item. Members have received a report, and I will ask Johann whether she wants to comment. Before I do so, I should inform members that I have received an e-mail from Pauline McNeill, the MSP in whose constituency Notre Dame High School lies. Pauline cannot be here so I will read the e-mail:

"Dear Kate

I discovered on Friday that your committee are discussing the issue of Notre Dame Secondary school. Unfortunately, I cannot make it to the committee today or else I would have made these points in person. I would be grateful if you put my main points on the record.

As the constituency MSP my office have been dealing with complaints from parents for several months. We are in the middle of a dialogue with the local council via the local councillor Ruth Simpson and also the Glasgow Archdiocese.

It is my view that if the committee are going to enquire into the various issues involved that it should not look at Notre Dame in isolation but rather at the whole of single sex education in Scotland. The complaints raised by parents at Notre Dame should be dealt with locally.

If the committee intend to take the matter further I would appreciate notice so that I can take part in the discussion.

Thanks

Pauline McNeill"

**Johann Lamont (Glasgow Pollok) (Lab):** The women's group met last week, and when we discussed our work programme for the coming year—which I will report on later—we felt that our small group would not be able to undertake an inquiry of this magnitude. We also did not feel that our group was the best place in which the issue should be considered.

Subsidiarity is an issue here. In the Local Government Committee, the importance of decisions being taken at the appropriate level comes up all the time. Notre Dame High School and the ways in which it impacts on provision in its locality are matters for the local authority. We should tread on that ground very warily.

From what Pauline McNeill has said, it seems that she and the local authority are conversant with the issues around Notre Dame, which are particular to its location rather than to the fact that it is a single-sex school. I am not saying that there are no issues to be discussed, but that the issues should be discussed locally.

On the question of a broader investigation into single-sex schools, I feel strongly that, when

considering equality and gender issues, it is important to consider them in the round, and not to focus on one particular aspect of gender inequality in education. We see the latter happening in the discussion of boys' performance in schools, which people have been exercised by recently. For generation after generation, evidence has shown that girls have not had equality in education because attention has not been focused on them. Now we have a situation in which boys—despite attention having been focused on them—are not achieving, and a lot of resources are going into addressing that situation. I think that that is happening because we do not consider equality in the round or in a sustained way. It is an obvious observation to make, but despite the fact that girls are doing better at school, they do not necessarily get their hands on the levers of power once they get older. How well a person does in exams is not the only important thing.

If we are to consider equality issues in education, the most appropriate place for that may be the Education, Culture and Sport Committee, with the support of the Equal Opportunities Committee. Inevitably, we would consider issues such as provision in individual areas, single-sex schools and streaming. I would be unhappy if we were to pluck out for consideration one issue on single-sex schools in response to what is clearly great concern at a local level. The issue should be addressed locally.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I agree with that. I do not like the idea of setting dangerous precedents, and we might be in danger of doing that. It is not that I do not believe that there is an issue to be addressed, but I am concerned about the means through which the committee has come to be discussing that issue this morning. A number of local issues have been raised with the Local Government Committee. They have come to that committee via the Public Petitions Committee, after having first been raised by organisations that have had problems with local authorities. Those organisations have sent a petition to the Parliament, and the petition has been passed to the Local Government Committee. On each occasion, the Local Government Committee has said that the matter was for the local authority, not the committee, to deal with.

The issue that is under discussion today has not been raised in the same way. If the Equal Opportunities Committee were to become some sort of super-surgery—where a local MSP, having heard of a local issue, brought it straight to the committee—we would be setting a dangerous precedent. All the investigations that we have conducted have been instigated by organisations. They have communicated with the clerks, who have put the issue on the committee's agenda. If

MSPs were able to decide that something that had happened locally should be raised in committee, that would lead to problems. We should not go down that road.

If the local community wants the issue to be raised in Parliament, it can petition the Parliament. I do not think that allowing MSPs to turn up at the committee and say, "I want these issues addressed," would be the best way of resolving those issues.

**Marilyn Livingstone (Kirkcaldy) (Lab):** I agree with Johann Lamont's points. I am also a member of the gender group, and Johann summarised our discussions well. If we are to consider inequalities in the education system—and I agree that the best place for such consideration would be the Education, Culture and Sport Committee—we must consider the issues in the round. We cannot pluck out one local issue and try to create a debate around it; we have to do it the other way round. In the education system—in schools or in further and higher education—many issues arise concerning the treatment of women. I would be unhappy about isolating one issue and debating it in committee.

**Shona Robison (North-East Scotland) (SNP):** The case of Notre Dame raises wider issues. The best way of dealing with it would be to refer it to the Education, Culture and Sport Committee, and to offer our input where appropriate. I, too, agree with Johann Lamont's comments.

10:30

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I do not think that the Equal Opportunities Committee should examine the matter, but I would not give exactly the same reasons that other members have given. If a serious equal opportunities matter were involved, I would not say that we should not deal with it because it was a local authority responsibility. The Parliament has a responsibility for equal opportunities issues wherever they are to be found. Equally, I do not think that we should not deal with it because it is an education matter, as we cover the spectrum of policy issues.

However, I do not think that this matter is an equal opportunities priority for us, certainly not in terms of the issues that the gender group discussed, which Johann Lamont will describe shortly. Single-sex schools are a complex issue. I do not particularly like such schools, but some women argue for them, and even do so on equal opportunities principles. I am happy to leave Glasgow City Council to make its own judgment on the case.

**The Convener:** I welcome Brian Monteith to the committee.

**Mr Brian Monteith (Mid Scotland and Fife)**

**(Con):** Thank you for letting me speak without notice on this item—I rushed over here to hear the committee's deliberations.

I take on board what Malcolm Chisholm said about single-sex schools. I understand that the prime reason for Notre Dame becoming such a bone of contention is the closure of other schools in the area around it. That has led some people to believe that they are disadvantaged because the school that they would like their children to attend—for reasons such as its league table position—is not available and their children have to travel to other schools. If I am wrong, please correct me; I have not heard all the evidence.

Equal opportunities issues are undoubtedly involved, but they seem to revolve around catchment areas and the provision of schooling. Johann Lamont is right to say that the issue is far broader. Johann has joined the Education, Culture and Sport Committee, on which I serve, and that committee may consider the matter in the longer term, perhaps taking gender issues into account. Perhaps a reporter from the Equal Opportunities Committee could be involved so that you are fully aware of those discussions. I am certainly willing—perhaps with Johann Lamont—to suggest that to the convener of the Education, Culture and Sport Committee.

**Johann Lamont:** The Education, Culture and Sport Committee does not have much on its agenda just now. [*Laughter.*]

**The Convener:** I suspect that, as Johann Lamont suggests, the Education, Culture and Sport Committee will find that its time is taken up with other issues.

The issue has arisen as a result of local decisions by Glasgow City Council. In reply to my letter, the minister said that the council was not in breach of its statutory duty and that its decision on single-sex schools was not in contravention of the Sex Discrimination Act 1975.

We should agree to the recommendation in the paper on single-sex schools to note that the issue of Notre Dame High School is for the local authority to address, but we should not accept the second recommendation. I will write to the convener of the Education, Culture and Sport Committee, enclosing a copy of the *Official Report* of the meetings at which we have discussed the matter, and suggest that if that committee wishes to examine gender in education, it might wish to take this case into account. I agree with Johann Lamont that single-sex schools are not the most important issue in terms of gender and the effect that education has on either boys or girls.

**Johann Lamont:** We should also note that we are aware that the local authority and the

constituency MSP have been actively involved in the case. We do not think that nobody is doing anything about it; we know that people are seeking solutions to the problem.

**The Convener:** When I reply to the people who have written to me, I will enclose copies of the *Official Report* of the relevant meetings and I will make that point clear. Do members agree?

**Members indicated agreement.**

## Reporters

**The Convener:** As agreed, we will take the reports from the reporters groups now, as some members have to leave early. Do any reporters have an update since our previous meeting?

**Johann Lamont:** The group on gender issues met last Tuesday. We have set a series of dates for meetings in alternate weeks until October.

We discussed the impact on the group's work of the legislative programme, and in particular of proposals relating to the cross-examination of witnesses, stalking and family law. We thought that we could make a useful input into those.

Following on from our work before the summer recess on the treatment of women in the justice system, from which the debate on cross-examination of witnesses emerged, we thought that we could do useful further work on the treatment of women once they enter the justice system as offenders.

I note that one of the committee papers mentions the housing bill. We thought that the convener should discuss with the convener of the Social Inclusion, Housing and Voluntary Sector Committee the taking of evidence on the bill from women's organisations. I understand that that is being done, but we want to offer our support.

We discussed mental health, which is one of the key health priorities. We wondered about the extent to which the women's dimension to mental health is being addressed, and thought that some useful work could be done on that.

