

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 16 April 2002  
(*Morning*)

Session 1

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## EQUAL OPPORTUNITIES COMMITTEE

### 8<sup>th</sup> Meeting 2002, Session 1

#### CONVENER

\*Kate Maclean (Dundee West) (Lab)

#### DEPUTY CONVENER

Kay Ullrich (West of Scotland) (SNP)

#### COMMITTEE MEMBERS

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

\*Mr Gil Paterson (Central Scotland) (SNP)

\*Cathy Peattie (Falkirk East) (Lab)

Tommy Sheridan (Glasgow) (SSP)

\*Elaine Smith (Coatbridge and Chryston) (Lab)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

\*attended

#### WITNESSES

Morag Gillespie (Engender)

Margaret Gregg (Scottish Gypsy Traveller Association)

Dharmendra Kanani (Commission for Racial Equality)

Mark Kennedy (Scottish Gypsy Traveller Association)

Sue Robertson (Engender)

Muriel Robison (Equal Opportunities Commission)

#### CLERK TO THE COMMITTEE

Jim Johnston

#### SENIOR ASSISTANT CLERK

Richard Walsh

#### ASSISTANT CLERK

Roy McMahon

#### LOCATION

The Chamber



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 16 April 2002*

*(Morning)*

[THE CONVENER *opened the meeting at 10:21*]

### Budget Process 2003-04

**The Convener (Kate Maclean):** Let us get started. I have received apologies from Tommy Sheridan, Michael McMahon, Jamie Stone and Kay Ullrich.

I welcome to the meeting Dharmendra Kanani and Lucy Chapman from the Commission for Racial Equality, and Mark Kennedy and Margaret Gregg from the Scottish Gypsy Traveller Association. We were expecting to take evidence from a group from Black and Ethnic Minority Infrastructure in Scotland, but unfortunately the representatives are unable to attend the meeting.

I ask whoever wants to start to make a brief statement on the budget process, after which we will move to questions from members. Dharmendra looks as if he wants to start.

**Dharmendra Kanani (Commission for Racial Equality):** I am happy to do so.

**The Convener:** Then we will start alphabetically, with the CRE.

**Dharmendra Kanani:** First, I thank the committee for once again giving us the opportunity to appear before it. To structure our brief input and assist the scrutiny process, I thought that I might briefly recap what we said last year; highlight the developments that have taken place since we last discussed the budget and any gaps that still exist; and indicate how the process could develop further.

Last year, we pointed out that it was difficult to scrutinise the budget because the document was fairly dense and there was no clear equality spend line, which meant that we could not identify how resources were being allocated to policy commitments on equality. We were also keen to ensure that obligations under the Race Relations (Amendment) Act 2000 were planned for so that the legislation could be strengthened. We did not find that the budget made provision for any dedicated activity towards that end.

Furthermore, we referred members to the Scottish Executive's review of funding for the ethnic minority voluntary sector, in which the

Executive identified that local government spending patterns did not reflect policy commitments on equality and racial equality. We also alerted the committee to the fact that there was a lack of information on which to base spending patterns and plans. As far as planning for the future was concerned, one of the key issues was how the needs—especially the language needs—of Scotland's new and diverse communities, such as asylum seeker communities, would be catered for. Finally, we asked where there was evidence of mainstreaming in the budget.

To summarise what has happened over the past year, I would say that the Executive has gathered both information and knowledge. For example, the Executive has established the equality proofing budget advisory group, which is examining practice elsewhere, attempting to research how best to equality proof budgets and taking stock of the whole budget. The best description of the work over the past year is that it has aimed to consolidate information about how to build an equality-proofed budget.

Important steps have been taken. Members will have seen the review of the pilots in housing and education, which are referred to in the document "Annual Expenditure Report of the Scottish Executive 2003-04". There is a spend pattern against those areas and particular objectives, but I ask the committee to consider the first bullet point on page 182 of the budget document. How will the £5 million that has been allocated, as mentioned there, be spent and what will the concrete results be? What will be the measurable impact of the money and how are we to ensure that there is a clear performance indicator? How will we know that the money will have an impact on equalities across the board and how can we assess the impact? If members compare the statement on page 182 with the statement on European structural funding later in the budget document, they will see that a different approach is taken, which is much more targeted and specific. The later statement makes clear how the money will be spent and the impact that it will have on a range of different communities, individuals and social justice objectives. That approach is not mirrored throughout the document and, for us, that is a key issue to think about.

I shall move on to some of the overarching gaps in the document. One of the key gaps is the lack of preparedness to meet the new obligations under the Race Relations (Amendment) Act 2000. As it is drafted, the budget document does not give us confidence that the Executive has, in clear terms, built in its responsibilities and how it will prepare for implementation of the 2000 act. The act is a key legislative development, so it is critical that those obligations are built into the budget. The

race equality advisory forum's report was recently launched, as was the Scottish Executive's response to it, in the shape of what I would call a race equality strategy for Scotland. However, the budget document contains no clear statement of how the budget reflects that policy commitment.

There is also an absence of specifics on equality expenditure in the document. It is critical that any future spending report and budget plan establish a clear framework—perhaps an explicit line of expenditure against equality measures. We recognise and welcome the allocation of £1 million of spending to equality areas and the mainstreaming of equality. However, how is that factored into interdepartmental spend? What is the impact of that expenditure on what departments are required to do? One of the key things that we are saying to local government and other public authorities, as they prepare for implementation of the Race Relations (Amendment) Act 2000, is that they should build equalities into their service and departmental budget plans. Only by doing so will organisations effectively mainstream racial equality and equal opportunities into their structures. It is critical that any future budget document incorporates very clear spend lines for individual departments and areas, showing how equalities will be built in. In future, the focus should be on department-specific funding and spending in relation to equal opportunities.

10:30

Finally, one of the key things for which the Executive will have to prepare is meeting the specific duties that are established under the Race Relations (Amendment) Act 2000. In that context, we regard the budget as a function of the Scottish Executive. The Scottish Executive must demonstrate how it promotes racial equality in building the budget and allocating expenditure. We ask the committee to think through that implication fully, especially as the Executive and others prepare to meet their obligations. They will have to consider the provision of reliable information and a statistical base; identify particular action areas in which they will fulfil their duties; allocate specific money to the development of an equalities plan and a racial equalities scheme; and, most important—this is where it bites—assess the impact of expenditure plans across the board and the way in which those plans impact on racial equality and equality per se.

We welcome the changes that have been made in the budget and the areas of strength in relation to equalities—racial equality in particular—as well as the pilots. However, there is a long journey ahead to establish a coherent, equality-proofed budget for Scotland.

