

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 14 January 2003
(Morning)

Session 1

£5.00

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EQUAL OPPORTUNITIES COMMITTEE

1st Meeting 2003, Session 1

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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)

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George Lyon (Argyll and Bute) (LD)

Mr Jamie McGrigor (Highlands and Islands) (Con)

Michael Matheson (Central Scotland) (SNP)

Karen Whitefield (Airdrie and Shotts) (Lab)

*attended

WITNESSES

Philippa Bonella (Scottish Council for Voluntary Organisations)

Rona Fitzgerald (Equal Opportunities Commission)

Jon Harris (Convention of Scottish Local Authorities)

Ellen Kelly (Convention of Scottish Local Authorities)

Lucy McTernan (Scottish Council for Voluntary Organisations)

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Jim Johnston

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Roy McMahon

LOCATION

The Hub

Scottish Parliament

Equal Opportunities Committee

Tuesday 14 January 2003

(Morning)

[THE CONVENER opened the meeting at 10:02]

Item in Private

The Convener (Kate Maclean): Item 1 asks the committee to consider whether to take item 5 in private. Item 5 deals with the committee's work programme, which has not yet been agreed.

Mrs Lyndsay McIntosh (Central Scotland) (Con): That sounds good to me.

Tommy Sheridan (Glasgow) (SSP): I make my usual objection.

The Convener: With that dissent recorded, do members agree to take item 5 in private?

Members indicated agreement.

The Convener: We have received apologies from Jamie Stone, who is attending a meeting of the Holyrood progress group, and from Kay Ullrich, who is attending a funeral.

Mainstreaming Equality

The Convener: I welcome Jon Harris, Ellen Kelly, Rona Fitzgerald, Philippa Bonella and Lucy McTernan, who have come to give evidence to the committee. We shall have questions, rather than hear witnesses' presentations, but if any witness has a particular point to make, they will be able to include it in their answers. Before we start questions, do the witnesses have any general comments on the guidelines? Do they think that there are any major omissions? Who would like to kick off?

Jon Harris (Convention of Scottish Local Authorities): I welcome the Equal Opportunities Committee's initiative in developing the guidance. We in local government have developed guidance on mainstreaming and are building equality into our best-value framework. At one level, we are going through a learning process—the situation will evolve over time. However, we believe that more could be said in the guidelines about training and support for staff and members of the Scottish Parliament to help them to take forward the initiative.

Lucy McTernan (Scottish Council for Voluntary Organisations): Likewise, we in the voluntary sector welcome committee members' efforts to pursue a mainstreaming agenda and to get their colleagues elsewhere in the Parliament and in public life to consider equal opportunities issues. We recognise that that was never going to be easy. It is a hard job to mainstream anything and we all know that people in general struggle with equality issues.

The voluntary sector, led by the Scottish Council for Voluntary Organisations, has been trying hard to pursue a mainstreaming approach. We try to bring together communities that are discriminated against so that they can compare notes on themes that cut across them all. We report on those issues to institutions such as the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission, as well as to the Executive and committees in Parliament. We are keen to assist the Parliament and to provide channels of communication through voluntary organisations into communities. A little more recognition of that in the guidelines would be welcome—and you can take that as an offer.

Rona Fitzgerald (Equal Opportunities Commission): I endorse the remarks of the previous two speakers. The guidelines represent a welcome process. That process is complex, as Lucy McTernan said, and we shall learn as we go along. I know about the experience of people who have tried to mainstream in other European Union member states, notably through the use of structural funds.

I believe that we should further spell out what we mean by equality impact assessments. We need to try to develop more sectoral expertise. When we are considering a bill on, for example, enterprise policy, it is important to know, and to have specific information on, what is happening to men and women and other groups in the enterprise sector. It is then easier to say whether ideas have been followed through and whether assumptions were made.

I have known people in other legislatures to say that there is no reason to assume that the legislation that they are considering will impact differently on men and women. However, they have not given evidence to back up that remark. We need to know whether something impacts differently on men and women, so we need evidence-based data gathering.

The capacity to carry out equality or gender impact assessment is important. Where the guidelines refer to primary legislation, they should perhaps spell out a little more what the committee expects to see in respect of detailed evidence. That could be information on targets from baseline data, on the indicators that are used for measuring progress, or, more crucially, on monitoring and reporting. A bill may have a strong impetus and equalities may have been mainstreamed as far as they can be in print, but we must monitor how that shapes up during implementation and have some kind of modification system.

I endorse the need for capacity building. People need to understand the change that is necessary if equalities are to be built in from the start of the policy process rather than being added later. We cannot ask afterwards whether we got something right, as that could mean, for example, that the legislation impacted negatively on women with disabilities. We must start from the beginning. The process is incremental, but it requires a systematic approach.

The Convener: Thank you. We shall move on to questions.

Mrs McIntosh: Rona Fitzgerald spoke of developments in other legislatures. A major player in policy development in the public sector in Scotland must be the Scottish Executive, with which we will be discussing mainstreaming equality later in the year. What comments do the witnesses have on the manner in which the Executive is mainstreaming equality and on the results that the committee has seen?

Rona Fitzgerald: That is the \$64,000 question. The Executive has approached the issue through its equality strategy. In a sense, the Executive is also learning. When we consider different pieces of legislation, we can see that some bills have achieved an understanding of mainstreaming, whereas others have not.

One of the Equal Opportunities Committee's functions is to scrutinise bills. If the Executive has drawn on evidence in drafting legislation, the committee must insist that that evidence is identified. For example, if the Executive claims that the legislation will not impact differently on men and women or on other groups, it must show that it has reached that conclusion because it has done research, considered previous studies and collected baseline data. That two-way process can ensure that the Executive takes a systematic approach to its work.

The Executive has considered guidelines for policy appraisal—I was involved in that in a former life. However, I am not sure what stage that has reached. The challenge is to achieve mainstreaming across the board, which is quite complex. That is why housing and education have been chosen as two areas where lessons can be learned and codified.

Mrs McIntosh: Excuse me, but did you say that you were involved informally?

Rona Fitzgerald: No. I said that I was involved in a former life.

Mrs McIntosh: I thought that you said "informally".

Rona Fitzgerald: At the University of Strathclyde, I worked on a paper on policy appraisal in relation to mainstreaming. My work was intended to complement the work of Fiona Mackay and Kate Bilton on equality proofing legislation. We were looking at the policy appraisal process and the lessons that could be learned from other countries. I know that the Executive has been trying to use that information to feed into bill teams' work.

The challenge is that not all members of bill teams or members of the Scottish Executive are au fait with the mainstreaming agenda and they might not have the skills to apply a mainstreaming approach. The Executive has to concentrate on its capacity in that respect. It also has to provide more evidence about the initiatives that it has undertaken; it should not be afraid to spell out the results.

There is evidence of progress in some areas, including in the budget process and in the work that was done on the Housing (Scotland) Act 2001 and the Local Government in Scotland Bill. In such areas, mainstreaming has been taken on board and we are seeing the results. However, for mainstreaming to spread out to the rest of the Executive's work, a more proactive approach will need to be taken. Mainstreaming is not reactive; it has to be proactive. That is a key issue. We should not wait until the bill team has put a bill together before we say, "We must take account of X, Y and Z." That should be done before the bill is

put together. It is for the Executive to put in place some kind of policy appraisal process that mainstreams equality. I suppose that that will take a little bit of time.

Philippa Bonella (Scottish Council for Voluntary Organisations): I echo what Rona Fitzgerald has said. Policy issues have to be considered at the policy development stage, way before the bill formulation stage. We welcome the equality unit's focus on such issues. It has put a lot of investment into developing ways in which equality groups can input into policy development in the Scottish Executive.

As we have said, mainstreaming is a complex process and will be difficult in a big organisation such as the Scottish Executive. It is clear that, although the equality unit is developing a deeper understanding about what needs to be done to ensure that local equality groups are involved in policy development, the Executive's policy departments are not that far along that road.

I have been involved in some interesting and well-developed consultation meetings with equality groups at which the relevant Scottish Executive policy department has not been represented. People feel that there is not the commitment that there could be from the people who will be writing the policy, even though the Executive's equality unit is trying to drive forward the process.

Lucy McTernan: I endorse that view. It is fair to say that equalities are a crystal-clear illustration of the wider need for a culture change in the Executive. Progress is being made, but there must be a new approach to policy making that genuinely consults people and communities at an early stage in the thinking. That relates to the consultative steering group's principle of participation. Issues surrounding discriminated-against groups will be reflected only if those groups are genuinely consulted early in the thinking. The Executive still has a long way to go to achieve that kind of culture change. We are keen to encourage that change and we think that equalities are a key priority.