In view of the fact that I have joined the Education, Culture and Sport Committee, it will be impossible for me to continue as convener of the group on gender issues. Subject to the committee's agreement, Elaine Smith has agreed to take over that responsibility.

**The Convener:** What did you say about me meeting the convener of the Social Inclusion, Housing and Voluntary Sector Committee? I was listening, but—

**Johann Lamont:** I suggested that you should meet the convener of the Social Inclusion, Housing and Voluntary Sector Committee to discuss whether we could support the gathering of evidence from women's organisations on the housing bill. I think that that committee is taking evidence from such groups, but we should ensure that there is liaison between the committees.

**The Convener:** As Johann Lamont is unable to continue as reporter on gender issues, it has been suggested that Elaine Smith take over from her. Is that agreed?

**Members indicated agreement.**

**The Convener:** Members have copies of Irene McGugan's report on disability issues.

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

Last week, I met representatives of the Disabled Persons Housing Service. Two main issues were on the agenda. Following the evidence that the DPHS gave us some time ago, we raised issues with three ministers, and have now received responses. The issues that were covered in the responses are fairly complex, so we have asked the DPHS to read them and get back to us if there is anything that it would like to address further.

The main issue that we discussed was building regulations. The DPHS feels strongly that the regulations fall short of what is required to make housing properly barrier free. The DPHS's representatives alerted us to the fact that the regulations are reviewed every three years and advised us, helpfully, that in England and Wales a comparative study has been done of control and promotion of quality in housing in Europe. It is short-sighted to make adjustments and amendments to building control without considering the wider, European context. We also discussed the housing bill.

We have three recommendations for the committee. First, the committee should undertake to equality proof the housing bill; that is on the agenda for today. Secondly, the committee should write to the Scottish Executive to request that it consider commissioning a similar comparative study to the one that was done in England and Wales. Thirdly—given that we now know that building regulations are reviewed every three years and that the next review is due in 18 months—the committee should include the review in its future work plan, so that we will be in a better position to make an input to the process next time.

**The Convener:** Are there any questions or comments? We can deal with recommendation 9, on the housing bill, when we consider the housing bill. Are the other two recommendations agreed?

**Members indicated agreement.**

**The Convener:** Marilyn, do you want to give an update on the cross-party group that you mentioned at the previous meeting?

**Marilyn Livingstone:** The first meeting of the proposed cross-party working group on survivors of childhood sexual abuse took place on Thursday. We have set a date for a future meeting and we will consider the group's remit and priorities. We have agreed that we will examine this issue from cradle to grave and look at childhood sexual abuse and adult survivors. Funding and legal issues were among the matters that we discussed. Some of the groups that were



represented said that they would like to make representations to this committee at a later stage. I said that I would raise that this morning. However, first, the group would like to get further down the road of addressing how the Parliament could help it with what it wants to do. I told the group that I would raise that with the committee and, perhaps at the beginning of January or February, the group would like to give evidence to the committee. Also, a petition is going to the Public Petitions Committee next week, to raise awareness and to look at core funding for the bodies that are involved in the group.

**The Convener:** Are there any questions or comments for Marilyn?

**Elaine Smith (Coatbridge and Chryston) (Lab):** I attended the meeting that Marilyn mentioned. One group that came along expressed concern that people are approaching it as a rape crisis centre. There are issues around the kind of provision that is available for counselling and helping people who have been victims of rape. That was also discussed at the gender reporters group. We need to be aware of the support for victims of rape in Scotland.

**Marilyn Livingstone:** That issue was raised in the group and I am dealing with it in my locality. The group will look at it, but it wants to determine the priorities and discuss the issues that were raised before it comes to this committee. We thought that the group should come here early in the new year.

**The Convener:** Are there any other reporters' reports?

Before we move to item 4, I welcome four politicians from Azerbaijan who are visiting political parties in the UK through the Westminster Foundation for Democracy. I welcome them to the committee and hope that they enjoy the business.

## Legislation (Scrutiny)

**The Convener:** For the next item, members have a report from the clerk with guidelines on equality proofing legislation and policy documents. Are there any comments or questions?

**Nora Radcliffe (Gordon) (LD):** The only comment I have concerns the section:

"Where to go for help".

I agree with the inclusion of the Equal Opportunities Commission and the Commission for Racial Equality, but we should include other groups that represent people who are discriminated against, rather than proceed only through those two organisations. We should consult sexual orientation discrimination groups and disability discrimination groups as well. We should go directly to organisations that represent groups that tend to be discriminated against.