**The Convener:** Thanks very much. We will

move on to Mark Kennedy or Margaret Gregg—whoever is going to speak on behalf of the Scottish Gypsy Traveller Association.

**Mark Kennedy (Scottish Gypsy Traveller Association):** Thanks to the committee for asking us to come along. Good morning, everybody. My name is Mark Kennedy and I represent the Scottish Gypsy Traveller Association.

I concur with much of what Dharmendra Kanani has said. Unfortunately, the reality for a small organisation such as ours is that mainstreaming and equality spending by the Executive are non-existent. We have recently made many appeals to the Executive for money but have been refused it. We have five people working on one wage, and by the end of the month we will be out of business. As the Equal Opportunities Committee report on Gypsy Travellers makes clear, we work with nearly every major Executive body in Scotland. However, no one seems to think that it is important for the Executive to fund our work. The former Scottish Office funded us, but when the Executive came to power, it took away our core funding. Without core funding, a member-led organisation such as ours cannot function.

As the committee's report made clear, until recently the Gypsy Traveller industry had failed badly. We cover the whole of Scotland—some of the regions are immense, especially the Highlands, where Gypsy Travellers form the largest minority group—yet it is impossible for us to get funding. I have a pile of applications with my name on that have been returned to me with the replies, "Sorry," "Sorry," and "Sorry." Most Gypsy Travellers accept the fact that taxpayers are not going to be very happy about spending money on them, but if the Scottish Executive and those who advise Scottish ministers really believe in equality and the principles of the Race Relations (Amendment) Act 2000, they must recognise that they are failing the Gypsy Traveller community.

A Parliament is grown up when the Government provides money for marginalised groups, so that they can be empowered. It is pointless to give money consistently to settled communities that go about their business and do not meet the needs of Gypsy Travellers. I have 40 cases on my desk at the moment. I have 12 hours of paid work, but I am doing 60 hours. The lady who is sitting to my left is doing much the same. There are also officers in the Highlands, in Fife and in Ayrshire. As Kate Maclean knows—lots of MSPs know this, as do ministers—by the end of this month, we will be out of business. MSPs speak about equality and empowerment. If we are to have that, why are we going down the tubes?

**The Convener:** Thanks very much. We will open up the discussion to questions, beginning with Gil Paterson.

**Mr Gil Paterson (Central Scotland) (SNP):** I address my first question to all the witnesses. It has been stated that there is an absence of specifics in the budget document. We know that the Scottish budget covers a range of cross-cutting issues that span several departments. However, the inference is that the budget is not joined up in the way that it should be. Will you expand on that?

**Dharmendra Kanani:** I was trying to make the point that it would be difficult to unpack the budget and to see clearly how particular equal opportunity policy objectives could be tracked. It is nigh impossible to identify the critical steps and how we might assess the impact of expenditure.

It is clear that the budget has some cross-cutting objectives. It is difficult for a public document to include all the required detail. However, the bottom line is that we need to be clear about how some of the policy objectives are matched against expenditure rather than having blocks of expenditure matched to particular commitments. We could then be clearer in our scrutiny of the budget.

**Mr Paterson:** In your presentation, you said that there were gaps in the budget. How do we fill those gaps?

**Dharmendra Kanani:** The budget should have a clear expenditure line for equality of opportunity. There should be a clear statement that backs up the commitments to promoting equality and racial equality. One way to address the mainstreaming objective would be for departmental expenditure plans or ministers' portfolios to indicate clearly an allocation of expenditure to equal opportunities.

**Elaine Smith (Coatbridge and Chryston) (Lab):** My question is directed at Dharmendra Kanani and then perhaps Mark Kennedy could come in. I want to take further Dharmendra's point about specific funding and, in particular, department-specific funding for equalities issues.

It could be argued that if funding was ring-fenced specifically for equalities issues, that would detract from the ethos of mainstreaming. That could result in lip service being paid to equalities issues and equal opportunities. Will you comment on that? Obviously, assessing the impact of spending plans could be a way round that.

You mentioned pilot projects on mainstreaming equality in education and housing. The input is shown on pages 63 and 182 of the annual expenditure report. Before the Executive rolls out the projects, will you expand on your comment? You mentioned the £5 million housing spend that is mentioned on page 182. Your point was that the £5 million should be targeted.

The question for Mark Kennedy is similar but

more specific to his group. Pages 63 and 64 of the report discuss mainstreaming equality. The section specifically mentions Travellers' issues—for example, the Scottish Traveller education programme. Will you comment on whether you believe that the programme is helping or achieving anything? If not, how should it be rolled out and improved upon?

**Dharmendra Kanani:** I will try to address the various issues that you raised. The point that you made about how mainstreaming kicks in is a key point. We must consider mainstreaming not only as a hearts-and-minds issue but as a practice issue. How do we catalyse that change? It must be built into a framework.

We are not suggesting that equal opportunities or mainstreaming will be costly exercises. If we are to affect hearts and minds, those who set the budget must think about how the expenditure will relate to policy objectives. That is not about ring fencing; it is about being clear about how you cut your cloth to meet your objectives. We would like that to be reflected in the document. Specific funding will not militate against the ethos of mainstreaming; it will assist the process.

On departmental expenditure, I quote Peter Peacock who said:

"departments have been asked to address ... positive action taken to address an inequality ... improvements in data collection ... and ... research that will assist evidence-based policy-making".—[*Official Report, Equal Opportunities Committee*, 5 March 2002; c 1381.]

That statement is critical and is an excellent objective, but it is absent from the document. I hope that that addresses the departmental spend issue, because it is essential that the areas that are identified are reflected in the expenditure.

Does that address your point?

**Elaine Smith:** Yes, that is clear. Thank you.

**Mark Kennedy:** Where will I start? The question you asked was about mainstreaming. For mainstreaming to be successful, people must have respect for those who they wish to bring into the main stream. This is just a small point and I do not want you to take it personally, but you used the term "Traveller" as opposed to the term "Gypsy Traveller".

On 5 December, I attended a debate in the Parliament. When I left the debate, I went home and had a shower. Subsequently, I wrote to the Standards Committee about the level of the debate. I was one of a few people in the gallery—19 of us were invited and we had children with us. I listened to some MSPs who clearly had no idea about the subject. I heard them being challenged by Mike McMahon, Kate Maclean and one or two others. I saw the Parliament speak in a language

that was racist and discriminatory. I have written to every minister from Jack McConnell down. I have spoken to him and to John Swinney about the matter. If you cannot get the language right, and if Parliament can sit and use that kind of language, how are you going to mainstream us?

The budget document mentions housing. Gypsy Travellers do not live in houses; lots of them live in trailers. Where is the term "accommodation" or "the provision of accommodation"? Is it the will of the Parliament and the Executive that, in the new world of the main stream, we will all be like everybody else?