10:15

Ellen Kelly (Convention of Scottish Local Authorities): I accept everything that has been said, although I am wearing a dual hat because I am a practitioner in a large organisation. As has been said, capacity building is fundamental. The Executive and other organisations have moved on considerably, but the lack of capacity is the key to why things do not happen as intended. It is seldom the case that people are deliberately neglecting to include equalities. Frequently, they do not know that they should.

Recently, we found that the equalities element was missing from an important piece of guidance

to local authorities. We picked that up as we sat down to do the contracts that were going to be offered to the voluntary sector. When we referred the matter back to the Executive, it was aghast. However, it was interesting that the Executive had been through a big consultation process and had issued the guidance to community care professionals and contracting professionals without seeming to realise that equalities were the one element that was missing. The Executive saw the guidance as a technical piece of work but, if the guidance had been left as it was, there would have been no disaggregated reporting on who was able to access community care, for example.

To its credit, the Executive moved immediately to address the issue and sent out additional guidance. However, it struck me that equalities had simply been missed out of the process. The people who had been consulted did not take the matter on board; they were considering their work specifically and did not see equalities as a matter for them.

That occurs across the board, time and again, in any organisation. The buy-in to equalities can be achieved only when every person who is associated with that organisation recognises that the service that they provide and the job that they do have a fundamental equalities component. That requires a strong and on-going focus on capacity building within the organisation. Staff knowledge, awareness and skills have to be developed, otherwise the good things that Rona Fitzgerald has said can flow from policy analysis will not happen. People will simply not recognise the issue. Equally, there will be no disaggregated statistics or analysis of outcomes and achievement unless staff have the fundamental tools of awareness and knowledge in the first place.

Mrs McIntosh: You have highlighted the fact that the issue always seems to be someone else's responsibility—people think that there should be another department that sees to equalities issues. We have heard that several times in evidence. How do we avoid the danger, which is expressed in the CRE submission, that the concept of mainstreaming equalities needs to be reassessed and reinvigorated to ensure that it does not become empty of meaning or develop into ways of working that have little practical result?

Jon Harris: The intention of our commitment to mainstreaming is to deliver results. Where the concept has been developed in the past, we have not been as clear as we should have been on how things should be done. In one respect, the guidance on best value that we are seeking to promote shows how the issue should be built into governance arrangements, strategic service planning, review process, option appraisal and

contract compliance. The focus should be on those areas, so that people can undertake mainstreaming.

It should also be recognised that some of the tools that we have for impact assessment and equality proofing need to be developed and made much more practitioner friendly. As I said in my opening remarks, this is a learning process. However, if we focus on the effects of mainstreaming, we will develop practical examples of how to take it forward and practical tools to do so.

Lucy McTernan: How we do that is important. Many people have got the message that they should do something about equalities; they just do not know what they should be doing. In the voluntary sector, we are developing practical tools, which we are pilot testing with our organisations. Those tools might have a wider relevance and we would be keen to share them in due course.

For instance, we are working on a toolkit to audit an organisation's approach to equalities issues from top to bottom and side to side. We are also focusing on impact assessment. That covers how services are delivered, how policies are developed and what that means for equalities. We are working with a small number of organisations on an intensive organisational development programme. That work is with individuals—not only with those who officially wear the equalities hat, such as the equalities officers, but from the chief executives right through to the service providers and administrators. We are aiming to raise awareness, which is the fundamental tool to which Ellen Kelly referred, and to give practical guidance about what people should be doing.

That work is still in the early stages. Like everybody, we are learning as we go along. However, we would be keen to give a wider audience to some of that work if the opportunity arises.

Ellen Kelly: It is also worth noting that, even in devolved areas, the ability exists to work jointly and to take note of what is happening. For instance, the CRE is currently producing national guidance on procurement and the Race Relations (Amendment) Act 2000. Within that, there will be specific guidance for Scotland, which will be developed in line with the Local Government in Scotland Bill so as fully to reflect the best-value conditions for Scotland, which are rather different from those in England and Wales.

As is becoming clear, a cross-sectoral approach to providing detailed guidance is beginning to emerge. That guidance will be directed at all public authorities. There will be specific guidance for local government. There will also be guidance for those who want to contract with local government,

whether they are large organisations or small businesses. Detailed guidance is beginning to emerge on specific areas. That is useful. Any area—for example, economic development, housing or education—has its specialism. There are core issues, of course, but there are also specific issues.

Along with capacity building, we very much need to give people the guidance to which Lucy McTernan referred. Such guidance must be tailored to each sector and to the needs of the individual organisation. A microbusiness that wishes to contract with a council to do something connected with environmental health, for example, will not need the same sort of guidance as a large organisation that is involved in a public finance initiative contract for millions of pounds. However, we must still produce the guidance that each of those requires.

Rona Fitzgerald: At Great Britain level, the Equal Opportunities Commission has been considering a positive duty. One of the lessons from European structural fund requirements is that, although mainstreaming was initially voluntary, many regions did not take it seriously until a relationship was made between implementing the process and receiving money. Even now, there are difficulties. However, a positive duty—as opposed to a public sector duty, which has been discussed before—would mean that it was up to public sector bodies to take equality seriously. People have talked about the duty being formulated along the lines of the Race Relations (Amendment) Act 2000, but perhaps less bureaucratically.

There are examples of such a process. In Northern Ireland, an equality impact assessment statement must be attached to every publicly funded project. People initially said that that was cumbersome and that it took them a bit of time to do. However, after three years of being in the learning process, they have got better at making such statements and are learning the lessons much more quickly.

At GB level, the Equal Opportunities Commission has been trying to promote the notion of a positive duty, because to a great extent mainstreaming in policy has been voluntary. Although the equality strategy commits the Executive to mainstreaming equality, no sanction is built into it. We must start thinking about that.

Perhaps it makes more sense to see a positive duty as being about equalities rather than just gender equality, in which the Equal Opportunities Commission has an interest and for which it has responsibilities. We see the benefit of a process that would put a positive duty on public bodies to take all the equalities issues into account.

Philippa Bonella: Not only do we need to provide people with tools so that they can understand how to mainstream, but we must explain to them why they need to do it. We must not lose sight of that. Many voluntary sector organisations with which I have worked have been provided with mainstreaming tools from on high without necessarily being given an explanation of why it is important that they mainstream.

One of my most amazing experiences involved bringing together—in one room and in a non-combative environment—a campaigning equality group with a load of other voluntary organisations. Suddenly, many people realised that the decisions that they made affected others directly and that, if they chose to use the appropriate tools, they could make a difference.

If we take disability activists into an organisation and provide disability awareness training through them, that makes an enormous difference. The issue is a general one of culture change. It can make a big difference when equalities campaigning groups can show why equality is important and create personal links so that others understand the importance of equality.

Mrs McIntosh: You have anticipated one of my questions. Some of the responses to the committee have highlighted the need for practical guidelines and warned of the danger of policies degenerating into people ticking boxes, sticking forms in a drawer and thinking that that is the job done. In particular, the Equal Opportunities Commission has warned against premature use of the guidelines without further development work. We have just talked about that. Can you give us any other steers on where you envisage future work going and, specifically, whether you see a need—Philippa Bonella touched on this issue—to distinguish between tools for analysing policy that is brought to committees and tools for committees to develop policy when they are carrying out inquiries or considering committee bills, for example?

The Convener: Who is that question for?

Mrs McIntosh: It was prompted by Rona Fitzgerald. I thought that she might want to add to what she said, particularly because her organisation highlighted the issue for us.

Rona Fitzgerald: You are right. Tools are part of the strategy, but they are not the strategy. I think that we have made that point, which is the subject of one of the debates that has come up. If a body gathers gender-disaggregated information, does that fulfil its commitment to mainstreaming?

We consider all the tools that we have outlined to be part of the strategy. That might mean using different tools at the policy development stage—perhaps including equality impact assessments—

from the ones that we use at the implementation stage, when we might want to pick up information on monitoring and reporting.

In relation to the committee's work, some examples of good practice might be helpful. That relates to the Philippa Bonella's point about the benefits of mainstreaming. We must demonstrate to people how intervention that changed the way in which a policy was to be implemented had an impact on take-up. That is why sectoral information is useful.

There have been a number of cases in which a strong economic case has been made for mainstreaming equality. For example, the Welsh have taken a broader, generic equalities approach, particularly in enterprise. They found that, because of a number of barriers, a huge number of people—mostly women, but also people with disabilities and people from the black and ethnic minority communities—were not taking up enterprise grants that were aimed at the broad community and were intended to stimulate local activity.