**The Convener:** This paper represents the first stage. We would hope to build up a checklist for the committee.

**Nora Radcliffe:** Yes, but we should go directly to all groups, and not do it via groups that have a more focused approach.

10:45

**Lee Bridges (Clerk to the Committee):** The first stage is to address race and gender issues. I am trying to get the committee's ideas about building up a checklist that covers all equalities issues. This paper demonstrates how that may be done in two areas. I am not excluding any area; I am just hoping to get the committee's approval for this as a concept.

**Nora Radcliffe:** That is fine.

**The Convener:** We need the committee to agree how we will scrutinise legislation. I do not know how easy it will be to come to a conclusion in committee.

**Malcolm Chisholm:** This is a good paper from the CRE and the EOC. I am worried that equal opportunities principles are not being applied at the moment. We have a serious responsibility to apply them. I am also worried about how we will do that in conjunction with our inquiry. As far as I can see, we will not have the whole of each meeting to spend on our inquiry, because we have a lot of legislation to deal with, as was announced two weeks ago. We should take some credit, because the second example in the paper, the Standards in Scotland's Schools etc Bill, is one on which we did a lot of work and the CRE wrote to us and congratulated us on our success. We should not grow complacent, but we showed how

we can begin to equality proof legislation—but we should remember how much time that took, because we took evidence from five or six people.

I am worried about how we will manage to continue to do that. The principles on pages 2 and 3 of this paper are a good starting point and we can discuss them in relation to the housing bill in a minute, but they are profound questions and I see no evidence that any serious equality proofing is being done in the Parliament. That is the point Positive Action in Housing made in June when some of its members came to talk to us about housing. We have a heavy responsibility, and it is not easy.

I do not know whether we are talking about legislation in general under this item and housing specifically under the next one. The bill that is on top of us at the moment is the Transport (Scotland) Bill. Throughout last year, people kept making points about that bill—particularly in relation to disability, but also in relation to gender. We are just about into stage 2 of that bill. We have to do something about it immediately and not wait any longer, because this is our opportunity. Johann Lamont mentioned a lot of the bills that we will have an interest in, in relation to gender, after the Transport (Scotland) Bill—and there will be the housing bill.

We have to take this one step at a time, but the immediate priority is the Transport (Scotland) Bill. The research that was done for the Executive by Reid Howie about women and transport has been mentioned. We asked Jackie Baillie about it in June and she said that a report would come out soon. Where is the report? Has it been published? What does it say? How is it feeding in to the Transport (Scotland) Bill? We have to get a grip of those issues now. The immediate legislative priority is the Transport (Scotland) Bill, with regard to disability and gender. We cannot wait, because the bill will be in stage 2 after the October recess—it may be now for all I know. We will then have to take each bill at a time, make time for it somehow and not lose sight of the legislation while we are doing the inquiry.

**The Convener:** This item is for the committee to agree how we will scrutinise legislation. I do not envisage the inquiry taking up all the committee's time. We can decide to do the inquiry over a long period of time, so I do not envisage its being discussed at every meeting. The inquiry might involve some visits and so on, but not every committee member has to attend and the visits do not have to take place on the same days as committee meetings. We have to discuss that when we discuss the remit of the inquiry, once we appoint an adviser.

We will discuss the housing bill under the next item. In view of what we agreed last week, we

wanted the committee to have a process to equality proof legislation. I take on board everything Malcolm Chisholm said about the time scale and the amount of work the committee has to do. The Transport (Scotland) Bill is already at stage 2, which creates difficulties for us, although we wrote to the Transport and the Environment Committee asking it to take equal opportunities issues on board. That highlights the fact that all committees—not just the Equal Opportunities Committee—should be looking at equal opportunities.

**Irene McGugan:** That is the point I was going to make. It is important that we do not get tied up too much in thinking that we have to do all equality proofing for all legislation. I would like to see every committee putting equality proofing on the agenda and working out what they are doing about mainstreaming equality in legislation as they are looking at it.

We should remember that the equality unit, the equality strategy, the equality officer and lots of other structures are in place and can help the Parliament consider those issues. While we have a role to play, this committee is not the only structure that can help to mainstream equality issues into legislation. I hope that we can encourage other committees to consider the issue as we have done.

**The Convener:** At our previous meeting, we agreed that once we had agreed the checklist we would send it to all the committees for discussion. That will start to take care of the concerns that Irene McGugan and others have expressed about other committees' responsibilities as regards equal opportunities.