I talk to lots of people from different cultures and different walks of life. We talk about mainstreaming and we have real difficulty understanding what it is meant to be. I know what the ideal is, but I could take you to many parts of Scotland—not necessarily to Gypsy Traveller communities—to meet people who are concerned about the way in which mainstreaming is being done.

Most local authorities have not read the Equal Opportunities Committee's report on Gypsy Travellers. A few weeks ago, I had to write to the Convention of Scottish Local Authorities about the matter. Parliamentarians and chief executives of local councils have not read the Equal Opportunities Committee's report. Elaine Smith made the simple mistake of calling us Travellers. Every time you jump on a plane, you become a traveller—it means nothing. It seems that in its response to the Equal Opportunities Committee's report, the Executive has chosen to deny us that ethnicity. It is shameful.

10:45

**Elaine Smith:** Over the past 18 months or so, the committee has spent a long time on issues to do with Gypsy Travellers, but we do not know about those issues in the way in which we would if we were steeped in that culture. However, we have put a lot of work into the issues, and I do not disagree with you about the response—the committee made that quite clear.

What I was specifically asking you about relates to page 64 of the annual expenditure report, which mentions £92,000 for the Scottish Traveller education programme. That is what it is called in the report, so that may be an issue—

**Mark Kennedy:** With the greatest respect, that organisation has existed for a while and the Executive has seen fit to fund it, but Scottish Traveller? It may be pedantic, but what about the Gypsies? We put in a bid for black and ethnic minority funding and received a letter saying that we presented a strong case but that, unfortunately, they could not help us at the time.

The Scottish Gypsy Traveller Association is a member-led organisation. Most of its members are Gypsy Travellers. I go back to the point about STEP and the term Scottish Traveller. Those who hand out the funding have had two years to consider that title but they have chosen to accept it. How can mainstreaming happen if no one has the courtesy to consider that?

I am a simple man. I know only one story. The recommendation was Gypsy Traveller. Its use has been accepted by one part of the Executive, the health department. That is a first step, yet the Executive has seen fit to hand £92,000 to an organisation called Scottish Traveller education programme. If you decided to travel around with your suitcases, to Rothesay or wherever, your children could be educated under that programme. I know that I am being ridiculous, but I am making a point.

**Elaine Smith:** I take your point. This session is about bringing out the evidence and getting your views on the annual expenditure report. It has been very helpful to explore that with you. Thank you.

**Mark Kennedy:** The first time I read the committee's report I said that it was the most important report in Britain and Europe on Gypsy Travellers. The US Department of State backed that up with its press release in March, where it acknowledged the work of the committee. The committee did the work; we only facilitated it. However, the Executive continues to bury its head.

**Mrs Lyndsay McIntosh (Central Scotland)**

**(Con):** I had been going to ask whether you thought that the Executive had made a good stab at equality proofing the budget. We have heard from Mr Kanani that the budget is better than it was but it is not as good as it could be. It does not score quite as highly with you, Mr Kennedy.

First, apart from things like performance indicators, what steps should the Executive take to improve the quality of the budget? How easy is it to pick out the items that you have both identified as needing to be there to make it easier to track? Secondly, considering the current legislative framework and the imminent article 13 European Community directives, is there a role for an overarching equality statement within documents such as the annual expenditure report?

**Dharmendra Kanani:** There are a number of steps that we would recommend or regard to be useful over and above what is in the document, and there is an intention to move forward on some of those areas. One step is about linking the document to senior management development in the Executive and in other areas, by which I mean ensuring that the mainstreaming project is built into a staff development approach. In that way, we can be clear that performance is judged against



equality outputs within the working framework. It is key that that becomes part of a performance measurement framework for all staff.

One key step is to make sense of mainstreaming or equality proofing of budgets for departments and individuals—there is a bit of promotional work to be done within the organisation—and to be clear, in sensible terms, about what the impact will be on work and life. The critical issue is how we ensure that there is a match between saying we want to implement a policy commitment and what it will mean externally. It is about reality checking what we are doing internally.

The other important achievement would be guidance. The majority of spend is out there, outside of the Executive, through local government, health and enterprise. It is critical that guidance is provided to the relevant agencies on the ground, to ensure that they too begin to factor in equal opportunities to their spending and service plans. That would back up what the CRE is doing, that is, asking local authorities, health trusts and others to ensure that they build equal opportunities into their service and department plans. That relates to their budgets. There is promotional work to be done across the piece.

Gil Paterson made a key point about the joined-up approach. How do we ensure that key objectives such as community planning—to improve services and engage more effectively with communities—marry up not only with equal opportunities but, critically, with the budget? At the end of the day, if we are going to make those issues work and bite on the ground, we need to have budgets that reflect such commitments. It is about marrying together some of the policy objectives and being clear about how spend will relate to them.

The point about article 13 is extremely important. The Scotland Act 1998 clearly embraces a broader definition of equal opportunities, which is in line with the wider framework emerging around article 13. It would be perfectly proper and reasonable to assume that the topline statement to the budget must be the Executive's commitment, which feeds into the Parliament's commitment, on equal opportunities and the article 13 framework. That will engage hearts and minds in the broader equalities framework that will be legislated for in the near future. A valid point to make is that we need a headline statement in the budget that clearly maps out the commitment against spend.

**Mrs McIntosh:** Is it easier to build that in at the start or bolt it on at the end? I have to confess that I think that there will be occasions when we simply cannot get it right first time. It has to be an evolving process.

**Dharmendra Kanani:** Completely. Ultimately, it is a hearts-and-minds issue. We must have an incremental approach to its development. It is a long-term issue, but we must make a meaningful start and intervene in the process now. Ideally, having a clear topline statement in the budget will demonstrate commitment. Any time someone opens the Scottish budget such a topline commitment will be a useful reminder of how we want to plan and what kind of Scotland we want to achieve on the ground. Rather than the bolt-on approach I would prefer a statement that is there from the start, which enables equal opportunities to be built in as we progress.

**Mark Kennedy:** I know that this will go against the grain in some ways, but I would support awareness training for those who actually do this kind of stuff, so that, before they do anything, they think about the impact that it will have. It can be easy with budgets to think that if you put X amount of money into education, that budget will be clearly identified and used for all those who need it.

**Mrs McIntosh:** Yes, and it will service a need.

**Mark Kennedy:** The problem is that by the time that the money gets to where it is supposed to go, people cannot do what they want to do with it, because they have not thought about it in the first place. We have to deal with that daily right across the board.

A lot of this is to do with catch-up. The Equal Opportunities Committee report was damning and, in many ways, lots of people have been trying to catch up. There are many decent human beings out there, even among those who advise the ministers and the Executive, but there is still the idea of trying to control Gypsy Travellers. There is still the need to control.

On 5 December I heard someone who was sitting at the very desk at which I am sitting stand up and talk about education and I thought, "He doesn't know what he's talking about." Education is important, as is accommodation, but the problem seems to have been that the budget does not cover the whole area. People have done a wee bit on mainstreaming here and a wee bit there.

I get so frustrated. I phone people up and ask to come and see them to explain things. Nobody is listening. I know that they do not have to listen to me, because I can get into people's faces, but I say what I believe and if people say something, I take them at their word. If they have a hidden agenda, they should tell me up front.

Mainstreaming, empowering and ensuring that there is equality for all Scotland's people is not happening. That is my daily experience. I read the budget report and thought, "Why did they ask me? Why did they not just go and ask somebody from

the policy unit?" It is pointless asking Gypsy Travellers to come along, because no thought was put in in the first place. I have come along and I offer what I have said.

**The Convener:** I think that you have to separate the role of the Executive from the role of the committee. The Executive produced the report and we are taking evidence on it, so it is highly relevant for any organisation that we ask to come along to come and give evidence, in spite of what the Executive has or has not put in the report.

**Cathy Peattie (Falkirk East) (Lab):** I have questions on education, but I am still thinking about Mark Kennedy's last statement, which I would like to deal with as well. It strikes me that if we are to consider mainstreaming, we must ensure that the Scottish Gypsy Traveller Association is part of that. Mark Kennedy said earlier that a lack of funding would prevent that. Is that the case?

**Mark Kennedy:** Funding would certainly be a big help. As I said to Cathy Peattie, we have five people working for one wage, covering the whole of Scotland. We spent the past eight weeks working with Communities Scotland on a thematic study. Those people work 12 hours a week, trying to get all that sorted out.

Lots of agencies that are tied into the Executive want our experience and skills but do not want to pay for them. If we go down the tube, who will take up the work? It will go back to the settled community and, once again, there will be control. That is the point that we have tried to make. If you want to empower us and want us to participate in mainstreaming, allow us to do so. Allow us to make and educate, rather than continue to control as has consistently happened.

**Cathy Peattie:** We need to come back to that and make a statement about it.

I am interested in discussing education. From where I am sitting, the outreach work that has been done with Save the Children and the voluntary sector seems to have been successful. Some of the pilots that have been carried out with statutory authorities and local authorities are not always as positive as people would like them to be. How do we get round that and how do we develop appropriate education for families?

**Margaret Gregg (Scottish Gypsy Traveller Association):** There has to be awareness training, as Mark Kennedy said. I agree that work has been done, but only in specific areas. I think that you will find that most of it has been done in big cities such as Glasgow and Edinburgh. A bit has been done up north, but it is nothing like what is needed.

**Cathy Peattie:** What kinds of things would you

like there to be in the budget? What kinds of things are important for mainstreaming?

11:00

**Margaret Gregg:** Money has to be used specifically for Gypsy Travellers, as Mark Kennedy said. We are a travelled-about community, so by the time that the money comes down to where it is needed, there is nothing left. I speak to people on sites daily. If they ask for something specific for a child who needs it, they always get the same story—there is no money for it.

**Mark Kennedy:** If there is nothing in the curriculum about Gypsy Travellers but we talk constantly about other communities and diverse communities, that clearly puts a Gypsy Traveller child at a disadvantage in as much as there is no clear identification of what he or she is. That might not be a big thing to other people, but Gypsy Travellers have been in Scotland for hundreds of years and I have yet to see a school book make mention of them.

We are talking about equality, education and mainstreaming. Most other communities are included and there are projects in schools to allow youngsters to play with each other. If they can play with each other, they can change things. Mainstreaming has to happen there. My generation and the one below it are still tied into their old—

**Cathy Peattie:** Mainstreaming is about getting commitments to budgets and monitoring written in at Executive level. It is clear that that has to happen at local government level. You expressed a frustration in speaking to local authorities and COSLA. Can the Executive do anything to spread the word and do something about hearts and minds? Budgets and mainstreaming are important, but people often just sign up to them and do not actually do anything.

**Mark Kennedy:** If the Executive retracted its proposed response to the Equal Opportunities Committee report, that would in itself make a major difference. A senior council official told me in front of a room full of people that the council did not have to worry about the report, because the recommendations will not be adopted. That is clearly the level that we have to deal with. If ministers would like to step forward, we will give them evidence.

Local authorities will do only what they have to do with taxpayers' money and will deal with their local councillors. People think that Gypsy Travellers are an issue, but they do not want them in their back yard. That is fine and it is fair. The Executive has to have the conviction to stand up and say that it means equality, not part equality. It has to say that it does not mean that it will give a

group equality because it has a flag, religion or colour, but that Gypsy Travellers are difficult to deal with. Some of us are difficult to deal with. I am difficult to deal with and lots of people in and out of this room know it. The question is "Why did we get so difficult?"

**The Convener:** I will take a brief question from Gil Paterson and then finish this evidence session and move on to the next one.

**Mr Paterson:** I was struck by your opening remarks about five people living off one salary. How do you make ends meet? Are you saying that people are now working voluntarily for nothing? How are you getting round the problem?

**Mark Kennedy:** I see Margaret Gregg laughing, but we are on minimum wages. We had funding from Comic Relief for one post, and we spent the money that we had because we agreed that we would work as a unit in order to cover the areas that needed to be covered. We will go under at the end of the month, but I have spoken to one or two people who are willing to help us to keep going. Most of the money comes out of our own pockets, but that does not make us wonderful people. I am not a martyr, but I truly believe that the issues are not being resolved and that our families are suffering. Income is important. I travelled 2,000 miles this month, but that has to come out of my own pocket. I will not speak for Margaret, I will let her speak for herself because she is also one of the SGTA's workers.

**Margaret Gregg:** I agree with Mark Kennedy that the work is important to us, and I suppose the fact that I am a Gypsy Traveller makes it much more important to me. When I go around the sites and see what is happening, I feel that something has to be done for Gypsy Travellers. Although I am here to speak, by no stretch of the imagination would most Gypsy Travellers come to the Parliament to speak. It has taken a long time for me to be able to do so, but if we do not speak, no one will. If the SGTA goes under, I will be very vexed. It will be a shame if all the work that I, as a Gypsy Traveller, have done and that Mark and all the others who have been involved in the organisation have done is simply let go.

**The Convener:** I thank the witnesses for coming along and giving evidence today. They have given useful evidence to the committee on a number of previous occasions and the committee will consider their specific evidence on the budget. If members agree, I will write on behalf of the committee to the minister with responsibility for funding for the SGTA—to whom I have spoken—and ask whether the Executive might be able to reconsider the matter.

We will have a two-minute suspension to allow the next set of witnesses to take their seats.

11:07

*Meeting suspended.*

11:15

*On resuming—*

**The Convener:** I welcome Muriel Robison from the Equal Opportunities Commission and Sue Robertson and Morag Gillespie from Engender women's budget group.

**Sue Robertson (Engender):** We thank the committee for the invitation to give evidence on this year's annual expenditure report. I will begin with some general comments. We have given evidence to the Equal Opportunities Committee on two previous occasions and our general case is that a gender impact analysis needs to be embedded in the Scottish public policy process, including the expenditure review. We appreciate that it takes time to do that and that is highlighted in the paper on equal opportunities and the budget process. However, we hope that our evidence will illuminate what is needed in the future.

This year's annual expenditure report is a marked improvement on previous AERs as it provides more information about targets, baseline information about the current situation and details about the progress that is expected. We welcome that approach and think that it should be incorporated in all key areas of expenditure. However, we are disappointed that there is a continued lack of gender-specific objectives. For example, there is a commitment to work towards promotion of equality, but the relevant section of the AER has no targets, no baseline information and no comment on the progress that is to be expected in relation to the promotion of equality in general, let alone gender equality in particular.

Progress is not always identified in the report and the gender analysis is not always integrated in the mainstream programmes. It had been decided that mainstreaming should be particularly focused in housing and education, yet there is no gender analysis of expenditure in either of those areas. The report mentions measures to implement mainstreaming in relation to education, but that is not linked to any gender-related information. I can give examples of important gender issues in relation to education, such as the different attainment levels of boys and girls and the significant gender difference in school exclusions.

We would like there to be much more analysis of gender in the budget targets, in the baseline information and in the progress measures that are being identified. One simple example that illustrates what can be done is in the chapter on tourism, culture and sport, where there is a clear statement about the percentage of women who currently participate in sport. The extent of the

hoped-for increase in that percentage and the measures to be used to test whether that is being achieved are mentioned. In many areas, it is a lot more complicated than that, but that illustrates the kind of development that we would like to take place.

I will pass over to Morag Gillespie, who will provide some more detail.

**Morag Gillespie (Engender):** I have some additional points that should be helpful in the light of some of the questions raised with the CRE and the Scottish Gypsy Traveller Association.

Sue Robertson mentioned the pilot areas of education and housing. We are trying to identify the spending that contributes towards the mainstreaming equalities agenda, which is very welcome but, to return to the issue that Lyndsay McIntosh raised, it is important that the Executive tries to avoid bolting equality on to the end of policies. Whatever format statements on equality are in—perhaps a broad statement at the beginning of a policy document—equality should be a cross-cutting issue. In every section or chapter of the budget documents, objectives, targets and measurements against performance should be included for equality just as for many other aspects of budget spend. Some of those objectives, targets and measures are clearer and more specific than others, but equality should be treated in the same way. If mainstreaming equalities is to work, equality has to form an integral part of the whole process and should not be bolted on at the end.

Related to that is a need for research, monitoring and evaluation in order to incorporate a mainstreaming approach. We have to think about that at the initial stages. Any specifications for research or consultancy briefs for monitoring and evaluation should include not only a requirement to profile by sex—that requirement is often included already—but a requirement for the gender dimension to be discussed in all appropriate cases and to be addressed in recommendations.

I have a simple example to illustrate that. In the review of modern apprenticeships that was carried out last year, the 20 per cent of apprentices who were women all worked in non-traditional areas. It has been said that there is a high drop-out rate in non-traditional areas, but that is not discussed either in the body of the research or in the recommendations. Such research could have informed special initiatives in the context of the budget to address the obvious gender division between men and women in modern apprenticeships. The Executive had the information but could have used it a bit better. That illustrates the helpfulness of thinking about mainstreaming equality all the way through the

process.

Another theme for us, which could be described as a good problem, is that the progress that has been made has not been well enough identified in the annual expenditure report. Dharmendra Kanani highlighted some of the issues to do with the equality proofing budget advisory group and the research undertaken in the context of the budget process. In October, we held seminars on the gender impact assessment of budgets. A lot of work is going on in that regard and it is disappointing that that was not acknowledged in the annual expenditure report. In the objective given on page 270, on

“promoting equality in our policies and budgets”,

no specific objectives, targets or progress against objectives are shown, which we found particularly disappointing.

I turn now to an issue concerning the equality strategy—and the equalities budget, if I can put it that way. For the first time, the equality strategy included an allocation of funding directly related to the promotion of equalities. We welcome that budget allocation, but we urge the Executive to ensure that financial provision for promoting equalities is not diminished in real terms, as is implied in the annual expenditure report by the intended standstill budget of £1 million. Allied to that, we would like some objectives to be directly linked to the £1 million budget. There are no such objectives in that part of the social justice chapter. We would like to have seen objectives and a measure of progress on how the budget is being used.

Engender women’s budget group would summarise the report by saying that there has been some progress, particularly in presentation and in the inclusion of objectives. However, there are still many weaknesses in the report’s content and structure that prevent the achievement of the aim of increasing understanding and allowing there to be wider influence on the allocation of resources, particularly from a gender perspective.

**Muriel Robison (Equal Opportunities Commission):** I endorse a lot of what Engender has said, much of which is a view shared by the Equal Opportunities Commission.

We welcomed the commitment that the Scottish Executive gives in the foreword to the annual expenditure report to ensuring that resources and efforts make a difference for those who need them most and to measuring every action and decision against the theme of closing the opportunity gap.

The opportunity gap that we are interested in is the gender inequality gap. Our vision for society is encapsulated in our slogan “Women. Men. Different. Equal.” The slogan recognises that

women and men do not have the same needs and resources and that they do not participate in society in the same ways. Equality of opportunity can be achieved only if that is recognised and the different needs and experiences of women and men are accommodated. If resources and efforts are to make a difference for those who need them most, it is imperative to consider every policy and all aspects of the budget based on their impact on women and men. That obviously requires the mainstreaming of equality. The Equal Opportunities Committee has heard a lot about the mainstreaming of equality. One essential tool in achieving mainstreaming is the incorporation of gender impact analysis in the budgetary process. As Dharmendra Kanani identified, such an analysis assesses the differential impacts of proposed and existing policies and expenditure on women and men and seeks to take steps to address the different impacts to achieve greater equality. The starting point in any gender impact analysis is to ensure that data used to inform decisions are broken down by gender.

Against that background and those principles, the annual expenditure report has several positives. Those include the commitment to channelling resources and efforts to those who need them most; a commitment to mainstreaming; recognition that assessing the equality impact of spending is an important part of mainstreaming; and a commitment to improving data collection and research so that the Executive is better able to assess the impact of policies on equality groups. We are pleased to see references to equality of opportunity in some of the spending departments' chapters and the highlighting of mainstreaming activity in the pilot areas of housing and education.

Those are the positives but, regrettably, we must identify some of the negatives. As Engender has stated, the negatives are the lack of awareness of gender issues generally, a lack of gender-disaggregated analysis of the information and statistics in the report and, particularly, a lack of gender-specific objectives or targets. I could identify only three such objectives—in the chapter on sport, in relation to women in business and in relation to women who suffer from domestic violence.

Again endorsing what has been said, I think that any equality perspective seems to be added on to rather than mainstreamed into the work of the departments. That is also true of the areas where mainstreaming has been piloted. It is added on as a discussion rather than shown through the spending concerns of the particular departments.

There is a lack of awareness of areas in which the gender perspective will have a significant impact on the outcome of policies. A couple of

those areas, which Engender mentioned, are the education arena and modern apprenticeships. Crucially, the report gives no indication that we are working towards gender impact analysis of budgets. Morag Gillespie mentioned the good stuff that we have been doing in that area, such as the setting up of the equality proofing budget advisory group, and the research and the seminars that have taken place.

We recognise a raised awareness among officials, particularly in the finance department, of the relevance of a gender perspective in the budget process. It is unfortunate that we do not seem to see that articulated in the budget statement. We appreciate that a lot of data are not currently available but, if the Executive is to meet its targets on mechanisms for equality impact assessments of budgets, we would expect each spending department at least to have an objective of producing gender-disaggregated data in its area. I am aware of cases in which data have already been broken down and disaggregated because of research that has been done, but even in those cases, that information is not reflected.

Those failures are highlighted in the annual expenditure report's equality objective. Morag Gillespie mentioned this matter, but it is worth mentioning again. Under the "Objectives" heading on page 270, there is the following objective:

"Work towards reflecting our commitment to promoting equality in our policies and budgets."

However, that objective has no entries under the headings of "Target", "Baseline Measure" and "Progress", which are also on page 270. I thought, perhaps naively, that that was a mistake and that those entries had been missed out, but I do not know whether I am right about that. However, it seems to me that thinking should be done to provide information for the objective under those headings.

Working towards a gender impact analysis is a central aspect of the Scottish public policy process. We would like to see further work done towards the introduction of gender-responsive budgets as an essential first step towards mainstreaming equality.

11:30

**The Convener:** Thank you. That covered a lot of areas and questions. Every member has questions to ask, so I will start with Cathy Peattie.

**Cathy Peattie:** We agreed that we would start with Elaine Smith.

**Elaine Smith:** Thank you for coming to give evidence. I note that all of you said that there has been improvement. In evidence to the committee last May, Jeanette Timmins, speaking for

Engender, referred to an overall feeling of

"deep disappointment that, given all the joint working that has taken place over the years to ensure equality of opportunity in respect of gender ... a commitment to gender awareness—never mind gender equality—is so visibly lacking in the budget document."—[*Official Report, Equal Opportunities Committee*, 1 May 2001; c 1209.]

Do you think that gender awareness has improved? I think that you mentioned that you could identify only three objectives that were gender specific, one of which related to sport. Can you give examples of other objectives that could, and should, have been included in the budget document? Further, have you looked at the work that other parliamentary committees are doing? The Equal Opportunities Committee has the role of scrutinising what is happening in other committees and in Executive departments. I am not talking about naming and shaming departments, but can you cite examples of good practice?

**The Convener:** Is your question directed specifically to someone?

**Elaine Smith:** Perhaps we could start with Sue Robertson.

**Sue Robertson:** There has been improvement in that the mainstreaming of gender awareness has been accepted as an objective, but that improvement is not filtering through to the budget process. That is highlighted by the fact that there are only three minor mentions of gender-specific targets in the budget document.

The targets that are mentioned are interesting, particularly the one on domestic violence and the need for more refuge spaces. The Executive and the Parliament have a strategy on domestic violence. There must be a lot of data available on domestic violence, yet those data have not been integrated into the annual expenditure report. One would have expected the statement to show the current number of refuge places and the number of women who are still being turned away because refuge spaces are not available. The Executive could have committed itself to providing a certain amount of expenditure to increase refuge places by X per cent. The success of that additional provision could have been judged by analysing how many women are turned away in subsequent years. That is a simple example of how the Executive and Parliament could pool the information that they already have to spell out clear objectives that everybody who reads the expenditure report could understand.

The annual expenditure report should also contain other objectives. There are many issues to do with women's position in the labour force. Although there is a big issue to do with men and women and child care, no documentation about

that has been provided and no commitment has been made to considering whether that should be changed. Child care is provided predominantly by low-paid women. Such things need to be looked at. The delivery of service is not the only issue; the process of delivering the service also needs to be examined.

On a general point, the annual expenditure report needs to relate clearly to the policy priorities that the Parliament and Executive have established. For example, although the health section of the AER contains an awful lot of information, it is not expressed in terms of the identified health priorities. If we want to engage the people out in the street and make the budget process more interesting to them, we need to explain what the Government's priorities are, what the current baseline is and what the amount that we spend is expected to achieve. We will also need to explain how we will measure whether that has been achieved. The gender dimension needs to be built in from the start in that kind of overall strategic view.

**Morag Gillespie:** Let me add a different sort of example. The chapter on social justice gives as an objective the introduction of 60 new money advice workers. That is a good example of a process objective. However, one could have had an objective that was one of a range of proxies to represent the impact that those 60 money advice workers would have. Those might be a reduction in homelessness, in overall indebtedness, or in the number of people who become bankrupt. The Executive and the Parliament have information on many of those issues through the Scottish household survey that can be gender disaggregated. You do not need to start with a blank sheet of paper; the information is available.

Although process objectives are important for reasons of efficiency and for other reasons, we believe that the move towards more outcome-based budgeting will help the process of considering equality and gender issues. It will make a difference if you examine how people will ultimately be affected by the work that you do. For potentially hundreds of examples, we could turn the question round in that way. Rather than ask how the money will be spent, we could ask what the objective is in terms of the end-user.

**Elaine Smith:** As Sue Robertson mentioned, there needs to be a gender impact analysis of policy. In the past, there was great criticism about the introduction of compulsory competitive tendering because no gender impact assessment was done on a policy that had a deep effect on women in particular. Should a gender impact analysis be conducted on the private finance initiative/public-private partnership schemes? Would you expect a gender impact analysis to be

carried out on that kind of policy?

**Sue Robertson:** That is difficult. In a way, one would need to analyse the impact of the expenditure in terms of what such schemes are trying to achieve. One would also need to analyse the impact of the process of getting there. Child care is a good example of that. The amount of money that is spent to create a certain amount of child care places must be documented.

An examination of the composition of the labour force and its pay would also tell you something about the process of getting there. That might shed light on the effects of best value regimes and so on. In trying to deliver more services for the X amount of pounds that have been allocated, there is a risk that people's terms and conditions are driven down. Best value regimes have been shown to have a particularly damaging effect on women, who tend to be most vulnerable to competitive downward pressure.

**Elaine Smith:** The witnesses will be aware that the committee is considering a gender inquiry into best value and local government. Might that help to inform the budget process for next year?

**Sue Robertson:** Yes, we would hope so.

**Muriel Robison:** A gender impact assessment ought to be done on all policies. PFI is just an example of a policy. If, at the end of the day, the assessment is that there is no disproportionate impact on women, we would say that the job had been done properly. An impact analysis is not necessarily required for the most obvious policies. The Equal Opportunities Commission conducted research into the impact of CCT. A gender impact assessment ought to be done on best value. There are opportunities in relation to contract compliance issues that will enable equality to be mainstreamed, not only in Scottish Executive policy, but in local government policy. Local authorities spend the sums that are set by the Scottish Executive budget.

**Cathy Peattie:** I want to take a stage further the issue of the resources that are allocated to the public sector. We know that a disproportionate number of women who work in the public sector have part-time and lower-paid jobs. We also know that a smaller number of women are senior managers. Does the budget go any way towards redressing the gender equality issue? Are there other ways in which the issue can be tackled in the public sector?

**Sue Robertson:** That is a tricky question.

**Morag Gillespie:** The budget is not the answer to all problems, but it is one way in which the Government could show what progress it is making and measure the impact of its policies. The budget enables the Government to ask a year

later how it has done, what has worked well and what has not worked and how it should review its policies in the light of experience. We should not expect things to be right first time or to change dramatically.

It is important that everyone recognises that what the Executive and the Parliament can achieve is limited because fiscal policy, employment protection and equal opportunities legislation are reserved to Westminster. The Executive and the Parliament work in a context in which they do not control all the pieces.

However, progress can be made. I will reinforce one point. An action that can be taken in the public sector generally—either by the Scottish Executive or by local government and other bodies that are funded by the Scottish Executive—is capacity building, which can make people more confident to address issues of gender and other equality dimensions.

This will perhaps sound slightly cheeky. I recently worked in the voluntary sector, for an advice service that was funded by local government. Our relatively small organisation profiled most of its service users—for 75 per cent of them, the organisation knows their age, their gender, whether they define themselves as having a disability, their housing status and their ethnic origin. We did that without any additional resources. We developed our own monitoring mechanisms, which we use to establish whether our service is reaching all the people that it should. We found that it is not, so now we are targeting people from black minority ethnic communities. It was not rocket science, nor was it a huge and terrible task. We took it in small stages. We tried something and found that it needs to be refined, so we are changing it.

**Cathy Peattie:** You are right that such monitoring can be done if there is a will to do it. Does a culture change need to take place, particularly at local authority level, in relation to the way in which services are delivered and measured? How do we deal with that hearts-and-minds issue?

11:45

**Muriel Robison:** If we start with the practice, we will be moving towards dealing with the hearts-and-minds issue. Another positive point about the budget is the targets for improving the diversity of people employed within the Scottish Executive. If the Scottish Executive can set the example by improving the diversity of people that it employs and by undertaking pay audits, that will be one step towards encouraging similar practice in other public authorities in Scotland.

One way of pushing that forward more quickly

would be the introduction of a public sector duty to promote equality, which the Equal Opportunities Commission has always advocated. The local government bill might provide an opportunity to go some way, although perhaps not as far as we would like, towards introducing a duty similar to that under the Race Relations (Amendment) Act 2000.

**Sue Robertson:** The issue about hearts and minds relates to Morag Gillespie's earlier point about the standstill budget for equality work. We are trying to achieve a massive shift in the way in which people consider expenditure and policy implementation, but it is difficult to do that when the budget is decreasing in real terms. It will take much effort to go out and engage people in how to achieve mainstream gender equality. That is why it becomes an add-on extra. People cannot figure out what gender analysis means for them and so they do not bother.

**Mr Paterson:** You all welcomed the report at the start of your presentations, but I have not heard much good news so far. You commented on the lack of particular targets, for example, which I understand fully. Is there anything in the report that differs from last year's report that you welcome and would like to see developed to fill in the glaring gaps that you have mentioned? Can the Executive learn something from its own performance?

**Sue Robertson:** Yes. Compared to last year's report, this year's report is much better in relation to baseline information and targets in some areas. The problem is that that information is not given for all areas and that the targets are not necessarily of the right sort. Nevertheless, it is much better than the previous version, which had very detailed targets in selected areas and no targets at all in others. We are moving in the right direction, but a hefty gender impact analysis needs to be central, rather than peripheral to the review.

**Morag Gillespie:** The good thing about this year's document is that the format in most of the chapters provides a foundation to build on gender and other equality considerations within objectives and targets. The foundation is there and we can build on that. The format is much improved and the Executive should not go back to the old format.

**Muriel Robison:** There is certainly an improvement, which is perhaps encapsulated in a statement in the chapter on justice:

"We are looking at how we can integrate the Executive's commitment to equality into our spending plans."

That shows that we are one step further ahead at the thinking stage, although the Executive has not yet demonstrated what it intends to do in relation to mainstreaming equality. As the next step along

the road to mainstreaming equality in the budget, I would like to see gender-disaggregated information in each table in the report.

**Mr Paterson:** You seem to be saying, "Where's the beef?"

You mentioned domestic violence. Much work has been done in that area, but it is missing from the budget document. It seems as if the Executive is hiding under a bushel some of the good work that the Parliament has done.

**Muriel Robison:** Yes.

**Morag Gillespie:** The issue is about improving links between policy and spending.

**Sue Robertson:** It is important, particularly in the run-up to an election, that the Parliament spells out clearly to people what it is achieving and that it does so not only in terms of the pounds that have been spent, but in policy terms. In the discussion about what Gordon Brown may or may not do in tomorrow's budget, we can see that people are sceptical about the abstract of how many pounds are being spent. People want to see how spending is carried through and its effect on services on the ground. In political terms, it is important to get that message across. We all have an interest in improvements being made to the budget document next time round.

**Mrs McIntosh:** Specific reference has been made to one or two chapters of the annual expenditure report. I will refer to page 264 of chapter 15—"Scottish Executive Administration and Associated Departments"—in which the Executive claims that it is taking action towards equality. Do any of you ladies have an opinion about the recent Cabinet Office announcement on the introduction of the Castle awards, which identify employers that offer women the best equal pay deals? A recent Public and Commercial Services Union survey showed that the median gross pay for women in the civil service was 28 per cent lower than that for men, but the Castle awards news release quoted a figure of 18 per cent. As they say in exam questions, "Discuss."

**Morag Gillespie:** The figure will depend on what has been taken into account. Muriel Robison might be more up to date on the subject. From previous work that I have undertaken, I understand that factors such as the introduction of performance-related pay were not helpful to women. If the performance-related element of pay was not taken into account, I suspect that the gap would be less significant. However, someone else might be able to address that point.

**Muriel Robison:** I am not aware of the figure that was quoted in the Castle awards. It is the first time that I have heard of the pay gap being less. I suspect that the figure is dependent on which



levels or grades in the hierarchy are studied. If the lower grades—in which women are concentrated—were studied, the result might be different.

One of our major campaigning areas is our valuing women campaign, which aims to take steps to decrease the gap between men's and women's earnings. We welcome schemes such as the Castle awards, because they encourage employers to do more in respect of compulsory pay audits, which we advocate. The Government has not accepted the argument for such audits. However, through schemes such as the Castle awards, it is encouraging employers voluntarily to undertake pay audits.

The Equal Pay Act 1970 has been in place for 30 years, but it has not delivered what it ought to have delivered. Individuals across the board say that they are not prepared to put their heads above the parapet to press cases and challenge their pay. Employers should take steps to prove that they are not discriminating in respect of pay. We would like to see a move from the individual to the collective in respect of pay audits. Employers will deny that there is a problem in their workplaces but we say that they should, as the first step, prove that by conducting pay audits.

**Mrs McIntosh:** Given the current legislative framework and the imminent article 13 EC directives, is there a role for an overarching equality statement within documents such as the AER? I asked our previous witnesses the same question—I would like to hear your perspective.

**Morag Gillespie:** For me, in order to have a clear approach, broad statements on equality—as cross-cutting policy objectives—must be up front and must be addressed throughout the process within each section and within each major area of spend in each department. That should be integral to the process; it should not be bolted on at the end. An individual department might have among its objectives meeting the broad aim of mainstreaming equalities. Let us, for example, go back to modern apprenticeships. Access to apprenticeships and retention and success rates would be critical to that objective. Failure year on year to address equalities issues means that 80 per cent of the funding for modern apprenticeships goes to men. That reinforces the points that we discussed about different positions in the labour market and opportunities for people to improve their earning capacity—all those issues are affected. It is not trivial to have specific gender-disaggregated objectives in an area that is so critical to the rest of people's lives.

**Sue Robertson:** That is also an important test of the effectiveness of policy. For example, there is a gender-specific target for women in business and it is important to test whether policies that aim

to get more people into business are reaching women by assessing those policies against a clear and measurable target. If we ask whether those policies are working—whether more women are getting into business—we will test not only whether policies that are meant to support people going into business are reaching both sexes equally, but whether they are redressing the imbalance that exists.

**Mrs McIntosh:** That would also test how many women's businesses are getting beyond the embryonic stage and how the policies are supporting them beyond that stage.

**Sue Robertson:** Absolutely.

**Muriel Robison:** I certainly agree with the proposal to have at the beginning of the budget an overarching statement on equality. From our perspective, such a statement is essential. The new article 13 directives will give further impetus to the inclusion of such a statement.

**The Convener:** As there are no further questions, I thank the witnesses for coming along. I am sure that there has been a little progress this year. I hope that the input of the witnesses and of others will mean that, when we come back to the budget next year, a considerable amount of progress will have been made.

## Local Government Covenant

**The Convener:** We move on to item 2, which is the draft covenant between local government and the Scottish Parliament. A copy of the draft covenant should have been sent to all members. Do members have any comments?

**Elaine Smith:** I have a couple of questions.

I refer to paragraph 18, which falls under the heading "Local Government Committee". The first two bullet points talk about "observer status" for the committee at Convention of Scottish Local Authorities meetings, and for COSLA at meetings of the committee. Observer status would mean that COSLA representatives would be treated as if they were visiting the committee, but they would have that status if they were merely to sit in the public gallery, and they would be excluded from the committee when it moved into private session. What is the thinking behind that proposal? I am thinking in particular of the Local Government Committee, because the proposal would not give that committee the opportunity to draw COSLA into discussions on specific issues.

The final bullet point in paragraph 22 says that an

"MSP ... or person with a specific interest, has the right to submit papers on agenda items, or to be invited to attend and address the Conference".

Could such people ask whether they might attend? Is it within the committee's remit to make such suggestions?

**The Convener:** As far as I know, the Local Government Committee has asked all the subject committees and this committee for comments on the draft covenant, so we can feed questions and comments back.

12:00

**Elaine Smith:** If the committee thinks that those questions are reasonable, I would be pleased if it asked them.

**Mr Paterson:** It strikes me that anyone can come to a public meeting of the Parliament at any time. Such people's attendance at private meetings could raise questions. What would be the status of a private meeting that someone had made special arrangements with a committee to attend? Could that be done? Is it being suggested that COSLA would not be excluded from a private session, but that a council would be excluded, even when an agenda item that related exclusively to that council was being discussed? Would COSLA be allowed into a private meeting?

**The Convener:** As things stand, no one but committee members and clerks can attend a private meeting.

**Mr Paterson:** I understand that, but did not I describe what Elaine Smith suggested? I must have misunderstood what she said.

**Elaine Smith:** I was not discussing private sessions. I understand the current situation, which I think is correct. I was asking whether there was any point in saying that COSLA may attend as an observer, because anyone can attend a committee meeting. What is the benefit of COSLA's having only observer status? I would like the committee to ask that question. There might well be a reason, but it does not jump out at me.

If COSLA representatives are to be observers, the committee might want to make some allowance for them in order to draw them into discussion or ask them questions. Likewise, if committee members attended COSLA meetings, a reciprocal arrangement might apply.

**The Convener:** Do you want to clarify the difference between a member of the public and an observer?

**Elaine Smith:** Yes.

**Mr Paterson:** For the record, I understand fully now. I picked up wrongly what Elaine Smith said. Obviously, I was not listening properly. I agree with Elaine Smith. It is only fair and reasonable to ask that question.

**The Convener:** We will feed that back to the Local Government Committee.

*Meeting closed at 12:02.*

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