10:30

Finance Wales invested in training, tools and guidelines. Initially, that was not effective, which echoes Philippa Bonella's point. The people who were using the tools already had some knowledge of equalities, but—this relates to the point that Ellen Kelly made—we must challenge the regular policy makers who say, "I'm not an equalities expert." Mainstreaming means that we must all be able to deal with equalities. Where do non-experts find the information that they need to make a better judgment? The onus must be placed on us all. That brings us back to political leadership and ownership, which is crucial to making the case for mainstreaming and to its credibility.

When I was in the University of Strathclyde, I worked on enterprise policy. It was infuriating that enterprise bodies said that all their grants were available to anyone who wanted them, because that was not the reality. The grants were structured around high-growth businesses that did not attract women and around turnover and size. All those features militated against some people becoming involved in enterprise activity. Engagement with policy makers is needed.

As Lyndsay McIntosh said, there are tools for different stages, but if we had more good practice as well as tools, we could point to a successful intervention and say that it had produced results because the people involved had taken the issue seriously and mainstreamed throughout. We could show how that was done. That evolution or collection of good practice is important. In her report, Fiona Mackay says that we need a few home-grown examples of success to show people

that the obstacles are not insurmountable, but can be overcome by a systematic approach.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): A key aim of guideline 3 is effective engagement of stakeholders. Although the committee often talks to stakeholder groups to which it is appropriate for us to speak, we do not always reach stakeholder groups that have not yet been identified or are not engaged in the process. Do the witnesses have tips or opinions on how we can identify and engage with groups that are excluded from processes?

Jon Harris: We need to do much better on such matters. We all need to address the capacity of such groups to engage in the process. Sometimes, we ignore that and we are unable to realise their potential for involvement.

We are beginning to do better on issues that relate to physical access and access through interpreting and translation, but we need to build on that. We also need to deal with the honest scepticism that exists out there about whether consultation by the public sector is genuine and whether it is conducted in a way that suits consultees' needs rather than the needs of the institution that is conducting the consultation. Will the consultation show that consultees' contribution has had a result? The feedback link should always be thought through and delivered.

Ellen Kelly: I reinforce that. Recently, every public body had to undertake consultation on the Race Relations (Amendment) Act 2000 and the development of race equality schemes. In Edinburgh, we are fortunate to have a well-developed structure, and we received good input. However, to obtain that input, we asked people to give up other activities. Some people had to leave their businesses for an afternoon or an evening to give us input. We had a far better scheme because of that, but I was acutely aware that I was asking people to leave their work or to make other arrangements to give it.

That reflects the fact that, apart from those that work nationally, many organisations that are involved in equalities work are micro-organisations that are run by volunteers. People do such work in their copious free time—this is modern life, so none of us has much free time. We need to find ways to reach out and to build and support capacity. In some cases, that might mean economic support. In other cases, that might simply mean making better use of the excellent technology that is at the Parliament's disposal, of which community groups are not very aware. They might exclude themselves simply by not knowing how easily they might communicate with the Parliament.

I have not given evidence before. I am very experienced in local government, but I find the

present structure intimidating. If I came from a wee micro-group in the voluntary sector, I would be quaking in my boots. Some voluntary groups are reluctant to put anything down in writing, for fear that it might be used against them later—that is putting the situation at its baldest. People worry about how their funding will be affected.

We must build up a culture of participation, and support that by saying that the process is safe for those who participate. We must remove barriers and make involvement easy. If we do not do that, we will always have the excluded—the people who do not participate. If we want to reduce exclusion, we must deal with the barriers to participation, but above all, we must make people feel that participation is safe.

I echo Jon Harris's comments on feedback. Groups desperately want feedback. A volunteer gives up their time to give input, which goes into hyperspace. Nothing comes back, or a fat book comes back at which people look and think, "Where am I in that?" That is difficult. Feedback should be given in an appropriately pelleted fashion whereby groups can see easily where their input went and what happened to it. All that is required; we all need to address that.

Rona Fitzgerald: I endorse fully the point about feedback, because I ran some workshops for the Executive when it consulted women's groups, and people often said that they would love to know what happened with what they said and why some decisions were made rather than others. They understood that their issues were not the only ones, but it would have sufficed and would have been beneficial and welcome if somebody had said that they had taken evidence and would work on five points, and they were prioritising point 1 because it would benefit the most people, but they would have a strategy for points 2 to 5.

We need to ask people better questions in consultation or improve at consulting. From my experience with the Executive's equality proofing budget advisory group, I know that the Executive's finance and central services department is disappointed with the feedback that it receives on the budget. As Ellen Kelly said, it is difficult for people to disaggregate a 250-page document for themselves. They are not sure what they can comment on or what expertise they need.

The process is two way, as it involves asking more direct questions, which sometimes means giving more information. I examined a consultation exercise in Denmark for which an information and awareness-raising process was initially undertaken to stimulate a response. Those involved said, "The Government is thinking of legislating on the following. Here are the things we've been thinking about." That spelled out matters and gave people basic facts and

information. After people had had a few months to think about that and to view it in the light of their work or their life, they were asked what they thought of this or that approach.

Sometimes, people need to be given more information and a little more detail—something to which they can react—before they are consulted. That might mean making the consultation specific to their needs or interests. People do not always think about how to break down a proposal so that consultees can see the possible impact on them or their group. It is a question of being more straightforward and clearer about what to obtain feedback from organisations and individuals on.

Lucy McTernan: We want to stress the role of the voluntary sector, which organises itself. There are many networks within the sector that can help the Parliament and other formal institutions to reach out into communities. The issue is about connecting effectively with those networks. Information that can be inaccessible and questions that do not seem real or relevant to organisations or individuals should not be thrown out into the wilderness. The networks and organisations that bring people together to provide a forum for discussion and debate should be used to receive meaningful information and views back the way.

I note from the committee's work on its mainstreaming equality inquiry that it has a reasonably extensive database of organisations that it seeks to reach during consultations. The SCVO would like to work with the committee to assess whether that database is as extensive as it should be. Many organisations that form part of networks are relatively hidden and would not automatically come to the committee's attention. Even if the committee sent out a formal document to such organisations, they would not necessarily see how it was relevant or might worry that they had got themselves into trouble in some way.

The issue is about mediating effectively—performing a gateway rather than a gatekeeper role—in reaching out into communities to ask meaningful questions. With the greatest respect to Rona Fitzgerald and her colleagues in the formal statutory institutions, it is not simply a question of referring to the EOC, the CRE or the DRC; it is about going beyond those institutions to the organisations that involve the people who suffer discrimination and who have first-hand experience of equalities issues. It is vital that we ensure that we do that.

In that context, I want to mention the equalities co-ordinating group, which is performing an equality-proofing role in relation to the Parliament. Although, almost by default, that group involves some voluntary organisation networks, it involves only networks in the equalities field, where there is no statutory institution. It is important for that

group, the Equal Opportunities Committee and the other relevant bodies, such as the Executive's equality unit, to make much more systematic links with the voluntary sector networks. We would be interested in assisting in that process, to ensure that it is not a hit-or-miss affair but a genuine effort to reach out to the communities and the people who suffer from discrimination.

Jon Harris: I will give an example of how we have changed how we consult and involve communities. We have set up the DIALOG—Diversity in Action in Local Government—youth programme, which examines new ways of engaging with young people. Some of that programme's early successes, which have involved the use of technology such as the web and text messaging, have demonstrated that an ability to communicate on young people's terms produces a better outcome. If the committee wants to follow up on that issue, we would be more than happy to give a presentation on it.

Mr McMahon: I am glad that Jon Harris made that point, because my next point is aimed primarily—although not necessarily solely—at COSLA. Last week, the Parliament voted to pass the Local Government in Scotland Bill. One of the bill's intentions is to make compulsory what some local authorities already do and have good experience of doing. Is there an argument for extending compulsion to areas of mainstreaming equality to assist in making more widespread and more effective activity that is already being done well in some areas?

Jon Harris: In the guidance that we are drafting on the Local Government in Scotland Bill, we are presenting mainstreaming equality within the best-value framework, within the community planning process and within the delivery of the power of well-being. Mainstreaming equality is not an optional extra; it is required in the bill. The Local Government in Scotland Bill complements other equalities legislation such as the Race Relations (Amendment) Act 2000. We are not presenting the implementation of mainstreaming equality as an optional process, although how it is done might need to reflect local circumstances. We need good practice to demonstrate the positive aspects of mainstreaming equality and why it is necessary to deliver it, and we need to make it clear that the process is not optional.

10:45

Tommy Sheridan: Given my medical state, I will restrict myself to one question. The comments that have been made on the way in which evidence and feedback are obtained have been helpful. I hope that the Equal Opportunities Committee will not be the only committee to reflect on them.

What role do the witnesses collectively envisage for the Equal Opportunities Committee in relation to mainstreaming and equality proofing? You might be aware that the Procedures Committee recommended the creation of a finance and equal opportunities supracommittee that would examine the budget process to ensure that mainstreaming was at the heart of it. We often find it difficult to find a niche because of the reserved nature of many equal opportunities issues. How would you characterise the role that you hope the committee will play? Should it be a watchdog or a catalyst?

Ellen Kelly: The Equal Opportunities Committee should be a catalyst for action. Equal opportunities committees in governmental structures, whether local or national, always experience the difficulty of not fitting readily into any niche. That is because the work of such committees relates to the whole of government and the whole of organisations. It is essential that the Equal Opportunities Committee does not perform a policing function. That should be reflected in how bills are structured, in the committee's guidelines—as is the case—and in how progress is reported back from local government or from the health service, for example. The Parliament has a clear role in that.

It is necessary that the Equal Opportunities Committee has a specialised input and that it brings to the issues a depth of knowledge and awareness that does not exist elsewhere. It is essential that that knowledge be placed where it can do most good. Where can it do most good? It can do most good in the middle of a process, from where the committee can have an overview of what is happening. For example, when a budget is set, the Equal Opportunities Committee could use its knowledge and awareness to ask whether certain issues and how they impinge on the equalities field have been considered. That practice is gradually spreading throughout a number of governmental organisations. It is an effective way of ensuring that the will of the Parliament on equalities is reflected in practice. It also allows the members of the committee, as elected representatives who have a specific role in ensuring that that will is implemented in a practical way, to make the best use of their time.

Jon Harris: When we developed our initial guidance on mainstreaming, the reaction in certain quarters was that it would be possible for organisations to abolish their equal opportunities committees and their equalities units. The guidance gives more importance to having a specialised input. Mainstreaming is not about saying, "We do not need that expert opinion." Rather than diminishing the role of the Equal Opportunities Committee, our guidance enhances the role of the committee and of the specialised support that it brings.

Lucy McTernan: I endorse the need for such a specialised or expert unit. However, I would like to give more attention to the idea of the committee having an overview of all equalities-related issues. The committee's technical location in the system is less important than the will to make things happen. The committee should act as a catalyst and should make links. I am thinking about the Great Britain agenda of reform of the equalities institutions. Although that is a reserved issue, aspects of it are extremely relevant to Scotland and fall within the purview of the Parliament.

I am thinking also of the human rights agenda, which the Scottish Executive always puts with justice, rather than seeing it as relating to social justice or something else. The human rights agenda is linked with the equalities agenda and it does not seem to make sense to those of us outside the formal process that the two agendas are dealt with in different ways and to different time scales. It would be beneficial for the Equal Opportunities Committee to have a role in the middle of that, helping us to connect to all the agendas and the processes and timetables. That would ensure that there is a connection with the people who are part of the organisations that we work with and for, so that the eventual policies reflect what people want. It is about there being an overview and about the committee having a role as a catalyst and, crucially, in making connections.

Rona Fitzgerald: I agree with all the previous speakers. I would like the committee to be characterised as a proactive champion. We need a champion and somebody who is prepared to be awkward and ask questions. We need somebody who is prepared to say, "I am not sure of the link with that. How does that work? Have you really got evidence of that? Can you demonstrate that you have taken that seriously?"

Ellen Kelly's point about the budget is crucial. Many Governments commit to equality and say that they would like to mainstream it, but they do not demonstrate that in their spending. There has to be a much clearer link between policy objectives and spending allocations. The link must be more transparent than it is currently. Some of the connections between the equalities agenda and the needs analysis that the Executive has produced and what money is spent on are not made.

The Executive needs to get better at spelling out why things are prioritised and why money is spent on certain things and not on others. It has to be clear why it has ignored evidence from research that it has commissioned or why it has failed to act on that research, as it has done in a number of areas, such as transport.

The committee should have a role as a proactive champion, whereby it can bring in expertise when

it is needed, have a greater understanding of the sectoral issues and, as Lucy McTernan said, make connections.

Elaine Smith (Coatbridge and Chryston) (Lab): I was interested in the comments about giving evidence. I am sure that committee members do not see themselves as scary individuals—if that is the right word—but we need to be aware that the environment can be scary. We should perhaps think more about how we could use the committee reporters to take evidence, which might be a bit less daunting for smaller groups.

I want to explore local government and the public sector a bit further, although the evidence that has been given so far has been wide-ranging and helpful. The major players in policy development in the public sector are the local authorities. Do the witnesses have any comments on the exact manner in which equality is being mainstreamed in local authorities? Before they answer, I want to pick up on a few things that have been said. Someone said that the problem is not that people or organisations do not want to mainstream equality, but that they do not know that they should. That is a comment on understanding mainstreaming equality and the fact that it is about changing attitudes so that doing so becomes second nature. Where are we on that? How do we achieve that?

We should still have equal opportunities experts and officers on committees, but it is not about saying, "That is their bag, so we will pass it to them to handle." It is not about saying that if we are going to mainstream equalities, let us do away with committees in local government. Have local authorities been saying that they do not need equal opportunities committees or officers anymore? A lot of the earlier discussion was focused on training staff in local authorities. What about training elected members, who are the policy makers?

Jon Harris: I know that Ellen Kelly will support what I am going to say. To some extent, the debates that we had about best value in the Local Government in Scotland Bill made equalities central for the first time. That has resulted in a huge shift in attitudes and commitment to or understanding of equalities. At the time of local government reorganisation, I saw a danger that equalities would be left out and I saw research that demonstrated that the number of equalities committees or people involved in them declined at that time.

We are now building a profile. The guidance that we have produced, which sets out what needs to be done to implement the bill, has been approved politically in our modern governance executive group and has been supported by the Society of

Local Authority Chief Executives and Senior Managers. We are beginning to get the leadership to take the matter forward. There has been strong support for building equalities into the performance frameworks that local authorities use, rather than seeing equalities as an add-on or a marginal initiative.

The point that Elaine Smith made about elected members is core. When I talked about training within the Parliament, I said that it must apply to MSPs as well as to staff. Equally, we need to bring elected members up to speed on equalities issues, just as we need to bring staff up to speed. We are re-examining our process of councillor development in the context of some of the changes that we expect to see in councillor remuneration, and we want to give priority to equalities in that.

Ellen Kelly: Jon Harris is egging me on gently to comment. There is no doubt that when the restructuring of local government took place, the position of equalities was retrograde for some time. That is now changing and the position is improving again. As a COSLA equalities adviser, I spend an awful lot of time talking on the phone or in person to smaller authorities that do not have specialist staff. Most larger authorities now have specialist staff. There will always be debates about where they are best placed and what their role ought to be within the organisation, but that is the nature of the beast and it is healthy in many ways.

It still concerns me that a number of smaller authorities do not have specialist staff and are reliant on gleaning what they can. I regret to say that, if equalities has specific representation in any job, it is frequently as part of somebody else's job in personnel or policy development. That means that the equalities agenda is not developed or understood well in great swathes of Scotland. To some extent, the requirements of the Local Government in Scotland Bill will force local authorities to address the agenda more rigorously, but we still come back to the question of the basis on which they will address it. If authorities do not have the knowledge or the tools, they will not address it well.

The other point was on the training of elected members. We cannot make elected members of local authorities do anything, any more than we can make members of the Scottish Parliament do anything. We need a culture that says that equalities is an essential part of the knowledge and skills that an elected member requires. When we introduced the mainstreaming strategy in City of Edinburgh Council three years ago, we had seminars for all elected members, but they did not all come. However, it is interesting that those who did attend the seminars learned something that they were able to take away with them. The

knowledge that they gained has greatly improved their ability to relate the equalities agenda to their specific interests and to their work within the council.

If I were asked what would make my life easier as an officer responsible for equalities work in a large authority, my response would be something along the lines of wanting the new members who come in after the election to be required to attend a half-day seminar on the basics of equalities legislation and how it impacts on their work as elected members—but that is probably total fantasy land. If that happened, we would see a huge step change in how equalities work is addressed within local government. A half-day seminar would not be much, but it would be more than most elected members ever get at the moment.

11:00

Elaine Smith: That is quite worrying. We need to reflect on that suggestion to see how we can help to encourage that to happen. The committee has had a lot of discussion and debate on that issue.

Most of my other questions have been answered, but I want to go back to last week's debate on the Local Government in Scotland Bill. In the debate on the committee's amendment, we agreed—well, some of us agreed—to accept what the minister said about the guidance that the Executive would issue to local authorities on how equal opportunities can now be taken into account in the awarding of contracts. Will that ability be used? For example, when one thinks back to the days of compulsory competitive tendering, it is obvious that CCT had a big impact on the gender imbalance, but that was never taken into account at the time. Will local authorities want to employ that new power?

Jon Harris: Following that stage 3 debate, I have been in contact with the Executive to develop and amend the existing guidance to make the equal opportunities requirement more explicit, not only for procurement but for equal pay issues. However, I am not sure that we will go back to the situation that prevailed before the Local Government Act 1988 was passed.

One area that I want to promote is the use of procurement policy in working with contractors and supporting them in improving their practice. When the Local Government Act 1988 made provision about the extent to which local authorities could ask questions of contractors about race equality, we advised councils that they would be on difficult grounds if they chose to refuse to enter into a contract with a company that they felt did not meet their standards on equalities. However, if a

contractor were failing in its statutory responsibilities, one could argue that a better way would be to work with the contractor to help it to improve its performance. We will look at the existing guidance to see how it could be strengthened.

Elaine Smith: It could be difficult to say that to contractors if the contractors could turn round and say that the authority should look at how it implements equal opportunities policies in its own organisation. Does Rona Fitzgerald have any thoughts on how we might improve representation on local authorities—not only in terms of gender—so that the make-up of local authority elected members was more reflective of equal opportunities policies?

Rona Fitzgerald: That is one of the Equal Opportunities Commission's objectives. We have done some research on why women in particular are not as involved as they could be in local government, even though they are often the backbone of community activity. Indeed, women have been shown to be very active in the social inclusion partnerships.

There are a number of things about elected office—the practical things, I suppose—that people are beginning to deal with, concerning the times of meetings and the need to build in factors such as transport and child care. That relates partly to a culture change regarding the way in which local government, and any kind of representation, behaves and acts. The aim is to make it seem interesting and not so exclusive that it puts women off and makes them think, "Well, I don't think that is the kind of activity that I would like to be involved in."

Perhaps there are barriers in political parties and other organisations around selection and promotion, which exclude a lot of people. As you say it is not just women who are excluded, but people with disabilities, people from black and ethnic minorities and the aged, in particular. When I gave evidence to the Local Government Committee, someone asked whether we are likely to think of people at both ends of the scale—the elderly and younger people—as suitable for public appointments. We need to build in the notion of expertise and experience.

We have been trying to find positive mechanisms, for example, regarding selection procedures. The UK Political Parties, Elections and Referendums Act 2000 is useful, as it allows political parties to take positive action in that area. Nevertheless, as a former political scientist, I do not think that there is an easy answer. When I talk to people who are very active and opinionated—bolshie, even—and ask them why they do not get involved in local government, they say, "I don't know. It's not really for me." It is not just that they

have family and caring responsibilities; nor is it something intrinsic to the female psyche that prevents them from taking a more active, extrovert role. It is an amalgam of many things. Often, local government is seen to be tied up by the parties, very competitive and difficult to get involved in. There is a notion that a representative needs to be enormously tough as well as supported and sponsored by a party. That might be one of the key things that puts people off.

There is no easy answer, although we can deal with the issues of selection, promotion, capacity building and encouraging people through role models. On a recent television programme about young people in Britain—I do not know whether members saw it—a 17-year-old girl said that she fully expected to be Prime Minister of the United Kingdom when she was grown up. I thought, “Yes!”

Tommy Sheridan: As long as she is better than the last one.

Rona Fitzgerald: I make no gender-based remark about that.

The issue is complex. Although we are working on the practicalities and although work practices are changing as people try to understand different roles, there is a major issue about the attractiveness of public life. People must feel that public office is a place where they can have a real say and make a useful contribution.

Cathy Peattie (Falkirk East) (Lab): With the convener's permission, I shall ask another question about equal opportunities before I move on to discuss the voluntary sector.

The lack of women in local government and other groups has been debated in equal opportunities committees before, and I am reminded that we have had equal opportunities policies for a long time. I recall personally being kicked around a room trying to convince my local elected members that we needed a women's committee and that equal opportunities was really important. I was told simply that that was for women to talk about, not for everyone to discuss. I also remember times, from my voluntary sector days, when we had to demonstrate that we had an equal opportunities policy before we could get any money from the local authority. It always seemed to me that the equal opportunities policy was something that people talked about but put in a filing cabinet and did nothing about.

There is now a lot of discussion and I hope that we can mainstream equal opportunities policy and make it work. However, there is still a danger of talking but not making it work. How can we change the mindset?

There has been a lot of discussion about tools for equal opportunities, and about experts and

training, but I believe strongly that it is a question not just of tools and experts but of winning people's hearts and minds. Whether that is within the statutory sector, in local authorities or in the voluntary sector, we will not do anything unless we win those hearts and minds. How do we start to do that? How do we get away from the experts having to make the decisions, and from the marginalisation of equal opportunities issues to folk who are interested in them or whose job it is? You said that it should be everyone's job. It is not unlike health and safety, which cannot be the preserve of just one health and safety person but is everybody's responsibility. How do we do that?

Jon Harris: You make it everyone's job by building it into their performance framework. You say, “You will be held to account on your performance in delivering this.” That is why there is a benefit in linking equal opportunities to best value, whether in local authorities, in the Executive or in other public bodies. If equal opportunities is built into the performance framework, it is also built into the mechanisms for external scrutiny, whether that is by Audit Scotland, the inspectorates or other regulatory bodies. That is how impetus can be given.

We are moving to another phase. We have a mechanism and a framework and we have equal opportunities built into performance. Delivery of best value and continuous improvement cannot be demonstrated unless delivery of improved services to equalities groups is addressed. The mechanism for external scrutiny must still be developed, but it is provided for in the legislation. From the Parliament's perspective, if you add that weight to your scrutiny of the public sector, that will close the loop. In some respects, one of the issues for you in mainstreaming is not just the legislative phase, but asking how well the legislation that you have passed is being implemented. You can then hold the Executive, local government and the enterprise network to account on how well they are doing.

Rona Fitzgerald: Legislation is important, because legislation on equal pay and sex discrimination in the workplace has been effective, although there are still gaps. At GB level, the Equal Opportunities Commission has been trying to promote the notion of what we want to call a positive duty, to get across a more positive message, rather than a public sector duty. The article 13 directive, which is coming through the European Union in response to the Amsterdam treaty's commitment to gender equality, will give us another enforcement weapon. However, there is a case at GB level for legislation to underpin the commitment to mainstreaming equality and to put a positive duty on public bodies to ensure that equalities is part of everything that they do.

Jon Harris is right to say that practice is another consideration. Cathy Peattie mentioned health and safety. Even in the early 1980s, people used to moan about health and safety and EU regulations, but now they have become commonplace.

The other element is convincing people that equal opportunities is important. Mainstreaming is not a term that lends excitement to the issue. For example, it is hard to imagine pub discussions taking place on mainstreaming in the same way that such discussions took place on equal pay. People would say, "Well, do you think that women should be paid the same as men?" People engaged with that debate, but they may not know exactly what mainstreaming is. Getting across to people the idea of bringing an equality perspective to the mainstream policy process, that it should be taken seriously, that it is everybody's responsibility and that it must be imbued in the practice of organisations is important.

As I said, the Equal Opportunities Committee is a champion, but more political leadership is needed from all Scottish Executive ministers, not just the ones who have a designated portfolio that seems to intersect with equalities. More ministers need to consider how the issue impacts on their work and to see how that works as a relationship. Ellen Kelly talked about a half-day seminar for people elected to the council. People who are ministers and senior officials should also be able to demonstrate an understanding of the issues and a capacity to work in the area of equalities. That is also important.

Legislation might be a good idea because organisations are less likely to comply when there is no sanction. When there is legislation, people feel that they are accountable in some way and are more likely to comply.

11:15

Ellen Kelly: I endorse everything that has been said so far, particularly the comments on accountability. One of the strongest tools is being able to say to a chief executive that they are personally accountable. That has a wonderful effect in gingering up responses.

Organisations that address mainstreaming undergo a change in organisational culture, at both formal and informal levels. It is strange to talk about organisational culture. We all understand what the formal culture of an organisation is—that is written down in policy papers—but it is the informal culture that determines what happens. The informal culture comes from a manager saying to staff, "We have to do this, I suppose." We will have cracked it if we can change organisations' culture so that managers say, "We need to do this and we should be doing it because

it will achieve better service, which will mean that our customers will be more satisfied."

In parts of local government, in some local authorities, that change is taking place. The change is palpable and can be seen. For instance, procurement managers ask me how they can mainstream work. That is a huge cultural change, but it has not been achieved easily. Change must be led from the front. Above all, the Parliament has been one of the most healthy and significant developments in many a year in changing organisational culture in local government in Scotland. We must reach the point at which mainstreaming is no longer seen as a threat but as a positive development. To reach that point, all the available tools that were mentioned earlier, which include capacity building, training and accountability, must be deployed.

Those tools must be deployed with the consistent message that mainstreaming is not something that organisations simply have to do; it is something positive. If such a change in organisational culture becomes embedded, come the day when I and many other people like me throughout local government hang up our hats, something solid will be left behind. We will have achieved the positive change that is necessary to provide good and inclusive services.

Philippa Bonella: I will echo Ellen Kelly's points, but from the voluntary sector's perspective. Many of the duties and responsibilities that are placed on local government trickle down to the voluntary sector. Flurries of people often phone us to ask for a model off-the-peg equal opportunities policy that they can use without thinking because their local authority or another funder demands it. Although we require a stick approach through funding or through placing duties on organisations, we also need training, capacity building and awareness raising so that organisations understand that they are not being asked simply to tick boxes and that a positive outcome is sought. That is part of the SCVO's work. We do not simply photocopy policies for organisations; we take them through a training and understanding process, at the end of which they are much better at what they do.

Cathy Peattie: The SCVO has rightly identified the voluntary sector's role and states on its website that

"Mainstreaming needs to be backed up by effective performance indicators, monitoring and review."

Given the range of organisations with which the SCVO is involved, is there a common baseline that might be used for performance indicators?

Lucy McTernan: That is a tough question. As Cathy Peattie will know, voluntary organisations come in all shapes and sizes and finding common

aspects in a diverse sector is difficult. As Philippa Bonella said, we work to encourage standards of good practice in relation to the equalities agenda. In particular, our research team examines methods of impact assessment so that the outcome or impact of what organisations do can be assessed and measured.

There is a learning process. We do not have any simple answers just yet, but we are working on it actively, and we are exploring with various groups the best ways to build tools and to give measurements that work. I know that that is a bit of a holding answer or a “watch this space” response, but we are keen to share our experience and learning as we go along.

Philippa Bonella: If I may illustrate that, one of the things that we thought we would be able to achieve with the voluntary sector work force was to make a study of baseline levels. We attempted to ascertain how many women and how many black and ethnic minority people were employed in the voluntary sector. Having done that research, we found that nobody knew.

In equalities, it is like a chicken-and-egg situation: we have to convince organisations that it is important for them to think about such things before the information that is needed to ascertain whether things are improving can be collected. We are working hard on that, and will continue to monitor the situation.

Cathy Peattie: I am interested in how the SCVO and others can support local organisations in monitoring evaluation. Only by ascertaining how things are going on the ground will we know that things will work. That is important for community groups, whether they are working with black and ethnic minority communities, with women or in other areas. Such groups need to be able to say whether an initiative is working. How do we ensure that they can do that? What role can the SCVO play? I believe that the voluntary sector has a clear role in helping in that regard.

Philippa Bonella: We are trying to bring together the various equalities groups and get them to talk to one another. Perhaps I am being naive about this, but it struck me that different parts of the equalities sector do not talk to each other very much, at national or local levels. We have found that organisations are encountering the same problems and barriers in working with local authorities and local businesses, but are not talking to one another about the solutions that they may have found.

We are trying to bring together the national networks of equalities groups. We are also trying to work with councils for voluntary services in various areas, so that they can bring together local groups to discuss what they have done, what they

have learned and whether they can pass on lessons to each other. That will be quite a long process. CVSs are stretched, and we are working with them to improve what they can do locally.

Rona Fitzgerald: I have a general point to make about indicators, on which we can learn a lesson from the structural funds system. Groups tend not to like it if indicators are simply handed to them, and they often find such indicators difficult to work with.

I did a piece of work with SIPs in Glasgow. The north Glasgow SIP had a project involving sponsors and community organisations to develop a monitoring framework, including indicators. Its representatives said that the project was difficult and complex. It was useful, however, because the indicators meant something. Generally, it is difficult to put together indicators without having the baselines. That is what the SCVO found. Progress has been made on that level, and I think that the Executive's statistical authorities have become much better at collecting and collating data, and at presenting data in such a way as to underpin the equalities agenda. We simply have to get better at doing that. The committee's consultation highlighted the fact that people have to know that there is a reason for data being collected about them. Guidelines and a sense of security are required.

Indicators are crucial, but their development needs to involve consultation and discussion. Much of the criticism of indicators at UK policy level—notably performance indicators for schools—stems from the fact that the indicators are imposed by Government. It would be useful if we gave discussion a greater role, and if bodies such as the Equal Opportunities Committee could examine the question of indicators, commission some work and have a discussion about what represents progress and what are realistic targets.

When I gave evidence to the Welsh Assembly several years ago, members asked about setting targets such as 50 per cent of enterprise grants to be awarded to women and 50 per cent of this, that and the other to go to women. In response I said, first, that they did not know their baseline and, secondly, that if a target of 50 per cent were set, as was done at regional level in France, and then not achieved, that would be very dispiriting and would meet with a lot of criticism. People would say that they had done everything for those bloody women and still they refused the jobs and enterprise grants that were on offer. Indicators are much more complex than might first be imagined, and setting realistic targets, which give people a bit of heart and can be built on, is a much better approach.

Work must be done to demystify indicators. Earlier this year, I attended a seminar on

indicators. Having gone in with, as I thought, some understanding, I came out totally confused, thinking that I did not understand indicators at all.

People must become familiar with identifying baselines. Only 15 per cent of enterprise grants are allocated to women, so an indicator of progress over the next three years might be an increase of 5 per cent. An indicator for a sector of the labour market could be an increase of 5 per cent in the number of women who work in engineering.

Realistic targets and indicators must be set and linked to a monitoring process. Discussion and debate are essential.

Lucy McTernan: Rona Fitzgerald is right. Unless the statistics and indicators are given meaning, we are in danger of becoming too bureaucratic. It is always important to come back to why we are interested and to explain our intentions to people so that they are not seen as a threat.

That approach is important from another dimension. We have spoken this morning about what voluntary organisations, local authorities and the Scottish Parliament can do. The biggest sanction on, or encouragement to, all of us in voluntary or statutory organisations is what people, communities and public opinion expect.

That is where the publicity comes in and where the committee and the Executive can play a role in helping people, whether they are disabled, female or black, to understand their rights. A lot of activity has taken place around that issue recently. Examples are the posters about the Disability Discrimination Act 1995, the race campaign and the recent initiative on sectarianism and religious bigotry. However, many people outside the public sector feel that there is a lot of disconnection. The matter is not held together as one spectrum and, therefore, there has not been an overall cultural shift in what people in pubs or local community halls feel that they can expect from the public sector, whether it be services delivered by a local authority or from a committee in the Parliament. Therefore, there is a need to stimulate better understanding and public opinion and to bring the media into play so that individuals, families and communities can call on their local councillor or MSP. Doing that will have the biggest impact on changing culture.

Jon Harris: I prefer the word "measures" to "indicators", because it takes account of the more qualitative aspects of performance, as distinct from a single figure. Previous speakers have referred to the search for equality measures. There are performance measures that reflect the number of people employed in, and the performance of, a school. An assessment of a

school's performance should be capable of being easily broken down to show how well the school is doing, for example, for girls and for boys, for disabled and able-bodied pupils and for pupils from different ethnic minorities. It is important to disaggregate statistics, rather than invent new measures.

Cathy Peattie: It is important that people who receive services can give their opinions of how well services are being delivered. There are different perspectives. The provider might believe that the service is reaching everyone who needs it, yet across the road people might be saying that they know that the service is available somewhere, but do not know how to access it or what it is about. The measures and the indicators do not pick up those people.

Jon Harris: A basic principle of mainstreaming is to involve equalities groups in defining needs. However, in some respects, parents need to say that they are interested in the performance of their children's schools, and to understand the schools' performance, it is likely that parents would like to see how well boys and girls and pupils from different ethnic minorities are doing. It is getting to the point of saying that we need to test our performance with our clients and customers in the community. There are measures that we can build on, rather than always inventing new ones.

The Convener: I am afraid that I have to draw the evidence session to a close. It was very interesting and valuable, and I hope that the committee can take up the offers of joint working.

11:30

Meeting suspended.

11:35

On resuming—

Holocaust Memorial Day

The Convener: Item 3 on the agenda is the UK Holocaust memorial day. Members have a copy of the note from the clerk. Michael McMahon will update the committee on the issue.

Mr McMahon: It is not so much an update, convener. The fact that we have to discuss the issue at all is problematic. There are two aspects to the issue. The first is that the convener has written on three occasions to the justice department and Jim Wallace on behalf of the committee to ask for information on the Holocaust commemoration, but we have received no reply. No matter what the issue is, it is totally unacceptable for a Scottish Executive department to ignore a committee of the Parliament three times. We must address the issue by asking the justice department directly to explain why it did not respond to our request for an answer.

The other dimension is that our original question remains unanswered. It was highlighted to the committee that one of the communities that was most affected by the Holocaust—officially it lost 500,000 people, although the figure might have been much higher—is not given its proper place in a commemoration that was established to ensure that we do not forget that the Holocaust took place. We have not received an answer on that issue, although the Scottish Executive has a remit in the organisation of the commemoration.

The response to my initial letter that we received from Jim Wallace was that many communities were affected by the Holocaust, all of which are invited to sit in the audience at the commemoration. If the Holocaust had not taken place, we would not have the commemoration. The service has been rightly widened to remember genocides that have taken place since that time, such as those in the Balkans and Rwanda. There has been discrimination against communities since the second world war, but the event would not be taking place in two weeks' time were it not for the Nazi Holocaust. Besides the Jewish community, the Gypsy community was the one most affected by the Holocaust, but it has not been given a proper place at the event. We must get a direct answer from the Executive on what it is doing to ensure that the Roma Gypsies are given their proper place in the commemoration.

The Convener: As Michael McMahon has outlined, the issue was put on the agenda out of frustration. Michael wrote to the minister and, because the committee was disappointed about

the answer that we received, I have since written to the minister three times but have not received a response. The event takes place on 27 January, but we do not know what the position is in relation to Gypsy Travellers. The committee should discuss this issue in public and decide how it wishes to take it forward, given that the Executive is totally ignoring the committee on an important issue that was raised with us by an organisation that falls within the remit of the committee.

Tommy Sheridan: The problem we all have is that this is not the type of issue that we want to create a row over—it is the type of issue that everyone wants to unite around—but we have been forced into doing so because of the way in which we have been treated. We have tried to take up the marginalised voices of people who felt that they were not accorded appropriate recognition at the memorial.

The Minister for Justice's reply to the convener on 4 March contradicts his whole reply. In the course of his comments he stated that a special brochure was produced, which dedicated a whole page

"to the genocide of Roma and Sinti Gypsies during the Holocaust."

That is what we are trying to highlight. The fact that a whole page has to be dedicated to that particular genocide is the reason why we think that the carrying of a memorial candle is so important in recognition of that genocide and persecution. The Minister for Justice and, by implication, the Executive have dealt with us very shoddily. It begs the question of whom the committee can complain to about not being dealt with courteously—never mind the fact that the issue was not dealt with courteously.

I hope that today, in a united fashion, we will not only demand an answer but demand that the Gypsy community be given the status that we seek for it. That is our right. It is interesting that Rona Fitzgerald talked earlier about the need for political champions for equal opportunities. Well, this is one of those issues where we are trying to champion a group that has been ignored for far too long.

We have to do two things. First, we have to complain strenuously about the way in which we have been treated. Secondly, we have to seek or demand—however we word it—that the Executive use its influence to accord the Gypsy community the status that it deserves in relation to the memorial.

Elaine Smith: I follow on from what Michael McMahon and Tommy Sheridan said. Clearly, what has happened has been disrespectful, to say the least, to the committee and to the Gypsy Traveller community in Scotland. Ignoring the

issue has made it very much a Parliament issue. It is disrespectful to the Parliament to ignore a committee, so can the committee engage the assistance of the Presiding Officer?

Mrs McIntosh: I support everything that has been said and in particular Tommy Sheridan's comments. I was at the last commemoration with Michael McMahon and found it truly moving, but it was glaringly obvious that the Gypsy community had been completely overlooked. Being in the audience as either a member of the public or as someone who was just there to watch simply did not cut the mustard. It was offensive.

I take the point about considering whom we can engage to support us. What has happened has been offensive to the committee. Elaine Smith is right that it has been offensive to the Parliament. We should at least go as far as Sir David Steel. The committee should bear in mind the fact that one of our Deputy Presiding Officers, Murray Tosh, took part in the ceremony and lit a candle. I am sure that he would happily have given his place to someone whom we thought more worthy of having the opportunity to light a candle.

The Convener: I do not think that writing to Sir David is an option, because he does not have control over the Executive. If we want to write to somebody senior to Jim Wallace in the Executive, we should write to the First Minister. We can take advice from the clerks, but I do not think Sir David has any locus in a response to the committee from the minister. Writing to the First Minister would obviously demonstrate to the Executive how seriously we take the issue and it is possible that it would then be dealt with as a matter of urgency. The only other option open to the committee is to submit a parliamentary question, which would take a bit more time.

11:45

Mrs McIntosh: I have had a parliamentary question answered within one day. We could ask for that as an emergency.

The Convener: It is up to the committee. I suggest that the best option is to write to Jack McConnell because the matter concerns a minister in his Cabinet.

Elaine Smith: I suggest that we do all those things, given the urgency of the situation. I have no problem with the committee writing to Jack McConnell, but we could also seek Sir David Steel's advice on whether he has a role as Presiding Officer, given the disrespect that has been shown to a parliamentary committee. We could submit a parliamentary question at the same time.

Tommy Sheridan: One way of accelerating the response and ensuring that the matter is dealt with

as urgently as it deserves, is to notify the Presiding Officer of the intention of the convener or another committee member to raise the matter in the chamber tomorrow before the official business begins. The Presiding Officer would then have to make a ruling to explain whether he has any locus as far as treatment of the committee is concerned. That would alert the Executive to the fact that it must address the problem and would certainly ensure that we get an answer. My worry is that we have only two weeks. If there is to be the change that there should be, the Executive must take action within days, rather than telling us that it will get back to us.

The Convener: A letter could be faxed to Jack McConnell this afternoon.

Mrs McIntosh: We would have to take into account the fact that if the Executive has not taken on board the concerns that we expressed last year, it will further inflame the situation and offend people if it does something at the last minute.

Mr McMahon: It is better that a change takes place at the last minute than not at all. Whatever we do to ensure that that change takes place, the reality is that, because the Executive has not replied to us, we do not know whether any change is necessary. The Executive might have acted already and the change that we seek might have been implemented. There are two dimensions to the issue. We want to know who is responsible for ensuring that committees are treated with due courtesy, but we still await the answer to the points that we made in the first place. Has the Scottish Executive intervened positively to address the concerns that were raised with the committee last year? That might be a yes or a no, but we have to be told one way or another.

The Convener: The quickest way to deal with the matter is to get a letter faxed off to Jack McConnell this afternoon and for me and Michael McMahon to chase it up by speaking to him.

As regards the Presiding Officer and Parliament, I can explore the options with the clerks and find out what the Presiding Officer's locus is. That would be the quickest course of action.

Cathy Peattie: I support that, but I remind members that Tim Hopkins of the Equality Network also flagged up the importance of representation of lesbian, gay, bisexual and transgender groups.

The Convener: We can discuss that too, but in the letters that have been sent—but not responded to—the issue was purely to do with Gypsy Travellers. However, we can speak about those groups as well in discussions with Jack McConnell.

Mr McMahon: We are not asking for any organisation to be taken out of the event to make way for the Gypsy community. Lyndsay McIntosh will recall from last year that because of the number of people involved, on occasion two or three groups came forward together to light the same candle. The organisers thought about how they could maximise the levels of participation. However, it was glaringly obvious that they had not considered one of the major communities that was affected by the Holocaust during the second world war and has been affected by it since. We were asking about the proper place of that community in the commemoration.

The Convener: Would members be happy for me to fax a letter this afternoon to Jack McConnell's office and to follow that up with discussion? Should I copy the letter to members before I fax it?

Tommy Sheridan: No. We have confidence in the convener's ability to write the letter. However, it could be copied to members and to the Presiding Officer.

The Convener: I will do that.

Chhokar Inquiries (Jandoo Report)

The Convener: Item 4 follows on from the previous meeting of the Equal Opportunities Committee. We will consider the evidence that we heard on 16 December from the law officers and the Chhokar family and its representative about the murder of Surjit Singh Chhokar. On the strength of that evidence, we must decide how the committee wants to proceed and what recommendations, if any, it wants to make to the Scottish Executive.

Tommy Sheridan: I, along with other members, asked the Lord Advocate and the minister about whether the family still sought a public inquiry and whether they thought that that would be useful. I thought that the family was clear in its wish for a public inquiry to be held. The position of the minister and the Lord Advocate in opposing such an inquiry was not convincing. In fact, it reinforced my conviction that a public inquiry would be helpful. The idea that public inquiries are not helpful and cause people not to tell the truth is contradicted by reality. It would be helpful for the committee to say that it supports the family in its call for a public inquiry to be held.

The Lord Advocate's response when asked whether he endorsed the Jandoo report entirely, despite some of the poor comments that are made in it about Aamer Anwar and the advice that he gave, was very regrettable. I do not know what we can do about that, but I think that the Lord Advocate should have been much more measured in his response. He gave far too much weight to the Jandoo report by saying that he endorsed it completely, even when the convener read out the section to which I have referred. Although it was obvious that that section was uncomfortable, the Lord Advocate endorsed the report.

That is a smaller issue. The bigger issue is that the committee should lend its weight to the family's call for a public inquiry to be held. We should ask the Executive to reconsider its position and to endorse a public inquiry.

Mr McMahon: I agree with Tommy Sheridan—up to a very strong point. Before hearing evidence from the family about whether a public inquiry should have been held, I had an open mind on the issue. I am not au fait with the merits and demerits of that type of investigation. Having heard the family's evidence, I believe that this situation would have benefited from a public inquiry having been held.

However, we need to consider what the committee can do constructively, given that we also heard the law officers and the Minister for

Justice indicate that they oppose such an inquiry. We must accept that the Jandoo report has been issued and has covered some aspects of the situation. From the evidence that we received, it appears that it did not cover everything that should have been covered. However, in the wake of the Jandoo report there has been movement from the Executive. The Executive has made changes to the Procurator Fiscal Service and to the way in which the Crown Office operates in situations of this type.

It is not enough to say that there should have been a public inquiry. We must be realistic and accept that the situation has moved on and that that was then and this is now. It is not impossible to endorse the calls for a public inquiry, but we must accept that there has not been a public inquiry and that, at present, a public inquiry is not likely. We still have a job to do in holding the Executive to account in delivering what it said it would do in the wake of the Jandoo report.

Elaine Smith: I agree with much of what Tommy Sheridan and Michael McMahon said. I am pleased that the Chhokar family justice campaign's submission has been put on the record. As Michael mentioned, we took evidence from the law officers and the Chhokar family, but we did not take evidence from Dr Jandoo. I simply want to raise that point—perhaps other members will comment on it further.

Much has been achieved on where we go from here and how the committee and the Parliament can monitor the progress. However, the final paragraph of the Chhokar family justice campaign's submission states:

"These Inquiries were supposed to identify what really happened, yet failed to do so. Without a full public inquiry the truth will never be heard and a second class system of justice will continue for black people and the poor. Surjit Singh Chhokar's death must leave a legacy, a criminal justice system free from racism if his death is not to be in vain."

That shows the family's feeling about a public inquiry—they still want one. I suggest that the committee should ask for a public inquiry. Clearly we cannot demand a public inquiry, but we can officially ask for one. Also, as Michael McMahon suggested, we should continue to monitor the situation.

Cathy Peattie: Much of what I intended to say has been said. I was struck by the evidence at the previous meeting and I am amazed that a public inquiry has not been carried out. I was not convinced by the law officers' reasons why a public inquiry is not a good idea. There are good examples of public inquiries that have made significant and necessary changes.

I am not sure where we go from here. It seems to me that we want to put back the clock and

change how things were done. We are in the frustrating position of having to decide whether to call for a public inquiry—although, as has been said, we will not get one—or whether simply to mark that there should have been a public inquiry and monitor the outcome of the various reports, even though some of the measures that I want to be put in place were not included in those reports. The reports are fairly weak in challenging institutional racism in our legal system.

Tommy Sheridan: Until now, the committee has gained a lot of credibility as a result of its actions. We have sought tenaciously to hear evidence from the family and to accommodate the family and the illnesses from which they suffer. I am awfully worried that we will fall at the final hurdle. I want the committee to say that it would have supported a public inquiry and to recommend that the Executive should reconsider the matter.

The time scale has been raised. Many public inquiries are held a long time after the incident. The bloody Sunday inquiry is not the only example, but that inquiry started 32 years after the event, which shows that people still think that when there is a tragedy, a public inquiry can be useful.

Let us be honest: if the family had said when they gave evidence to us that they were ambivalent or that they felt that a public inquiry would be painful because they wanted to try to move on, we would have had to accept that, regardless of any of our individual positions, but the family did not say that. The family clearly hopes that the committee will recommend to the Executive that it reconsider the position. That is what we should do.

12:00

Mr McMahon: I hope that I did not in any way create the impression that I did not think that there should have been a public inquiry. I said at the outset, having heard what the family said, that there should have been a public inquiry. We heard what the family said, but we also heard the Executive say clearly that it does not think that there should be—and there will not be—a public inquiry. I disagree with the Executive—there should have been a public inquiry—but we are dealing with the reality of the situation.

The committee can say that we believe that there should have been a public inquiry, but we accept that there has not been one, here is where we are now, and this is what we want to happen in the light of the Jandoo report. Implicit in that is the fact that we think that the Jandoo report did not cover everything that was required. To leave our position at a call to support the family's call for a public inquiry is not good enough. We have to say

that there should have been a public inquiry and that we want to see what the Executive is doing to implement change in the wake of what transpired. The points that I wish to make concern where we were and where we are—we have to accept both.

The Convener: I do not see why we cannot reach a solution without having a vote, because there are not miles between people's positions. For the record, if the first meeting that we arranged to take evidence from the law officers had gone ahead—it was prior to the inquiries; we had wanted to take evidence on their remits—we could have recommended a public inquiry before any of the inquiries had started. It is unfortunate that that evidence session did not go ahead, for various reasons.

Everybody here is agreed that the committee probably would have supported a public inquiry at that time. To a certain extent, if the committee agrees to support a public inquiry, it will be because we feel that there should have been one in the first place, and also because we have a lot of sympathy for the family, particularly following the evidence that they gave at our last meeting.

As convener, I have no difficulty with indicating to the Executive that we would have supported a public inquiry, asking the Executive to reconsider having a public inquiry, and asking it to lay down clearly for the committee the criteria for establishing a public inquiry. The committee would want to be involved in the remit of such an inquiry and in determining what it would be hoped to gain from it. We would also want to make it clear that we do not want the good work that is going ahead to stop while we wait for discussion to take place or for a public inquiry to be formed. We would want to make it clear that however much we disagree with some of the comments in the Jandoo report and are unhappy about the remit of the report and the way in which the inquiry was conducted, some good initiatives have come out of it and a lot of work is now being done to address some of the problems that the Chhokar family faced.

I must say that I am not optimistic that we would receive support for a public inquiry, but we can say that if we had been able to go ahead with the evidence session with the law officers, we would have supported the family publicly and state the committee's case. I do not know how members feel about that. Is everybody happy with that?

Mrs McIntosh: I hope that you do not think that I have little right to comment, given that I was not at the last meeting. Please do not think that I did not try to get to it.

You make the valid point that timing is everything. I was not on the committee at the time, but if the opportunity had arisen to take evidence,

things might well have been different. Michael McMahon's point is valid: the crucial thing is not where we were then, but where we are now. The fact that things have moved on considerably from what was happening is valid. I do not want the good work to be cast aside.

The Convener: I could ask for a full description of progress on that work in the letter.

Tommy Sheridan: You suggested that we should agree a statement on everything that we have said. I endorse that 100 per cent. It brings the committee together, allowing us to publicly support the family while recognising that we do not want things to stand still while there is deliberation. It would signal to the family that we are fighting on its behalf. Whether it is rejected or not, the letter is a dead important symbol.

In a separate letter, you could also ask about the progress of the inquiry into the leaking of the Jandoo inquiry report. That was a very damaging political leak. I thought that Jim Wallace's and the Lord Advocate's replies to my questions and the questions of others were woefully inadequate.

The Convener: That can all go into the same letter. The letter will detail the committee's response to the evidence that it took at its last meeting. The leak was discussed as part of that evidence.

Tommy Sheridan: If you remember, we were promised that we would get a copy of the report.

The Convener: Are we agreed about the letter?

Members indicated agreement.

The Convener: The final item on the agenda is the committee's work programme. We will now move into private session.

12:06

Meeting continued in private until 12:15.

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