We have to agree that the checklist is agreed by the committee first. Are we agreed?

**Members indicated agreement.**

**The Convener:** We will bring that back to the next meeting.

## Housing Bill

**The Convener:** The next item relates to the housing bill. Although we indicated that members could e-mail the clerks with any comments, nobody did. The report, therefore, has been put together without any comments from the committee.

Are there any questions? I look hopefully around the room to see whether anybody wishes to speak.

**Mr McMahon:** The race group will meet next Wednesday and I propose to examine the legislative programme at that point. After discussing the issues with other members, I will know what input we will be able to make. I do not yet have a position on the housing bill.

**The Convener:** The committee could agree that I speak to the convener of the Social Inclusion, Housing and Voluntary Sector Committee to agree that our two committees will jointly take evidence at stage 1. I could also write to the Minister for Communities with some of the concerns that are raised in the report and indicate to her that the committee will take an interest at stage 1.

**Malcolm Chisholm:** At the risk of repeating what we said about the checklist, I have to say that, at the moment, we can produce nothing better than what the Equal Opportunities Commission has. On each key question, it says that the impact on all equality groups must be taken into account. The housing bill illustrates that approach. We have done a lot of work on the race side and, on the basis of the evidence that we have taken and the report that we gave to Scottish Homes, we could make points in that regard. We have to go through all the issues, such as the disability issue that Irene McGugan raised—a lot of work needs done on that. We have not done much work on gender as relates to housing, although Johann Lamont referred to it in her report. There are obvious issues arising from gender, such as the fact that the amount of social rented housing will be of particular importance to women, who are, statistically, more dependent on it than men are. Lee Bridges, the clerk, has picked up a sexual orientation issue that we should deal with as well. We have to go through the bill in relation to each of the equality groups. The report has to be amplified to take account of all of those groups.

**The Convener:** Is it agreed that the committee will deal with that at stage 1 and that we will either produce a stage 1 report or feed our work into the Social Inclusion, Housing and Voluntary Sector Committee's report?

**Members indicated agreement.**

**The Convener:** Obviously, members of the committee can still make comments as part of the consultation.

## Correspondence

**The Convener:** The next item deals with correspondence on IDEAL training.

**Nora Radcliffe:** Members will have read the information from the group, which raises a good point. It is important for all of us, if we are to represent the whole community, to be aware of some of the more vulnerable groups in it. Every MSP should have the sort of training the group offers. The committee should recommend that that happens and we should go out to tender on the provision of this sort of training for the committee and every other MSP.

**The Convener:** There are two issues. The committee will have to discuss the equal opportunities training that we and other MSPs might require. Secondly, we will have to discuss who would provide that training. We have to adhere to certain procurement procedures when commissioning training or services. It would be worth finding out who is on the list of people from whom we can get services or training and why they are on that list. Perhaps we can address ourselves initially to what training would be required by the committee, other MSPs and our staff.

**Elaine Smith:** Last year, the Parliament ran training sessions on many issues. I thought that the Parliament had someone who was responsible for the training of MSPs. Perhaps we have to approach those members of staff.

Training for ourselves and other MSPs is a good idea. Given that members of this committee cannot be responsible for every piece of legislation or be at every committee when legislation is being scrutinised, it is important that all MSPs have awareness-raising training on equality issues.

**The Convener:** Does the committee want to discuss training requirements for MSPs at a future meeting? We could find out what is available and make recommendations to other committees about training that would be useful in relation to the equality proofing of legislation.

**Nora Radcliffe:** We should be more definite about it. Disability awareness training is extremely effective, as anyone who has had some will know. It is useful to be wheeled round in a wheelchair or have one's sight blanked out while doing everyday tasks. That lets the trainee find out what it is like to have an impairment. There is no way that such immediate awareness can be gained without similar training. It would be good if the Equal Opportunities Committee could lead by example and undergo that type of awareness heightening. It colours one's outlook and affects the way in which one makes decisions thereafter. I would like

to propose that the committee agree that such training would be desirable and that we recommend that our fellow MSPs undergo it.

**The Convener:** What I recommended does not preclude what you are saying, Nora. I recommend that we produce a report about what training is available. That will allow us to consider the general equality training needs of the committee and of other MSPs and determine what training providers are on approved lists and why they are on those lists. We could have a more specific discussion once we have produced that report, which we will do as soon as possible.

Is that agreed?

**Members indicated agreement.**

**The Convener:** That concludes the meeting.

*Meeting closed at 11:00.*

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