

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 9 September 2003
(Morning)

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2003.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now
trading as The Stationery Office Ltd, which is responsible for printing and publishing
Scottish Parliamentary Corporate Body publications.

CONTENTS

Tuesday 9 September 2003

Col.

INTERESTS	9
DEPUTY CONVENER	10
WORK PROGRAMME	11
MAINSTREAMING EQUALITY (PARLIAMENTARY COMMITTEES)	17
EUROPEAN YEAR OF DISABLED PEOPLE	18
CIVIL PARTNERSHIP REGISTRATION LEGISLATION.....	20

EQUAL OPPORTUNITIES COMMITTEE

2nd Meeting 2003, Session 2

CONVENER

*Cathy Peattie (Falkirk East) (Lab)

DEPUTY CONVENER

*Mrs Margaret Smith (Edinburgh West) (LD)

COMMITTEE MEMBERS

*Shiona Baird (North East Scotland) (Green)

Frances Curran (West of Scotland) (SSP)

*Marlyn Glen (North East Scotland) (Lab)

*Marilyn Livingstone (Kirkcaldy) (Lab)

*Campbell Martin (West of Scotland) (SNP)

*Mrs Nanette Milne (North East Scotland) (Con)

*Elaine Smith (Coatbridge and Chryston) (Lab)

COMMITTEE SUBSTITUTES

*Patrick Harvie (Glasgow) (Green)

Carolyn Leckie (Central Scotland) (SSP)

Tricia Marwick (Mid Scotland and Fife) (SNP)

Mr Jamie McGrigor (Highlands and Islands) (Con)

*attended

CLERK TO THE COMMITTEE

Jim Johnston

SENIOR ASSISTANT CLERK

Ruth Cooper

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 9 September 2003

(Morning)

[THE CONVENER *opened the meeting at 10:02*]

Interests

The Convener (Cathy Peattie): Good morning and welcome to the first meeting in the new term of the Equal Opportunities Committee.

New committee members must declare interests, so I ask Margaret Smith to declare any relevant interests.

Mrs Margaret Smith (Edinburgh West) (LD): I have no interests to declare, as far as I am aware.

The Convener: Thank you. I should have said that Frances Curran will be late.

Deputy Convener

10:03

The Convener: The next item is the choice of a deputy convener. It was agreed that the new deputy convener should be a member of the Liberal Democrat party. I invite nominations.

Elaine Smith (Coatbridge and Chryston) (Lab): I nominate Margaret Smith.

Marilyn Livingstone (Kirkcaldy) (Lab): I second that.

The Convener: Thank you. I ask members to agree the appointment.

Mrs Margaret Smith was chosen as deputy convener.

The Convener: I congratulate Margaret Smith on being chosen as the deputy convener of the Equal Opportunities Committee.

Mrs Smith: Thank you.

Work Programme

10:04

The Convener: I invite members' comments on the draft work programme that was circulated to them.

Elaine Smith: I commend the draft programme. However, will you use the headings to work through the briefing paper? I have a few comments to make.

The Convener: I will work through the headings, if that is okay.

The first heading is "Mainstreaming". Members will be able to discuss mainstreaming under agenda item 4. However, is what the work programme suggests acceptable?

Members indicated agreement.

The Convener: The next heading is "Single Equality Body". Do members want to carry out an inquiry into the proposals for a single equality body?

Elaine Smith: I support our doing that. Further, given the previous Equal Opportunities Committee's intention to invite a Westminster minister to address the committee, would it be useful for us to do that if we carry out an inquiry?

The Convener: I am sure that it would be fine to do that. Committees have previously issued such invitations.

Elaine Smith: Obviously, it would be up to the invited minister whether to attend. However, it would be a useful exercise to issue an invitation.

Campbell Martin (West of Scotland) (SNP): I support that suggestion. Given that it is the United Kingdom Government's initiative to establish a single equality body, it is important that a UK minister come if asked. Obviously, it would be up to that minister to decide whether to come, but it would be beneficial to us if they did.

The Convener: To invite a minister would be a positive approach because we know that discussion on the issue is under way at UK level and that there are implications for Scottish equality bodies. Therefore, we must consider the matter.

Mrs Smith: I want to put on record points that have been made to us about a potential gap in relation to discrimination. Currently, three statutory bodies deal with particular areas of discrimination, but the extension of strands of discrimination into sexual orientation, religion and faith and age means that there is likely to be a gap between those strands and existing ones in terms of the level at which they are dealt with. It has been suggested that the voluntary sector could take on the role of filling such a gap by, for example,

informing employers of their obligations. We should consider that matter to ensure that the voluntary sector, which already has capacity problems, is properly resourced for taking on what would be an important role.

The Convener: Okay. Is it agreed that we carry out an inquiry into the proposals for a single equality body and that we invite a Westminster minister to give evidence to the committee as part of that?

Members indicated agreement.

The Convener: The next heading in the work programme is "Budget Process". Do members want to invite written and oral evidence, including from the Engender women's budget group, before taking evidence from the minister?

Elaine Smith: I strongly support the committee's taking such evidence, in particular from the Engender women's budget group.

Mrs Nanette Milne (North East Scotland) (Con): Was it the practice in the previous session of Parliament to have such evidence taken before the budget process?

The Convener: Yes. It is to enable us to gather information and other people's views on how the budget is presented and on strands within the budget.

Mrs Smith: The Equal Opportunities Committee or any committee can suggest other options for the Executive's budget. If something comes up from evidence that we receive, we can input that to the budget discussion. The budget process is meant to be a two-way process as opposed to the Executive's merely presenting the budget and saying that we can take it or leave it.

The Convener: Margaret Smith is right. Evidence taking gives us the chance at this stage to comment on what we think should be included in the budget, rather than wait until the budget is finalised, when it is obviously too late for any input.

The next heading is "Civil Partnership Registration". We agreed that that issue should be part of the work programme. Members will be able to discuss the issue under agenda item 6.

Elaine Smith: Can I clarify a point on that issue? We will obviously discuss the matter later, but I raise now the possibility of the committee's taking evidence on the proposed civil registered partnerships (Scotland) bill, irrespective of how the bill is dealt with. It would be important to include such evidence taking at this stage of the work programme.

The Convener: Okay. I think that that makes sense. Do members agree with Elaine Smith's proposal?

Members indicated agreement.

The Convener: The next heading is "Gender Recognition Bill". Do members want to take evidence to establish the Westminster bill's implications for Scotland and should we ask the clerks to present an approach paper?

Members indicated agreement.

The Convener: The next heading is "Article 13 requirements". Do members want to carry out a stocktaking exercise on age?

Elaine Smith: I am sorry, convener, but you have missed the heading on the European year of disabled people.

The Convener: Sorry, I am following my list, which should have that heading but does not.

The European year of disabled people will be discussed under agenda item 5, but we need to discuss it under the work programme agenda first.

Marilyn Livingstone: The European year of disabled people is an important issue. It is also important that we take evidence to find out whether the EYDP has made a difference. We must listen to groups and discover what their experience of the EYDP has been. I am pleased that the issue is included in our work programme.

The Convener: We will discuss the EYDP under agenda item 5, but we need to agree it as part of our work programme.

Members indicated agreement.

The Convener: I return to the issue of requirements under article 13 of the Treaty of Rome. Do members want to carry out a stocktaking exercise on age?

Members indicated agreement.

Mrs Milne: That issue is also important because the relevant European directive will soon be introduced and we ought to get ready for it by taking whatever evidence we need ahead of time.

The Convener: The next work programme heading is "Attitudes towards discrimination in Scotland: Findings from the Scottish Social Attitudes Survey". Do members agree to invite Professor John Curtice to present his research findings to the committee?

Members indicated agreement.

The Convener: The next heading is "Scottish Executive Equality Strategy Annual Report". It might be appropriate for the committee to discuss the report following its publication.

Elaine Smith: I agree strongly with that suggestion. I think that it is vital that the committee scrutinise what the Minister for Communities is introducing and that we be given an opportunity to question her.

The Convener: Absolutely—it is a positive step forward for such a report to be produced.

The next heading is "Scottish Parliament Equality Framework". Do members agree to invite the Scottish Parliamentary Corporate Body and appropriate officials to give evidence to the committee on the implementation of the Parliament's equality framework?

Members indicated agreement.

The Convener: The next heading is "Additional Support for Learning (Scotland) Bill". Do members want to examine the bill, following its introduction, to scrutinise its equal opportunities aspects?

Marilyn Livingstone: It is crucial that we do so because the bill is a major piece of legislation that will, I hope, bring major improvements.

Mrs Smith: The bill will have a big impact on families with children who have learning disabilities and who need greater support. We have heard that some parents are concerned about aspects of the bill. The bill is probably a bit of a mixed bag and it is a good idea for us to consider it. Some people will probably do well out of the bill's provisions for extensions and rights of appeal and so on, but others seem likely to lose out.

The Convener: Is that agreed?

Members indicated agreement.

The Convener: The next heading is the "Scottish Commissioner for Public Appointments". Do members want to invite the new commissioner to give us a briefing following their appointment?

Elaine Smith: I want to clarify a point on this item. The committee received from the Scottish Trades Union Congress a letter on representation issues around black and minority ethnic groups in public life. Would a briefing from the new commissioner help to address some of the issues in that letter?

Marlyn Glen (North East Scotland) (Lab): I would be delighted for us to go along that route because I think that such a briefing would address not only the issues to which Elaine referred, but others. There is a helpful example from the National Assembly for Wales, where clerks circulated a draft of their public appointments scheme.

10:15

The Convener: The next heading is "Gypsy Travellers". Members will be aware that, in the previous session of Parliament, the Equal Opportunities Committee carried out an inquiry into the situation of Gypsy Travellers. I suggest that, in this session, we should take stock of the current situation.

Members indicated agreement.

Marilyn Livingstone: May I say something before we move on to discuss reporters? At our away day, we talked about whether our work programme should include looking into British Sign Language. I think that that would be important.

The Convener: I agree. Do members agree?

Members indicated agreement.

Elaine Smith: Going back for a moment, convener, can I clarify that you will write to the Scottish Trades Union Congress in response to its letter, to tell it what we intend to do?

The Convener: Yes. That is right.

The next heading is "Reporters". It is strange to talk about traditions when this is only the second session of the Parliament, but it has been the tradition for this committee to have reporters on the different strands of equality. At our away day, we discussed whether that was the best way to proceed. I recommend that we appoint reporters on age, disability, gender, religion and belief, race and sexual orientation.

Elaine Smith: Before we appoint reporters, we should put on record that having reporters is important so that particular groups have a point of focus on the committee, and so that the reporters can inform the committee. However, there was a tendency in the previous session for reporters to feel that they had to make a report to this committee or to as many committees as possible. Can it be clarified that that need not be the case in this session? Reporters should report on particular issues only when they feel that it is important to do so. They should not feel obliged to have a report on every single agenda.

Shiona Baird (North East Scotland) (Green): In the interests of equal opportunities, I wondered whether Campbell Martin—as he was not at the away day and we decided on the allocation in a rather ad hoc way—would like an opportunity to say what he would like to do.

The Convener: I was just about to offer him that opportunity.

Campbell Martin: I could not make it to the away day, which was my problem, but I am quite happy to go along with what has been agreed.

Mrs Milne: Elaine Smith is right about when reporters should report. Given the pressure that the clerks are likely to be under, it is important that we do not gum up the works with reports that are not needed.

The Convener: We could have a system for our agendas. Reporters could perhaps say if they want a space to discuss a particular issue on the agenda of a forthcoming meeting. That could be

done in committee so that interested organisations would know when an issue was going to be on our agenda. That would make more sense than simply having ad hoc reporting. Do members agree?

Members indicated agreement.

The Convener: Members have received a note on the allocation of reporters. That allocation is: age, Nanette Milne; disability, Marilyn Livingstone; gender, Elaine Smith; race, Marilyn Glen; religion and faith, Shiona Baird; and sexual orientation, Margaret Smith. Do members agree with that allocation?

Members indicated agreement.

The Convener: Do members agree that we should publish our work programme on the committee's web page?

Members indicated agreement.

Mainstreaming Equality (Parliamentary Committees)

10:20

The Convener: The next item on our agenda is mainstreaming equality in the work of the parliamentary committees. A paper has been circulated to members; do members agree with the mainstreaming implementation notes?

Members *indicated agreement.*

The Convener: Do members agree that we should circulate those implementation notes to all committee conveners?

Members *indicated agreement.*

The Convener: Finally, do members agree that we should recommend to the Conveners Group that the Equal Opportunities Committee's report from the previous session be the subject of a committee debate in Parliament?

Members *indicated agreement.*

European Year of Disabled People

10:21

The Convener: A draft approach paper on the European year of disabled people has been circulated.

Marilyn Livingstone: It is important that we continue this work. As we know, a lot of legislation will impact on the issue this year and next year. It would be interesting to hear what improvements people have noticed as a result of the European year. I said at the away day that I am interested in access to further and higher education. I would like to know what improvements there have been, how the various aspects of the Disability Discrimination Act 1995 have impacted on people's lives, and what barriers to education—if any—still exist.

The Convener: So you want to know whether the European year of disabled people has made any difference at all.

Marilyn Livingstone: Yes. Obviously, although I am interested in all the issues that are raised in the paper, I am interested in education in particular. It would be useful to take stock of what is happening throughout the country.

Elaine Smith: It is important that we have the event that is proposed in the approach paper. I wonder whether it is possible to make child-care arrangements. I do not see the provision of such arrangements mentioned in the paper and I wonder whether other members agree that that would be important in making the event accessible.

I would not want to prejudge what will come out of the event, but it is important to remember that we have had representations on the effects of poverty on children with disabilities, which is dealt with in paragraph 3 of the paper. We should also consider the effect on children who are living with disability, rather than only the effect on disabled children themselves. As I say, we have had such representations, and I would like them to be considered as part of the committee's inquiry on disability. However, I accept that we should wait and see what comes out of the event before we make any final decisions.

Mrs Milne: Were the carers of people with disabilities involved in preliminary evidence taking before the European year of disabled people got going?

The Convener: It was generally people with disabilities themselves, and organisations that represent them.

Mrs Milne: A number of people with disabilities have long-term carers. Those carers could have a significant input to our inquiry.

The Convener: It is clearly important that we have an opportunity to listen to people's experiences before we make any decisions. The clerks will produce another paper that will finalise arrangements for the participation seminar. I hope that, following that seminar, we can consider how to proceed with our inquiry, bearing in mind the strands that people have mentioned.

It is important, when a year is designated as the year of the disabled, or the year of anything else, that things do not stop at the end of that year. The year must mean things to people and expectations that are raised should go beyond the year. It is our job to consider the issues and to help to highlight them.

Shiona Baird: That is a very important point. The Equal Opportunities Committee must follow up on issues. All the issues are on-going and we need to keep track of them. More than just saying something, we need to ensure that we are doing something and that the work is carried forward.

The Convener: The clerks will produce a paper. I assume that the seminar may be held outwith Edinburgh. Who knows?

Civil Partnership Registration Legislation

10:24

The Convener: We move to civil partnership registration legislation. A paper has been circulated to members, who will also have noted the response from the Minister for Justice to Patrick Harvie MSP's question on civil partnerships at question time last Thursday. Members will also be aware that Michael Matheson has submitted a written question—S2W-2419—which appeared in yesterday's business bulletin. The question is:

"To ask the Scottish Executive when it will start consultation on civil partnership registration."

The Convener: Do members agree that the convener should invite the Minister for Justice to clarify whether the Executive intends to consult on the proposals for a civil partnership bill and, if it does, what the likely time scale would be?

Elaine Smith: I agree with that, but we will also have to consider some other issues, depending on the Executive's response. However the Executive intends to proceed—whether by way of particular Scottish legislation or a Sewel motion—it is hugely important that this committee take evidence on the matter. I am not a great fan of Sewel motions, but a Sewel motion may be the best way to proceed. However, some issues will arise—to do with age considerations, for example—that are particularly Scottish.

The bill that is being proposed at Westminster is different from Patrick Harvie's proposal, which also refers to cohabiting different-sex couples. It would be slightly incongruous if we were to have a change of the law in Scotland that did not cover that. Whatever the Executive does, this committee should take evidence.

Mrs Smith: I support what Elaine Smith has said—either way, this committee should take evidence. The Minister for Justice has said that she wants to proceed in due course with appropriate consultations in Scotland. We are a little behind what is happening down south, but if we have a Sewel motion, it will be important to have proper Scottish parliamentary scrutiny of the Scottish dimensions of the bill. Some of the key issues are reserved—issues such as pensions and benefits—but an awful lot of things such as rights of succession and family law are devolved to the Scottish Parliament. The Scottish Parliament can bring to bear the expertise and the views of the people of Scotland on civil and family law.

I think that I am right in saying that this would be the most substantive Sewel motion that the

Parliament has dealt with. We therefore need to ensure that there is proper parliamentary scrutiny so that people can raise issues. We will also need assurances from the minister that the Scottish aspects of this bill will be drafted by Scottish Executive civil servants. If we allow things to be done at Westminster, we will have a problem if substantive amendments are made to the bill that we had consulted on.

Elaine Smith is right to point out that Patrick Harvie's proposals are different from the Westminster bill on the issue of mixed-sex cohabitants. The law contains a number of grey areas for such individuals. We have to ask what we are trying to do. We are trying to get the state to recognise the stable situations that people live in—whether as individuals in a couple or, increasingly, as family units. A number of children live in mixed-sex cohabiting family units. We have to ensure that rights that may improve the stability of their lives are not lost because the Westminster Government does not consider such issues. If information comes up during our consultations, we should at least consider the possibility of its informing what we do with the draft Family Law (Scotland) Bill next year. It will be tactically complex to ensure that we scrutinise those issues properly and, if we want to make changes that will affect mixed-sex cohabitants, that we do not tie ourselves to what Westminster wants to do. We must allow ourselves the opportunity to see whether improvements can be made in Scotland. That could be done through the draft Family Law (Scotland) Bill.

The Convener: I welcome Patrick Harvie to the meeting. Please feel free to participate, Patrick.

Shiona Baird: I am concerned about the time scale. The UK consultation period finishes at the end of this month but I am not sure how that relates to our position. Do we have to stick to that time scale? I am worried that the issue will get pushed through in Westminster and become a fait accompli without our having had an opportunity to make any decisions on it.

The Convener: I understand that the UK time scale does not affect us, so that should not be an issue.

Campbell Martin: I agree that you should write to the Executive for clarification, because the two pieces of proposed legislation are completely different from one another. I do not think that a Sewel motion could deal adequately with the Scottish dimension of the issue and the intricacies that are involved. I think that Patrick Harvie's proposal is better than that which is being suggested in Westminster and that, whatever happens, we need to take evidence on the right way to deal with what Patrick suggests. We also need to ascertain what the Executive intends to do.

Patrick Harvie (Glasgow) (Green): I did not come to the meeting with the intention to participate. I am here because I take an interest in the committee's discussions. I apologise for having missed the start of your discussion of this issue—you are obviously getting through your agenda quickly today.

I would like to place on record the fact that I appreciate that the committee is taking an interest in the subject.

The Convener: Thank you.

Are we agreed that, regardless of the decision of the Executive about how to proceed—whether it be by Sewel motion or whatever—we will take evidence on the issue, and that I should write to the Executive asking for clarification of whether the Executive intends to consult on the proposed civil registered partnerships bill and, if so, what the likely time scale for that would be?

Members indicated agreement.

Mrs Smith: We should also ask the Executive what action it intends to take and whether it intends to use a Sewel motion to progress the matter.

The Convener: Yes.

I remind members that we have booked this room for next Tuesday for a briefing from the Commission for Racial Equality Scotland. I hope that members can attend that meeting.

I also remind members that disability awareness training has been planned for September or October. Dates for that have been circulated.

Meeting closed at 10:32.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Tuesday 16 September 2003

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

PRICES AND SUBSCRIPTION RATES

DAILY EDITIONS

Single copies: £5

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

Single copies: £3.75

Special issue price: £5

Annual subscriptions: £150.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

The Stationery Office Bookshop
71 Lothian Road
Edinburgh EH3 9AZ
0131 228 4181 Fax 0131 622 7017

The Stationery Office Bookshops at:
123 Kingsway, London WC2B 6PQ
Tel 020 7242 6393 Fax 020 7242 6394
68-69 Bull Street, Birmingham B4 6AD
Tel 0121 236 9696 Fax 0121 236 9699
33 Wine Street, Bristol BS1 2BQ
Tel 01179 264306 Fax 01179 294515
9-21 Princess Street, Manchester M60 8AS
Tel 0161 834 7201 Fax 0161 833 0634
16 Arthur Street, Belfast BT1 4GD
Tel 028 9023 8451 Fax 028 9023 5401
The Stationery Office Oriel Bookshop,
18-19 High Street, Cardiff CF1 2BZ
Tel 029 2039 5548 Fax 029 2038 4347

The Stationery Office Scottish Parliament Documentation
Helpline may be able to assist with additional information
on publications of or about the Scottish Parliament,
their availability and cost:

Telephone orders and inquiries
0870 606 5566

Fax orders
0870 606 5588

The Scottish Parliament Shop
George IV Bridge
EH99 1SP
Telephone orders 0131 348 5412

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0131 348 3415

sp.info@scottish.parliament.uk

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers