



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 9 November 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 9 November 2017

CONTENTS

Col.

DRAFT BUDGET SCRUTINY 2018-19	1
--	----------

EQUALITIES AND HUMAN RIGHTS COMMITTEE
26th Meeting 2017, Session 5

CONVENER

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

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Mary Fee (West Scotland) (Lab)

*Jamie Greene (West Scotland) (Con)

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

*David Torrance (Kirkcaldy) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Shairi Bowes (Scottish Women's Convention)

Danny Boyle (BEMIS)

Rebecca Marek (Coalition for Racial Equality and Rights)

Emma Ritch (Engender)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 9 November 2017

[The Deputy Convener opened the meeting at 09:15]

Draft Budget Scrutiny 2018-19

The Deputy Convener (Alex Cole-Hamilton): Good morning, everyone, and welcome to the 26th meeting in 2017 of the Equalities and Human Rights Committee. I remind everybody to turn phones to silent mode. We have received apologies from our convener, Christina McKelvie.

Agenda item 1 is continuation of our scrutiny of the Scottish Government's draft budget 2018-19. I welcome our panel: Danny Boyle, parliamentary officer from BEMIS; Shairi Bowes, research adviser from the Scottish Women's Convention; Emma Ritch, chief executive of Engender; and Rebecca Marek, policy and parliamentary officer for the Coalition for Racial Equality and Rights. You are all very welcome. Please do not press the microphone buttons when it is your turn to speak; your microphones will be switched on for you.

I thank you all for your extensive submissions. You clearly have some very strong views on the budget, and that is welcome. Starting with Rebecca and working down the panel, I would like you to give us your thoughts on our draft budget scrutiny and say what you would most like us to take away from your written submissions.

Rebecca Marek (Coalition for Racial Equality and Rights): Good morning. Thank you very much for inviting CRER along. From a race equality perspective, we certainly welcome the publication of the equality budget statement and all the work that goes into it, but we think a lot more detail needs to be given on mainstreaming of race equality initiatives. At the moment, mainstreaming is somewhat restricted to the community, social security and equality section, especially the equality budget, but following the publication in 2016 of the race equality framework for Scotland, we want to see more of a push towards mainstreaming race equality across various portfolios. We also want discussion in those portfolios about where discrepancies lie for minority ethnic communities and how action and funding can be taken to address those discrepancies.

One of the issues with that is that there is a bit of a dearth of robust evidence around equalities,

especially race equality, as detailed in the Government's equality evidence strategy. We would like to see initiatives for gathering more evidence to detail further where the discrepancies lie, and commitment to evaluating projects and initiatives that try to eliminate some of those discrepancies and discrimination, to make sure that we are putting funding in the right place and that the approach that we are taking is as effective as possible.

Shairi Bowes (Scottish Women's Convention): For the past year, we have been consulting women on a number of things that are causing them concern. One of the main things is mental health. We welcomed the investment in last year's budget of £150 million over five years in the mental health portfolio, but we would like to see more explicitly gendered investment relating to mental health concerns, especially with regard to younger women.

We have the new Social Security (Scotland) Bill, although only 15 per cent of social security is being devolved. We would like to see further study of equality and social security, especially social security that is still reserved to Westminster, such as universal credit. We know that the Scottish Government is making strides and it has had a number of initiatives on things such as splitting payments and paying payments directly to landlords. However, there are arguments that universal credit is getting women out of jobcentres and into work, when it is actually leaving them without top-up benefits and creating a lot of in-work poverty.

A lot still needs to be done on education, especially with regard to sex education for young women that includes consent.

That is what we think needs to be looked at in the portfolios.

Emma Ritch (Engender): Thank you very much for inviting Engender to give evidence. In our written submission, we concentrated on a couple of examples that we think underline our very broad point, which we have been making to this committee for some years: gender budget analysis needs to be integrated into the Scottish budget process. In its final report, the budget review group made some useful suggestions about the way in which equality evidence might be incorporated into the budget process and considered and contemplated by all the committees that undertake scrutiny.

We, along with CRER and other equality organisations, very much welcome the equality budget statement and the work that goes into it. However, we have identified in our written evidence over a number of years that the statement is really a post-hoc list of areas of

equality spend, rather than a systematic consideration of the equality impact of portfolio spending. It does not drive decision making and budget setting so much as describe what has happened at the end of the process. That is useful for creating visibility around equality spend, but, as we set out in our submission, that spend tends to be concentrated in a couple of portfolios. We do not see systematic consideration of specific equality ambitions across the portfolios.

We give two examples in our written submission. The first is women's enterprise, the funding for which is still largely concentrated in the central equality budget, which is a £20.3 million fund for strategic intermediaries and other demand-led projects. The second is violence against women, funding for which is also concentrated in that central equality budget. It is also the subject of ad-hoc pieces of funding, such as the extremely welcome £20 million in the justice portfolio that has been dispersed over the past couple of years.

Our concern is that the systematic ambitions of the Scottish Government, as set out in "Equally Safe", the violence against women strategy, are not reflected in spending commitments and do not resonate across the various portfolios. Our point is that gender budget analysis across the whole budget would connect the allocation of resources to strategy priorities. That would very much play into the outcomes-based scrutiny intentions that surfaced during the budget review process.

Danny Boyle (BEMIS): Good morning, committee. Thank you very much for inviting us to give evidence. On behalf of BEMIS, I apologise that we did not submit any written evidence. That is not a reflection of the importance that we place on this conversation, but probably is connected to the significant workload that we have at the moment.

Having read the submissions that the committee received from my colleagues here, I would reiterate some of what Rebecca Marek has already outlined from a race equality perspective. In the past couple of years we have gone through the process of developing a race equality framework for Scotland. We are moving into the next stage of that, in which we will have the independent adviser's review of the framework and the Scottish Government's action plan to take it forward.

On the equality budget statement, as much as we welcome the maintenance of the equality, third sector and human rights aspects of the budget, that in itself is not an appropriate level of funding to tackle the systematic issues that we are aware of, which exist across multiple policy areas. We have reiterated that primarily to colleagues in the equality unit, who are our touchstone within

Government, and I think that our view is shared by others, going by what has been said this morning. We have made that point until we are blue in the face, but BEMIS, CRER, the Council of Ethnic Minority Voluntary Sector Organisations Scotland, other colleagues in the race equality sector and the Scottish Government's equality unit do not have the power dynamics necessary to change some of the long-term systematic issues. Funding for our organisations is naturally incredibly welcome, but we are the tip of the iceberg in relation to what is required to address some of the issues.

Rebecca Marek spoke about mainstreaming and ensuring that Government departments take substantive measures to address the real issues that are going on. I will touch on some of the aspects that are outlined in the equality budget statement. It talks about inclusive growth, city deals and housing. We see those things as being interconnected. When we were first invited to talk to the Equalities and Human Rights Committee, which was just after it was set up, we talked about procurement and other such issues being race equality issues. That is coming more to the fore now. We talk about the 50,000 new houses that are being built and the tendering process, and about those things being linked to city deals and inclusive growth. If we get those aspects right, we will begin to tackle some of the inequalities that exist in employment, low pay, overcrowding in housing and so on, which are easily identifiable within multiple ethnic and cultural minority communities.

We know what has to be done and we know the power players who have to come in in order to make those amendments. We hope that the budget scrutiny is not just a philosophical conversation about what we want to do next. We would like to see people who are in charge of inclusive growth, city deals or housing give an analysis or overview of how their budget will be spent to respond to some of the long-term issues.

The Deputy Convener: Thank you. Before I open up the discussion to committee members, I have a couple of questions. It seems that you are telling us that there are two layers of the budget process regarding the groups or communities that you represent. First, there is the direct correlation between budget lines and, for example, gender. You can go do a gender analysis of the budget to see which particular budget lines are delineated or siloed for issues affecting women. Then there is the slightly lower tier, which is more general. We can ask whether, if ethnic minority communities have been adversely and disproportionately impacted by a lack of spending in an area, we can help those communities by investing in that area. There are direct budget lines and there is more diffuse investment that could help to deal with an

issue that traditionally has affected a particular community more than others.

We can only do so much as the Scottish Parliament passing a budget, because with the presumption against ring fencing, a lot of public spend happens at local authority level. How much do local authority budgets mirror your aspirations? Perhaps we should go in reverse order this time and start with Danny.

Danny Boyle: The general point is the same, whether we are talking about national Government budgets or local authority budgets. There is not the mainstreaming that is required or cognisance of the need to have a much more strategic approach to addressing the issues. The city deals, which are partnerships between local authorities and national Government, are quite a clear example of a lack of those things.

I do not want to be seen to be overly critical of the good work that is being done. When we approach local authorities to try to amend some of their practices, sometimes we see a propensity to approach race equality with trepidation and a lot of fear. We are trying to help them understand that it should be a positive process in terms of inclusive growth, as has been recognised. If we get it right, it has a beneficial domino effect across a number of areas.

I reiterate my key point, which is that there is not enough focus on getting the best out of the investments that we are making. The equality budget statement talks about procurement, which is relevant to the city deals, and it talks about embedding within the procurement process issues around equal pay and so on. When we first came to this committee about a year ago, we said that strategic conversations have to happen in relation to procurement, house building and local authorities. For example, as part of a tendering process, how many modern apprenticeships will be offered by companies X, Y and Z? What will the strategy be to ensure that those opportunities are open to as many people as possible and that how will the positive action measures in the Equality Act 2010 be used? At the moment, we do not see strategic momentum in that regard.

The Deputy Convener: If I can add another question to that basket, are there examples of good practice in Scotland's 32 local authorities to which you could point?

Emma Ritch: On the question of whether any local authority is doing gender mainstreaming as part of its budget process, the short answer is no. Engender and the Scottish Women's Budget Group have focused on the national budget process, in part because the international evidence for how gender mainstreaming might be done and what impact it may have is strongest.

Our theory of change is that if such change can be realised and evident in the national budget, that would set an example of practice for local authorities working in their own budget processes.

09:30

I am not aware of any examples of good practice across the 32 local authorities. Danny Boyle makes a good subsidiary point about programmes of spend and how they are equality impact assessed. The committee will of course be aware that the public sector equality duty requires all public bodies, including the Scottish Government and all the 32 local authorities, to look at the impact of significant pieces of policy, which includes programmes of spend and delivery. We are concerned about the failure to get a grip on procurement, which is subject to its own specific duty in Scotland. Public authorities must procure with an eye on the equality outcomes of that procurement. We are seeing a clash between the European procurement directive and that ambition. The procurement directive seems to be emerging as the victor, despite cases across the current European Union member states of instances in which that is not happening. We can see areas to progress across the national budget, across local authority budget processes and across procurement on the part of all public bodies.

Shairi Bowes: I echo what Emma Ritch and Danny Boyle have said. Like Engender, we focus on the national budget, but we are also seeing a bit of a lack of gender mainstreaming in local authorities. As Danny said, there seems to be a sort of fear of it, when it should be seen as a positive thing.

The only example of best practice that I can give is in relation to Miles Briggs's proposed bill on free personal care. Do not quote me, but I am pretty sure that Fife Council is the only council in Scotland that provides some sort of free care for under-65s, which affects women a lot more than men. That is probably the only example of good practice that I can think of off the top of my head.

Rebecca Marek: I would also like to support what my colleagues have said. The issues that we outlined on the national budget are maybe even more severe when we look at local budgets, especially in terms of equality evidence, particularly on race. We are very supportive of evidence-based policy and making budget decisions based on what the evidence tells you, but with such a lack of specific evidence on race equality at local level, it is hard to say where spending should be focused. The first step should be to look a bit further into that and evaluate programmes that are in place at the local level.

The point about equality impact assessments has been well made and we would agree that if they were done better and in more detail at the local and national levels, we would be a lot closer to meeting our aspiration to make Scotland an equal country.

We were very supportive of the amendments that were made yesterday to the Child Poverty (Scotland) Bill, which required consideration of the possible impacts at a local level on people with protected characteristics. We find sometimes that even if there is a national directive to consider equality, it does not always demonstrate itself at a local authority level.

There are same problems at the local level, but they are perhaps a bit amplified.

Mary Fee (West Scotland) (Lab): Good morning, panel. My question is on funding to tackle race inequality, so it is aimed specifically at Rebecca Marek, but I am also interested in what Danny Boyle has to say. Rebecca Marek's written evidence states:

"fully understanding the inequalities faced by BME communities, particularly in relation to employment and poverty, should be a high priority for the Scottish Government."

My main question is on how we ensure that funding is specifically aimed at reducing inequality but, unless we do an assessment to fully understand where that inequality is, no matter where the money is put, it will never tackle the inequality. How do we accurately assess the inequalities? Across budget portfolios, there is consideration of inequality in housing, employment, training and various opportunities, but is enough in-depth work being done to look underneath the figures and consider race?

Rebecca Marek: Earlier this year, the Scottish Government published its equality evidence strategy, which was one of the things that was called for in the race equality framework. It outlines a lot of missing pieces of evidence on race equality. In relation to employment, those include workforce data from public sector organisations; data on the ethnicity pay gap; procurement data in relation to employment; social security take-up by ethnic groups; the effect of positive action schemes aimed at addressing disadvantage; and intersectional analysis. So the gaps have been identified, but the equality evidence strategy did not put in place the means to address those gaps, although it laid out general principles for how gathering the evidence would be prioritised. There is perhaps a hesitation to invest in new surveys or initiatives to gather evidence, because that is quite costly—more so than just publishing evidence that is collected but has not been disaggregated or published in that way before.

With employment and poverty, because we know that there is a particular impact on minority ethnic groups, we need better evidence so that we can strengthen our arguments further. There definitely needs to be investment in gathering that evidence and then, once the evidence is gathered, in putting in place actions to address the gaps that have been identified. Just as important as gathering the evidence is allocating funding to projects and initiatives to allow them to evaluate how well they are tackling discrimination, advancing equality and furthering good relations. There is very little detail about those three issues in particular in the equality budget statement. Putting money towards equality is good and is always welcome, but we want to make sure that it goes where the disadvantage is the sharpest and that we make the greatest possible impact.

Mary Fee: That is helpful. Mr Boyle, do you want to comment?

Danny Boyle: Yes. There are variations across sectors in relation to employment, and some solutions might be easier than others. I will maybe ponder on two. The problem generally with the statistics—the census and the equality evidence finder, a lot of which is based on data that has been pulled out of the census—is that they often tell us the story or the outcome of an inequality that occurred maybe five or 10 years ago. For example, with employment of ethnic minorities in the public sector, where there is clearly a large underrepresentation, we are already at the end of the process. The concern is that we could spend the next five years trying to retrospectively amend a problem that has already changed.

This committee specifically offers the opportunity to do things differently. That goes back to our initial and general point that we need to ensure that there is a strategic approach across portfolios in national and local government and other statutory bodies to ensure that, when we spend money, we get the best bang for our bucks. That would mean that, when we build a bridge, we consider who will build it and what communities they will come from and whether the workforce will be representative. It would mean that all of the opportunities that come as part of the tendering process to build capital infrastructure project X would be analysed from the get-go to the end point to ensure that we raise employment, raise opportunity and raise the local and national economy.

There is no simple answer. Eight per cent of the national population are from ethnic and cultural minority communities, but there is no point in saying that, in every budget across the portfolios, 8 per cent of funding or capital infrastructure finance has to be directed to ensure that there is equal representation. It will not work like that

because, as I said, there are variations across sectors. Therefore, there has to be a strategic approach.

Some data is available. For example, the UK Government's race disparity audit showed that the representation of ethnic minorities in the Scottish Government civil service is 1.2 or 1.4 per cent, which is incredibly low. What could we do to amend the situation in that very specific sector? It is not a case of throwing money at it; it is a case of raising awareness of the opportunities when they come up and considering how people apply for those opportunities and go through the application process.

When it comes to changing something as endemic as underrepresentation in the public sector, given that the public sector recruitment freeze is about to be maintained, I cannot see where we are going to make wholesale changes in that regard. However, to go back to the Scottish Government, it is a systematic issue. The Government is spending money on modern apprenticeships, capital investment and on race equality, but we do not have any strategic focus on how that money for race equality and potentially other protected characteristics is making a positive impact on employment or on the local and national economy and inclusive growth. We need a more strategic overview.

Mary Fee: How do we fix that?

Rebecca Marek: One thing that I would point to would be the report of the Equal Opportunities Committee in the previous session of Parliament on "Removing Barriers: race, ethnicity and employment", which outlined several actions that the Scottish Government, local authorities and public bodies could take. That is not really a deficit-based model, but it is about looking at where discrimination and disadvantage are present and responding to those needs in particular. A lot of research has been done on that and there is lot of evidence, and very welcome specific recommendations have been put forward. We now need acceptance of those recommendations and investment to see them through. That is one area where the committee could look to see what could be done.

Mary Fee: A constant frustration of mine—I know that it is a frustration of other members—is that we produce guidance and do evaluations and reviews, and then we produce more guidance and do more reviews. It always seems to me that those just become another book that sits on a shelf somewhere and gathers dust or another policy that is reviewed after two years. Rather than do a full in-depth assessment of what went wrong with a policy, we bring out another one. Do you share that view and, if so, how can we change that?

Danny Boyle: From a race equality perspective, over the next couple of weeks, we will see the publication of the independent adviser's review of the race equality framework and how she envisages taking things forward. We will see the Scottish Government's race equality action plan about amending and putting the identified measures into practice. I am returning to the same point over and over again, but the approach needs to be embedded strategically and we need an awareness that can be measured across relevant power dynamics and portfolios.

Mary Fee: Is the evaluation the critical factor?

Danny Boyle: We need a continued evaluation of that. The race equality framework runs from 2016 to 2030. We cannot come back in 2030 and have the same conversation again. There have to be targets and measures throughout, but those targets and measures should not be set and then simply put on the door of the equality unit, BEMIS, CRER, CEMVO or the equality officers in Glasgow City Council and other local authorities across Scotland. There is still a propensity when it comes to strategic—or not strategic—management to retrospectively ask a question about why something is not working and then consult someone and find out what we are going to do about it. That is a tick-box exercise.

We are not embedding even the first aspects of a strategic conversation about how we will use our budget to amend key and substantial inequalities in Scottish society. That is where the fear aspect comes in. Potentially, when we place that collaborative challenge at the door of the director of any department, they will instantly see it as an additional responsibility or a concern that they have to take forward, whereas we are saying that it should be an empowering experience for us all collectively, as a society. I do not mean that to sound like philosophical gobbledegook, but it is the only coherent way forward that we can see.

Mary Fee: That is helpful.

Rebecca Marek: CRER did a lot of background research when we were working on the race equality framework for Scotland. We produced evidence papers looking at community cohesion, justice, participation in public life, employment, equality, education, health and housing. Aside from the things that we identified in the equality evidence strategy, where evidence is still lacking—as I said, a lot of those are around employment and poverty—there is a good body of evidence and it went towards designing the framework. The framework is cross-portfolio and outlines what should be priorities for various Government departments. In terms of race equality, we have identified where action needs to be taken.

It would be great to see not just a commitment to funding the implementation of the race equality framework within the funding for the equality unit, but that commitment mainstreamed across departments and reflected in the portfolios. It would be great if it was made more explicit in the equality budget statement and the equality impact assessments that come from the projects and initiatives that the statement references.

Mary Fee: Thank you.

09:45

The Deputy Convener: I want to come back to the issue of ring fencing, which I touched on briefly at the start. My background is in children's rights, so I do not have as much experience of your areas of the equalities agenda, but it strikes me that there was certainly a frustration about the fundamental disconnect that existed between the very laudable policies passed in acts of the Parliament and their implementation on the ground, particularly through budgeting. We live in a more enlightened time and, happily, the Parliament continually pushes the boundaries of the equalities agenda, but that falls down more often when there are no resources on the ground to make it real.

For example, part 1 of the Children and Young People (Scotland) Act 2014, which was about children's rights, imposed duties on local authorities to bring forward that agenda. However, that was not met with any kind of budgetary line because of the presumption against ring fencing. It happened that in that year we saw the number of children's rights officers in local authorities halved, despite the intent of the act. Do you think that it is time for the Parliament and the Government to review the presumption against ring fencing in the equalities agenda, so that, if the Parliament passes legislation that has a demonstrable need to be implemented at local authority level, we have a direct line of sight to where the budget for that is coming from and how it is spent?

Emma Ritch: I do not know whether Engender has a clear view on ring fencing, but I think that we share the views of the strategic budget review group that there needs to be a closer connection between the strategic priorities of the Government and the legislation that the Parliament passes, and the budget. At the moment, those are disconnected. Ring fencing is one way in which that can be achieved. Certainly, we advocated with violence against women organisations for the maintenance of a kind of ring fencing in the form of the violence against women fund and the rape crisis specific fund in 2010, when the idea was that spend on rape crisis and women's aid services would be devolved to local government. That was

considered to represent an existential threat to those organisations.

We are certainly not opposed to ring fencing in principle, nor blanket for it in principle, but I think that you have put your finger on the thing that we are all asking for, in a sense, which is a connection between the ambitions for equality and the realisation of rights and spending across the portfolios. Our evidence identifies a slight problem with ring fencing equality money to some degree, in that we have £20.3 million in the central equality budget—that is very welcome and it funds all our organisations to some degree or another, I think—but it cannot possibly bring about equality in Scotland. For that to happen, there needs to be spend on equality in the health budget, as there is, and there needs to be spend in justice and right across the portfolios that are contained in the budget. The question is how we do that, how we make that visible and how we make those connections. Our strong pitch is that gender budget analysis is internationally demonstrated to achieve that.

I think that what my colleagues from the race sector are calling for is for race equality to be integrated into the equality budgeting process, which I think is also the ambition of the equality budget statement. Then the question is how that could be improved in order to achieve what we seem to be wanting it to achieve, which is that the impact of spending on different protected groups should drive the allocation of resources and its visibility within the budget. The Scottish budget, if you read it from cover to cover, is not just a list of numbers, as this committee will know, but a list of commitments and a narrative about what is important to the nation of Scotland. Our strong call is for equality and rights to be reflected more strongly in that narrative that we tell ourselves and the narrative of where we want to put our resources in order to achieve the best thing for the people of Scotland.

Shairi Bowes: Like Engender, our organisation does not have a particular stance for or against ring fencing. There are many arguments on the pros and cons. I agree that you have put your finger on it though: arguably, just ring fencing and giving a commitment does not always mean that that commitment is seen through. A big example that women come to us with and which we have put in our submissions time and again is childcare. For example, it is welcome that the Scottish Government keeps putting more money into childcare, but the problem is that a lot of it is still in the typical 9-to-5 routine. A lot of women who go back to work either go into the likes of the hospitality sector, which has antisocial hours, or are in returners programmes, which are delivered through night classes and are also not covered by childcare. That leaves those women out of pocket,

because they are having to pay for their own private childcare, which costs even more money after hours. After 6 o'clock, I think that the cost goes up exponentially. Even though the Scottish Government is committing money, which we welcome very much, the issue is how the money is getting spent and how it is getting committed to achieve the outcomes for equality.

The Deputy Convener: On that, I take it that your organisation would support the recommendations of the MacLean commission on the future of publicly funded childcare? It suggested the introduction of childcare accounts, which would give people almost the equivalent of self-directed support for their childcare commissioning: they could commission out-of-hours childcare or they could make more casual arrangements for the occasional requirement for childcare that perhaps the 9-to-5 model does not fit. Is that fair?

Shairi Bowes: Anything would be better, because the 9-to-5 model is just not working for women. Women tell us that time and again, because it is just not feasible. Women disproportionately do not work those hours, especially in this day and age.

The Deputy Convener: That is good to hear. I will bring in our colleagues from the race equality organisations.

Rebecca Marek: I would echo a lot of what Emma Ritch has put forward, in that there is a danger that the equality budget does equality and that means that the rest of us do not have to. I think that there needs to be a move towards mainstreaming and integrating equality more thoroughly throughout portfolios.

The CRER also does not particularly have an organisational opinion on ring fencing, I make the point that equality does not work when it is put in as an afterthought. It does not work when we put together a programme and then, after the policy has been set, we consider how it is going to affect different equality groups in different ways. That does not work for policies and I do not think that it works for budgeting either. Equality should not be an afterthought. Before a policy is written and put into place, there needs to be an impact assessment done to consider the various disparities that might come from it and how we might mitigate inequalities that are related to it. I guess that that is related to your point on ring fencing. Equality should not be an afterthought. If we want it to be implemented further and make more progress, there needs to be dedicated funding that has been well evidenced and will be well evaluated.

Danny Boyle: I will give a specific example, because I thought that Emma Ritch covered the

race equality perspective perfectly and succinctly in terms of embedding it in the equality analysis.

Radical ideas exist already in the public domain about how, if we were coherently and strategically part of that process, we might use our budgetary mechanisms to progress some substantive change. I will give a very specific example with regard to the social security budget. As has been said, about £2.7 billion—15 per cent of the national spend in Scotland—will now be spent via the devolved mechanism that came via the Smith commission. As an add-on to that devolution of power, we have the capacity to create new benefits. There was a great piece of research done by the Child Poverty Action Group and the social policy research unit, which found that, were the Scottish Government to increase child benefit by £5 per child per week, 30,000 children would be lifted out of poverty after housing costs. If the increase was £10 per child per week, 59,000 would be lifted out of poverty. The cost of these increases would be between £256 million and £512 million respectively.

From a race equality perspective—this is where we get into the intersectionality between devolved and reserved powers—in a good number of the communities we work with, children do not have access to the £5, never mind the £10, due to their immigration status. Our policy proposal for the Social Security (Scotland) Bill was for the Scottish Government to look constructively at potential ways to extend that provision to ensure that children from ethnic and cultural minority communities who would not receive that money by virtue of immigration rules could receive a discretionary payment in some relevant way. Obviously, we would not want to aggravate whatever the rules on immigration are. That is an example. If we had been involved in that process, we could have tried to tease that out.

The Deputy Convener: That is a really helpful example. When you refer to “immigration status”, are you talking about people who have no recourse to public funds?

Danny Boyle: Yes.

The Deputy Convener: That is very helpful.

Danny Boyle: I am happy to share the policy position with the committee, because there is a raft of questions attached to it that would have given us much more clarity about what that number might have been, and then, obviously, we have the legal aspects of not aggravating people's immigration status.

The Deputy Convener: That is very helpful—thank you. Jamie Greene has a supplementary question.

Jamie Greene (West Scotland) (Con): Thank you, convener. Good morning, panel. I wanted to explore the school of thought that I think Danny Boyle mentioned in relation to Government capital spend and procurement processes. Something that I have been looking at carefully recently is how we modernise and redesign public procurement across the board and across all Government agencies to ensure that it is more inclusive regionally, for example, but also to ensure that Scottish businesses—especially small and medium-sized enterprises—are able to participate to the best level they can. How could what you suggest work in practical terms? I hear what you are saying about, for example, the building of a new bridge, which will be over £1 billion, or the development of a new train line or the building of more public housing. How do you put into the process mechanisms that ensure that public money is given to developers that will take into account more protected characteristic inclusion in the workforce, or that the building of projects will achieve any of the aims that you are seeking to achieve? I am struggling to make the direct link in practical terms.

Danny Boyle: There is precedent in the tendering process, where there are already elements that have to be adhered to or are classified in a hierarchical way in deciding who will receive the contract to do a particular job. Those are to do with, for example, the living wage and working conditions. Our suggestion is to embed additionally within the process something that is similar to the EqIA process in order to assure ourselves about companies that are coming forward to take on potential significant public spending contracts. As a BEMIS report on poverty and ethnicity, which we released in January 2016 and which I am happy to share, said in relation to housing provision and the potential development of 50,000 new homes, those companies

“should be subject to an EQIA within all facets of their development to maximise potential in both location, allocation, sustainability and procurement”

and—I think that this is the crux of what you are asking about—should have

“accessible and transparent evidence of equalities training, representative workforce targets and commitment to positive action in apprenticeships targets and employment as part of the tendering process.”

That should be embedded in the tendering process, where there is already an element of aspiring to other equalities dimensions.

Jamie Greene: Are you saying therefore that, when a company fails to demonstrate that it is able to meet those additional criteria, it should not be given public funds and, if there are two competing tenders, the default preference should be for the one that will help meet more inclusive objectives?

Danny Boyle: The premise of inclusive national growth predicates that that would be the much more sensible option to take. It is not for me to place a legal duty on anything, but certainly from an equalities perspective it would make sense. That is exactly what we are talking about when we say that we have to get the biggest bang for our buck. It is not just about the physical infrastructure that is built; it is about everything else that happens around it in the economy. It is about ensuring that, if we spend £10, that £10 not only builds whatever we are building but enables more people to get employment who might be part of a group that is underemployed. That would seem logical. As I have said, it is just building that into equalities aspects that already exist in the tendering process.

The Deputy Convener: I have a final question on something that has come up several times. I am sorry—Emma Ritch wants to come in on that question.

10:00

Emma Ritch: Yes—I would like to follow up on that point. Women in Scotland's economy research centre at Glasgow Caledonian University has done quite a lot of work on procurement and equality, and I will be glad to share with you the summary of the available research.

I will mention a couple of things. First, it is already a requirement on public bodies that they take an equalities approach in procurement: the Scottish public sector equality duty specifically requires it. Secondly, equality is complicated to implement and we do not have myriad examples of good practice. The Olympic Delivery Authority is often cited as one, but in the Scottish context we have emerging good practice rather than lots of examples to share.

The Equality and Human Rights Commission is doing work around city deals with the city deal local authority leads, to work out how best it can support them to deliver on their public sector equality duty requirements, and to think creatively about how that may work to enable and encourage businesses to act in an equalities-minded way, and to succeed because of that. There is very strong evidence that businesses, including SMEs, that engage with equalities agendas benefit in terms of creativity, productivity and morale, all of which improve. I think that the approach is an aspiration for Scottish businesses as well as for the Scottish public sector and Scottish communities.

The Deputy Convener: Thank you. Gail Ross has a question.

Gail Ross (Caithness, Sutherland and Ross) (SNP): When I have stopped coughing, I will ask a question.

Good morning, panel. Thank you for coming along. I want to ask quite a pointed question about local authority equality impact assessments. If, in a budget line, a local authority decides to cut money for its cleaning contracts for schools, knowing that those jobs were mostly taken by women, is that an equality issue?

Shairi Bowes: One could argue that anything is an equality issue when it comes to a local authority, because things have completely different effects on women than they have on men. I would say that Gail Ross's example is definitely an equality issue because women tend to be clustered in roles such as cleaning and clerical work. Monitoring is another aspect: how are such cuts monitored in terms of equalities?

Gail Ross: We have started to get good examples of how budget lines can affect equalities, including through flexible childcare, child benefit and tax credits. Emma Ritch mentioned that we already address some equalities issues in the health budget. Can you give us an example of something that we already do well?

Emma Ritch: I might need to get back to you on that.

What I was thinking about when I was talking about that is that we target a lot of differentiated spend within the health budget on ensuring that women and men, who have separate needs for health services, have their needs met. There are, for example, national screening programmes, maternity-specific healthcare and, specifically in Scotland, the gender-identity healthcare provision that is provided to support the equality and rights of trans young people and other people. I can add to that list.

All those things are invisible within the current budget articulation. Our ambition is to see that spending brought to the surface much more because—as Danny Boyle said—gendered budget analysis is not about 50 per cent for men and 50 per cent for women: it is about ensuring that our spend as a nation meets the needs of the citizens. Gendered budget analysis is one way of doing that, because men and women in Scotland still live quite different lives and have quite different needs when it comes to public services.

Gail Ross: I would like also to touch on the budget advisory group. How do we go about getting more people with protected characteristics being given advice on how decisions are made for their groups?

Rebecca Marek: At the moment, there is not a representative on the group who has specific expertise in race equality. It predates my time at the CRER, but I believe that the issue was raised several years ago, when the attitude was maybe that general equalities expertise kind of fitted the bill. We disagree with that: we say that you do not know what you are missing, you are not aware of disadvantages and you do not know about differential impacts unless you have those voices in the room. If it is not possible to appoint a representative from each protected-characteristic group to the budget advisory group, then there needs to be much more consultation of groups who have expertise, and there needs to be direction towards resources in which discrepancies can be identified. The approach should be more of a conversation. I think the situation is similar to what happens with equality impact assessments. It does not work so well if you just look at the finished product and then comment on it; it works much better to think about equality and differential impacts from the get-go.

Danny Boyle: I will build on that slightly, then respond to Gail Ross's first question, which was about cleaning contracts and whether cuts there would be an equalities issue. We had, in another sector, a similar situation that we regarded as an equalities issue, but we hit a brick wall with it.

I agree with Rebecca, but the matter goes back again to the initial point that it is not just about communities articulating variations in the circumstances that they face; it is also about strategic direction. When we can quite clearly evidence inequalities in a policy area, that must be part of the analysis of the people who hold the power dynamic.

I will give the example of the cross-cutting issue of low pay and overcrowding in housing. We know from the census statistics that people from Polish and African communities are significantly more likely to live in poverty and are significantly more likely to live in overcrowded housing. After we looked at that, we looked at where those people are employed. It is quite clear from that simple analysis that under the aegis of the Scottish Agricultural Wages Board there are significant numbers—anywhere between 10,000 and 15,000—of people from Poland, and other migrants, who work in agriculture and also live in particular socioeconomic disadvantage.

It is interesting that the Scottish Agricultural Wages Board is a trilateral partnership of four independent commissioners, who are appointed by Scottish ministers, representatives of the farmers unions and representatives of the trade unions. The information is included in the report "Poverty and Ethnicity", which I will share.

It is relevant to the human rights aspect that due regard be given to promoting the Scottish living wage across all sectors in which the Scottish Government has influence. As I have said, payment of the living wage is mandatory across Scottish Government and the public authorities over which it has control. Under the Scottish Agricultural Wages Board, it is not mandatory, so those people are paid less than the living wage.

We have argued that that is an equalities issue. We can clearly identify that a community that has validity under the Equality Act 2010 suffers severe socioeconomic disadvantage; it is clustered in a sector that does not pay the living wage. When we argued that, people listened, but we were then told that if the living wage was paid to them the soft fruit sector in Scotland would collapse, so it cannot be done. That is an example of an identified problem, a potential solution and our not really getting anywhere with it.

Gail Ross: Do you want to answer about local authority cuts specifically? That ties in with your example.

Danny Boyle: You asked whether it is an equalities issue when a local authority cuts a contract. It is arguable that it is, but there are other examples of equality issues where the power dynamic is held by a different group.

Gail Ross: Yes. Some council papers ask whether there are equalities issues with a policy, so I was wondering how far they have to look into such matters to be able to say yes or no. That can be very complicated for councils, I think. For us looking in, it is not so complicated.

The Deputy Convener: Thank you, Gail. That brings us nicely up to the time that we have available today. I thank each witness for your full testimony and your written responses. As ever, if there are additional points that you would like to raise, this dialogue is always open and we would be delighted to hear from you.

10:10

Meeting continued in private until 11:19.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba