

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 16 November 2004

Session 2

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## **EQUAL OPPORTUNITIES COMMITTEE**

**17<sup>th</sup> Meeting 2004, Session 2**

### **CONVENER**

\*Cathy Peattie (Falkirk East) (Lab)

### **DEPUTY CONVENER**

\*Nora Radcliffe (Gordon) (Liberal Democrats)

### **COMMITTEE MEMBERS**

\*Shiona Baird (North East Scotland) (Green)

\*Frances Curran (West of Scotland) (SSP)

\*Marlyn Glen (North East Scotland) (Lab)

Marilyn Livingstone (Kirkcaldy) (Lab)

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

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

\*Ms Sandra White (Glasgow) (SNP)

### **COMMITTEE SUBSTITUTES**

Jackie Baillie (Dumbarton) (Lab)

Linda Fabiani (Central Scotland) (SNP)

Patrick Harvie (Glasgow) (Green)

Carolyn Leckie (Central Scotland) (SSP)

Mr Jamie McGrigor (Highlands and Islands) (Con)

\*attended

### **THE FOLLOWING GAVE EVIDENCE:**

Ewa Hibbert (Scottish Executive Development Department)

Johann Lamont (Deputy Minister for Communities)

Professor Arthur Midwinter (Finance Committee Budget Adviser)

### **CLERK TO THE COMMITTEE**

Steve Farrell

### **SENIOR ASSISTANT CLERK**

Ruth Cooper

### **ASSISTANT CLERK**

Roy McMahon

### **LOCATION**

Committee Room 1



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 16 November 2004*

[THE CONVENER *opened the meeting at 10:12*]

### Items in Private

**The Convener (Cathy Peattie):** Good morning. I welcome everyone to the 17<sup>th</sup> meeting of the Equal Opportunities Committee in 2004. It is a very dreich morning, so it is probably much nicer to be inside. We have received apologies from Marilyn Livingstone.

Under the first item on the agenda, I seek members' agreement to take in private item 4, which relates to consideration of a committee report, and item 5, which relates to consideration of an approach paper on potential witnesses. Are members agreed?

**Members indicated agreement.**

## Budget Process 2005-06

10:13

**The Convener:** This morning we are looking at the budget process and I extend a very warm welcome to Professor Arthur Midwinter, the budget adviser to the Finance Committee, who has produced a briefing paper for members. I am glad that we finally found you somewhere in the building, Arthur. Would you like to make some introductory comments before members ask their questions?

**Professor Arthur Midwinter (Finance Committee Budget Adviser):** I apologise for the earlier mix-up.

I want to raise four or five matters of concern that you might want to question the minister about with regard to the Executive's response to the committee's stage 1 report. Last time we discussed this subject, I was concerned about the decision to combine equal opportunities with closing the opportunity gap as a cross-cutting theme, which I understand was seen as a way of addressing the advice to Executive officials that the number of such themes should be reduced. However, such an approach blurs transparency, because although the two issues overlap they are operationalised and dealt with in very different ways. For example, with closing the opportunity gap, the Executive uses the index of multiple deprivation to compare the positions of the worst 20 per cent of deprived areas in Scotland with the Scottish average. However, with the equality agenda, the Executive looks at particular social groups, membership of which is not confined simply to people in what are described as deprived households. It is also concerned about those groups' access to services and employment in public service. The Executive might wish to reconsider that issue. I do not see any difficulty with its continuing to have a section that deals with equality and recognising that it is a distinctive dimension.

Secondly, the response that you received on the pilots in housing and education was too cursory and did not really tell you very much. What you require is not a statement that updates are provided elsewhere in the Executive's budget and policy documents but a simple one-page summary of the pilots, what they found and what lessons the Executive has drawn from them. That should not be too difficult for the Executive to produce.

The suggestion is made that the Finance Committee recommended the dropping of targets. We certainly recommended reducing the number of targets, but we highlighted 63 specific targets,

most of which were process based, such as “we will introduce a best-value regime”, which does not really tell you anything about the performance of the department concerned. Therefore, although it is true that we recommended a reduction in the number of targets that does not mean that we do not want there to be relevant targets on important cross-cutting issues. In the communities portfolio, there is a closing the opportunity gap target that is cross cutting and takes in measures from health and education. I see no reason for the Executive not to develop a similar composite indicator for equalities.

I need to spend most of my time today on equality audits. The proposal faces what I see as problems in the commitments that the Executive has made to try to progress the issue. I will run quickly through the history. The Executive made a commitment to equality proof the budget as part of its mainstreaming equality agenda. When it considered how that might happen, most of the academic work that had been done was on gender proofing. The Executive decided that it would consider gender proofing the budget as a way of providing a tool that could be used throughout the equality agenda. However, the difficulty was that most of the work had been done at a United Kingdom level on tax credits and benefits, rather than on the delivery of public services.

The Executive decided to run two pilots that would cover what is called gender impact assessment. The problem that I have had with the pilots since they were mooted is that they both operate below level 3 in the budget, which means that they will not be helpful as a mechanism for influencing the budget. One proposal has still not been agreed to in the sport budget—I refer to sportscotland, which is a single budget line in the Scottish budget. The proposal is to consider what happens in sportscotland, rather than to produce a document that would help with the budget.

Six months to a year ago, I thought that we would be further on than we are. When last I saw you, I suggested the concept of an equality audit, which the committee could undertake itself or it could persuade the Executive that it would be helpful for it to undertake such an audit. I do not see any reason why we should not try to progress that. An equality audit is a different model from the pilots. First, it recognises that equality proofing is a long-term process and that there is a need for data requirements. In carrying out such an exercise, we would come to terms with the data problems and could start to address them. The model is at the right level, because it would consider the major public services, cut across departments and consider major sums of money of relevance to the budget, which would help you to make the judgments that you require to make in your scrutiny of the budget. I am not suggesting that the

pilot studies are not useful in terms of mainstreaming equality; I am saying that they are not of great help to the budget process. An equality audit exercise could highlight lessons of methodology and practice.

Related to that is the suggestion that I made previously and which you took up in your report. The question was to do with whether the kind of employment information concerning the percentage of women in senior positions, the percentage of staff who are disabled and so on that is contained in the Executive's administration budget—which, I remind you, concerns only 1 per cent of the Scottish budget—could be made available for the whole public sector. That would allow us to monitor the situation. I would describe the Executive's reply as a body swerve. It seems to argue that the matter is being examined in the context of best value and that it would be improper for the Executive to set targets for individual bodies. I fully accept that it is not the Executive's job to set targets for individual bodies, but that is not what it was being asked to do. We were asking for the establishment of a national reporting system that would provide data for the whole of Scotland.

For example, there is an attempt to reduce the pupil-teacher ratio in schools. That does not mean to say that the Executive will set a target for each individual school and it goes without saying that some schools will be above the target while some will be below it. However, when you are approving the money at a national level, you need to know whether the results are being delivered across Scotland. Similarly, the Executive is investing money in the social work budget to try to increase the degree of intensity of home care for the elderly to 10 hours a week for 30 per cent of the elderly population across Scotland. Of course, social work authorities will vary in the degree to which they meet that target, but the Executive will not set a target for each authority individually; the 30 per cent target is a national one.

This issue could probably be explored informally with various officials. However, I am extremely doubtful that the matter will be developed under best value. We should be perfectly clear about what best value means in this context. The best-value audit is the successor to the value-for-money audit. In that regard, Audit Scotland will conduct studies of individual authorities. As far as I am aware, it will not develop a single indicator for the whole of Scotland. I discussed that briefly with Bob Black, who told me that he was concerned with whether authorities have systems for promoting equal opportunities, which is not the same thing as delivering equal opportunities. That is what auditors do: they examine accounting and management systems.

If the Scottish Executive is to examine the matter within the context of best value, that will not deliver the kind of information that this committee seeks. Audit Scotland is conducting best-value studies over a number of years and it could take four or five years for it to go across every authority in Scotland. Therefore, the Executive's answer is not good enough. We need to address the question whether a national reporting system can be set up.

Between them, health and local government account for more than 70 per cent of the budget. If we do not know what progress is being made in relation to equality of employment in those two sectors, we will have no way of monitoring the Executive's performance.

**The Convener:** Thank you. You have given us lots of things to think about.

**Elaine Smith (Coatbridge and Chryston) (Lab):** On pilot studies, you said that you thought that the Executive's report was too cursory and that the committee needs a summary of progress, key findings and policy and practice changes that have arisen from the work that has been done. Given the Executive's response, I wonder whether we asked the wrong question. It surprised me that the Executive said:

"Updates on the outputs of this work are provided in the Executive's budget documents and in other suitable documents, such as Equality Unit reports."

I am not clear about that answer. Is it a case of the information being there so that we can go and get it, or has the information not really been prepared in the format that we ought to be asking for?

**Professor Midwinter:** I do not think that there is any problem with the question. You asked for an update on the pilots. If I were replying to that question, I would say, "This is what the pilots were for, this is what we have been doing, this is what we found and this is what we have done as a result." That would be a concrete, specific reply on the pilots. What the Executive has done in replying is to say, "We are using that information somewhere in our budget documents and again in our policy documents." All of that is true, but it does not really help committee members in trying to monitor what has happened to the pilots, because when the data are used in the documents, they are not used for a specific purpose.

I do not think that it would require a great deal of effort by the Executive to provide an answer. People have been managing the pilots and will have a report on them somewhere in their own system. They just need to do a summary for the committee, so I do not think that the problem lies in the question. You asked the minister how the pilots have gone and the reply that you have got is

that the Executive is now using them in the budget documents and in the policy documents. That is what you would expect to see happening, but it is not the specific reply that I would be looking for. If I were you, I would clarify the question with the Executive and say that it may have misunderstood what you were asking.

**Elaine Smith:** I would like to ask about a slightly different matter. In section 4 of your paper, under the heading "Equality Audits", you mention gender proofing the budget. I believe that Engender used to do the gender audit but that the Executive then took it over. Have you looked to see whether what the Executive is now doing with the gender audit is better or worse than what Engender used to do with it?

**Professor Midwinter:** I am not sure that I have seen a document that tells me what Engender used to do, but I have seen almost all the documentation that Engender has submitted as part of the Executive's gender audit. What I can say is that Engender has a much more ambitious agenda for the gender audit than the Executive has. It has a very comprehensive model that it would like to see implemented; in my view, that model would generate more information than the committee could manage, to be honest. If we are talking about gender proofing the budget for all the programmes and doing the same thing for ethnic groups and the same again for the elderly, for children and for disabled people, it is my view that that process would generate more information than the committee or the Executive could use.

The Executive appears to have been saying in recent replies to letters from the Finance Committee that the reason for not having a specific equality section was the Executive view that equality was now mainstreamed. Engender would not accept that equality has been mainstreamed; Engender's view would be that the Executive has not even started to mainstream equality, given the model that Engender favours. What the Executive means by mainstreaming is that each portfolio has a section in which the department reports what it is doing to promote equality. The Executive would recognise that that does not cover all its programmes but would argue that it hopes to beef up that section over the years. At the moment, however, the two sides have different aspirations for what they are trying to deliver.

**Elaine Smith:** Do you think that Engender's model is ambitious or unrealistic?

**Professor Midwinter:** In academic terms, I would call it a rational comprehensive model—it tries to include every single piece of information that you could possibly need, with a complete set of objectives and full options, and would generate more information than the human mind could cope

with. I understand why Engender would like to do that, but I know that members have difficulty with the amount of budget information that they get already, without getting 10 times as much, which is what I think would happen if the budget were fully equality proofed according to the model that the Scottish women's budget group favours.

Representatives of the Scottish women's budget group were at the Finance Committee recently, and you might want to have a look at the evidence that they gave in response to the committee's questions.

My difficulty is that I have never fully understood what a gender-proofed budget would look like. I am fully aware of what the Scottish women's budget group sees as the weaknesses in the current system; however, after looking at the budget for two years, I have no real notion of what such a document would look like in their eyes. You might want to speak to the Scottish women's budget group again, in the light of that. I was keen for equality audits to be done because I am a practical man who wants to see progress made. I want us to move quickly on what is manageable rather than have unobtainable ideals.

10:30

**Marlyn Glen (North East Scotland) (Lab):** I like the idea of having practical things to aim for. However, I believe that Engender's gender audit was an excellent document. I do not know whether you are familiar with it—it was published six years ago. It is well worth having a look at it. Engender used to produce the audit annually. It was not possible to act on all that it contained, but it was exceptionally useful to dip into as a reference book.

**Professor Midwinter:** It is not a document with which I am familiar. Is it called "A Gender Audit"?

**Marlyn Glen:** It is Engender's gender audit. It is well worth looking at.

**Professor Midwinter:** Is it an audit of the budget or an audit of everything that the Executive does?

**Marlyn Glen:** No—it was an audit of where women stood in Scotland at that time. It was published before devolution.

**Professor Midwinter:** That was before gender auditing began to focus on the budget.

**Marlyn Glen:** That is right. I appreciate the fact that the focus is different.

There is a difficulty with the committee's report because some departments reported on equalities and some did not; some had short reports and some did not. It always concerns me when people say, "It's okay. The reports are all the same length

now." Have you noticed that? I would rather have a qualitative report on equality, rather than a big, long report that says absolutely nothing.

**Professor Midwinter:** Do you mean a separate report?

**Marlyn Glen:** No. Departments are required to include something about equality, but I am concerned in case that work is not focused—

**Professor Midwinter:** I cannot remember the exact words used, but departments are asked to make a case for how the resources that they receive will further the equality agenda. Basically, that is what they are required to report on. In the budget exercise, in most years, we focus on the change at the margins. We look at additional money and the scope for reviewing at the margins what is currently spent.

My concern is that departments might publish the same report each year because they would be doing the same things, whether or not anything changed as a result. To me, that does not distinguish between what the departments are currently doing within the baseline and what they could do if they received additional resources, which is what we focus on mainly in the budget process. When there is £1 billion growth each year, as there has been for the past four or five years, we want to know that that money is being targeted on the priorities that have been agreed. I find that difficult to know from the draft budget document as it stands, as it includes on-going work as well as new work.

**The Convener:** On the whole issue of closing the opportunity gap and equalities, I worked for a long time on urban programme-type projects and, although the projects were very good and were well resourced, the neighbouring communities had no access to the projects because they did not live within the geographic area that the projects were there to provide for. That brought about a fair number of anomalies, in terms of poverty, access to education and whatever. It seems to me that looking at equalities in the same way will bring about exactly the same anomalies. We may well look at equalities in specific areas, but it will be difficult to measure progress across specific equalities strands. Is that what you are saying?

**Professor Midwinter:** Absolutely. If the Executive is talking about closing the opportunity gap by comparing the worst 20 per cent of deprived areas with the Scottish average, there will be people in the top 20 per cent who are classified as deprived but who live in an affluent area; therefore it is dubious whether you can draw national lessons from that particular approach to measurement. The aim of the small-area approach was not simply to fund individual projects. It was to be an approach to regeneration by targeting a lot



of money on one area to upgrade it and then moving on to another one. However, difficulties still exist. The last time I looked at the documentation, the bulk of the areas that were in the worst 20 per cent 20 years ago were still in it.

**Shiona Baird (North East Scotland) (Green):** I was struck by the last sentence in the section on "Local Services and Best Value" in the Executive's response to the committee's report to the Finance Committee. The Executive says that it

"does not have the competence to set employment targets for any independent employer".

That is fair enough, but is there a role in that for Scottish Enterprise? Where Scottish Enterprise provides funding or support for a business, could it require an equality audit to be carried out or equality to be mainstreamed as one of the conditions of funding? The Executive is missing out on an opportunity to promote equality issues if it does not put pressure on funding organisations such as Scottish Enterprise.

**Professor Midwinter:** If you are happy for me to do so, convener, I will go back and examine the details of the particular schemes that are being talked about, to see what the position is. I cannot give an answer with regard to Scottish Enterprise giving money to the private sector.

Given the commitment to equal opportunities in the Scotland Act 1998, it is quite in order for the Executive to expect health authorities and local government to promote the equal opportunities agenda and for the Executive to set up a system of reporting back so that it can see the results of its investment. The Executive's approach to the budget is to focus on the outputs and results, but it is difficult to see how it can do that in this case if it does not have the information. I have less difficulty in knowing that it can do what Shiona Baird suggests with public bodies. It could be a condition of grant, but I would prefer to check to see what happens at the moment, then write to you afterwards.

**The Convener:** That would be helpful.

We are really tight for time, but Sandra White also wanted to ask about best value.

**Ms Sandra White (Glasgow) (SNP):** The Executive says that it is promoting best value and equal opportunities through public bodies, but you are saying that that approach definitely will not work.

**Professor Midwinter:** I am saying that it will not deliver a set of results that we can use to scrutinise the budget. That is not the same as saying that it will not work. The best-value audit exercise that is being done through Audit Scotland will examine bodies' management information systems to see if they have arrangements for

promoting equal opportunities. That will not generate a statistic. The Executive should stick to the budget document. We are looking for indicators within the targets that go into the budget document as opposed to saying, "Audit Scotland will do this under best value."

**Ms White:** So even if Audit Scotland produces figures, they will be no good to us, because we need a national strategy.

**Professor Midwinter:** I would not expect Audit Scotland to produce a national statistic, because its job is to look at individual authorities. It is doing that work over a five-year period: it will look at six or seven next year, more the year after and more the year after that, so in the early years you will not have a national position.

**Ms White:** So you are saying that, through health boards and local government, the Executive could produce a document to provide leverage for a national strategy.

**Professor Midwinter:** The Executive would need to sit down to get appropriate measures, particularly with regard to having common ground between the health service and local government for what are classified as senior posts.

**Ms White:** You are saying that that could be a starting point.

**Professor Midwinter:** Yes.

**Ms White:** Then the Executive could produce a national strategy. It says that it cannot interfere and produce a national strategy, but I think that it can.

**Professor Midwinter:** The Executive is saying that it would be wrong to set a target for authorities, because they are all at different stages, which is true. However, a major theme of the Executive's strategy is to promote equality of opportunity. Although it uses a helpful set of indicators for its own budget, that amounts to less than 1 per cent of the total Scottish budget. We cannot tell from the documents whether progress has been made on promoting equal opportunities in the major public services, but that is the kind of target that we would like. The Executive already gathers statistics on the matter, but we need to work out what the target would be and how the figures would be reported.

**Mrs Nanette Milne (North East Scotland) (Con):** Obviously, I dislike increasing bureaucracy. In practice, would it be heavily bureaucratic to gather the statistics that are required?

**Professor Midwinter:** It would just involve an annual return from health boards. They should be gathering that information if they are monitoring their capacity to promote equal opportunities.

**Mrs Milne:** So it would not involve another department of people.

**Professor Midwinter:** It is not a particularly onerous task.

**The Convener:** I thank Professor Midwinter for his comments, which, as usual, were thought provoking and helpful.

10:41

*Meeting suspended.*

10:44

*On resuming—*

**The Convener:** I warmly welcome Johann Lamont, the Deputy Minister for Communities, and officials Ewa Hibbert and Richard Dennis. This is the first meeting of the Equal Opportunities Committee that Johann Lamont has attended as a minister; we hope that she will return on many future occasions. I invite her to make brief introductory remarks before we ask questions.

**The Deputy Minister for Communities (Johann Lamont):** Thank you very much for your warm welcome. It is a more than slightly odd sensation to find myself on this side of the table at a committee meeting. This is my first committee outing as a minister and I feel as if I am among friends because I was a member of the original Equal Opportunities Committee when I was first elected to the Scottish Parliament. I have a long and abiding commitment to equal opportunities, as do the people around the table. I will do my best to answer questions rather than to turn them on members. I ask the convener to stop me if I try to chair the meeting—old habits die very hard.

The issue that we are discussing on my first appearance before a committee is difficult and technical; I hope that the committee will appreciate that the very nature of the budget means that it is complicated. If I am not able to answer members' questions in as much detail as they require, I will certainly try to respond in more detail at a later date. That will make me feel more comfortable about today's discussion and will allow me to treat the committee with due respect.

There will obviously be issues of which the committee is aware and on which it feels it would be worth my while to reflect in my first few months in post, so I would welcome members flagging up such issues when they ask questions. Such an approach will be helpful as we continue our dialogue in the future.

Before we get to questions and answers, I want to say a few words about the budget process this year and the latest improvements that the Executive has made in how the budget documents

deal with equalities issues. In making those improvements, the Executive has worked in partnership with the other members of the equality proofing budget and policy advisory group—which I will just call the advisory group from now on, if that is all right—and has taken on board recommendations that the Equal Opportunities Committee and the Finance Committee have made.

It seems as if the budget process changes every year. Although that is partly down to the timing of elections or spending reviews, it is mostly the result of the Executive's taking on board committee recommendations and of us all wrestling with how best to manage the process.

Today's meeting represents the second opportunity for the committee to scrutinise the Executive's spending plans for 2005-06. Earlier this year, the Minister for Communities explained to the committee the changes that had been made to stage 1—the AER stage—of the annual budget process, which included the changing of the name of the annual expenditure review to the annual evaluation report.

We have this year made further changes to stage 2, which is the draft budget stage. In doing so, we have taken account of suggestions from the Equal Opportunities Committee, the Finance Committee and the advisory group. Members of that group include officials from the Executive's equality unit and Finance and Central Services Department, representatives from the Scottish women's budget group, the Equality Network, the Equal Opportunities Commission and the Commission for Racial Equality. The committee will be aware that Professor Arthur Midwinter, who is adviser to the Finance Committee, sits as an observer on the group.

Following the successful inclusion of additional information about spending and work on equality in last year's draft budget, we have again provided details of portfolio activities on equalities, alongside details of spending and work on the Executive's other cross-cutting priorities of closing the opportunity gap, sustainable development and growing the economy. As the committee suggested, we have made portfolio entries on equalities more consistent with one another and we have done the same with the entries on all the cross-cutting priorities. In addition, the spending review document, "Building a Better Scotland: Spending Proposals 2005-2008", which was published in September, contains a chapter that gives examples of how all portfolios are contributing to the promotion of equality.

I know that the committee wants to be kept informed of the other work that the Executive is doing to mainstream equality across all its departments, including the mainstreaming work in

housing and education, and that it is interested in the advisory group's work, especially its pilot studies on sport and health. We will ensure that the committee is kept informed of that work.

I apologise for the delay in the committee's receiving the Executive's response to the committee's report on the AER. As the Minister for Communities explained in his letter to the committee, that was the result of an administrative oversight and was in no way intended as a slight on the committee. I understand that the committee has now received a formal response to its report, which will be made publicly available on the Executive's website.

We will continue to make further improvements to the budget documents and will always be happy to consider any suggestions on how to improve them. However, as my predecessors have done on previous occasions, I stress that we must balance the need to keep the documents workable and accessible with the many calls on us to include more targets, impact assessments and performance indicators, all of which need to be supported by statistics that are disaggregated by gender, ethnicity, disability, age, geographic area and so on.

I emphasise that, for me, the budget documents must be living documents. We know what we want out of them, but the danger is that we end up with a document that few people will pick up and use as a means to scrutinise the Executive's work, or to elaborate on what the Executive is doing.

**Marlyn Glen:** You might want to reflect on my question, because it is a little bit direct. The Executive acknowledges that there are fundamental differences between the objectives of closing the opportunity gap and promoting equality, but there is real concern that the social justice agenda might subsume the equality agenda, which would not take account of the structural nature of inequality, particularly gender-related inequality. We all know of your personal commitment to equalities, but will the Executive reconsider its decision to incorporate the two themes? I would like promoting equality to be a discrete cross-cutting theme again.

**Johann Lamont:** My understanding is that there are two reasons why the themes are being put together. The first is to make the document manageable and comprehensible as part of the drive to reduce its bulk. The second is that there is an understanding that the two are connected, with which I am comfortable. For example, women's inequality has consequences for women's economic opportunities. In the debate on low pay, there is always an argument about whether women are in low-paid jobs because they end up in them—that is, whether it is the case that there is job segregation—or whether the jobs are low paid

because women are in them. I accept the importance of understanding that equality is about more than economic inequality. That must be understood, otherwise it will not be possible to address the equalities agenda, but it is not the Executive's intention that one theme will subsume the other and that we will not talk at all about the equalities issues, only social justice.

Perhaps we can discuss further how that can be managed, but because there are obvious points of overlap—for example, economic consequences have further social consequences—it is important to put the two themes together. It is also important because it is another way of illuminating what is happening in the equality agenda.

**Marlyn Glen:** I can understand the idea of having the two themes alongside each other. Professor Midwinter gave us some information from the Finance Committee, which highlighted 63 targets and asked for that number to be cut, so we accept that there were too many targets. Many of them were process targets, which should be reduced, but the concern is that the decision to incorporate closing the opportunity gap and promoting equality will blur transparency and therefore accountability, as well as how we scrutinise what is happening. There is definitely a conceptual overlap, but it seems to me that closing the opportunity gap and promoting equality are different issues; it is of great concern to the Equal Opportunities Committee if that distinction is to be blurred. The minister's letter mentions the importance of clarity and says that the Executive

"will endeavour to ensure that this is reflected in future publications",

but what kind of action do you propose to ensure that clarity?

**Johann Lamont:** One of the big issues is clarity; we need the budget documents to give us the information that we all want and that will allow the Executive to see whether its equality policy is being matched by its equality spend. Those are two things; we audit the policy and we can then audit the spend. If I thought that, in the Executive's reduction of the number of targets, a disproportionate number that had been removed were related to equality, we would go back and re-examine the policy, because that would suggest that Executive officials had a hierarchy of subjects that they think are important to report on. We would have to keep the policy under review.

We also need to be clear that this is not just about what is in the budget document. We might be considering equality and closing the opportunity gap together, but we have an equality unit, which is committed to driving forward policy on equalities. I will be speaking to the equality unit and asking it to ensure that it is keeping a close

eye on things. If we mix everything up together, particular issues about which the committee is concerned might not be highlighted. That is a key area in which we need to have dialogue with the committee, with the various structures concerned and with the advisory group. If the matter is of concern to the advisory group, on which there are representatives of organisations that feel strongly about the subject—as I said, Professor Midwinter also sits on the group—then we could ask for reconsideration of the issue.

**The Convener:** That would be helpful.

**Elaine Smith:** You might have heard some of my exchange with Professor Midwinter about a question that the committee had asked the Executive in relation to the AER and the previous housing and education pilot schemes. The Executive's response says that updates on the pilots

"are provided in the Executive's budget documents and in other suitable documents, such as Equality Unit reports."

That strikes me as being like telling us, "They're there, so you can go and look for them." I was not sure whether we had asked the right question; Professor Midwinter suggested that the question had perhaps been misunderstood.

We really want to know your views on the outputs of the pilots and what lessons have been learned. We would like a bit more detail, for example a summary of progress, key findings and policy and practice changes that have arisen from the work that has been done. Rather than looking at different documents to see the different impacts, we want to learn about specific issues. I imagine that the information that we seek is available somewhere. If you are not able to give us that information today, we might seek to get it in the future, but as soon as possible. I wonder whether it might be possible to have a meeting with some officials to discuss that.

**Johann Lamont:** I have a note in front of me about the information in the mainstreaming pilots in education and housing, but I suspect that that is not really what you are looking for. If I gave the committee a narrative on the pilots, members could read that later. However, it might save the committee's time and the official report staff's time logging just now if I discuss with the convener how the information can best be shaped to meet what members require. I am certainly content to ensure that we give the committee as much information as possible.

There is a big difference between saying that we have run a pilot and have asked it to do X and reflecting on that later and realising that it did not work. Some of the work is being progressed by regulatory bodies. If it is acceptable to the committee, I am happy to try to tease out—in

discussion with the convener—what particularly the committee seeks. We can also give you the factual stuff. There is no difficulty with giving you the information and members can then say whether there is either not enough or too much. We can also consider the other matter, which relates to how we reflect on outputs.

**Shiona Baird:** Professor Midwinter made an interesting point in that he seemed to imply that there were different interpretations of what mainstreaming means. There might be different understandings of what mainstreaming is all about. I wonder whether we are all working to the same agenda. That aside, there is also the business of how we assess progress and how we monitor mainstreaming. Are you confident that we are making progress and that we are monitoring equality across all departments?

11:00

**Johann Lamont:** I am always hesitant to say that I am confident about anything that is related to the budget, but that is still a useful question to ask. Presumptions can be made; in this case it can be presumed that we all talk about mainstreaming and know what it is. To put that into structures and processes can be a different matter, however.

I am clear that it has been recognised that the Executive has made significant progress on equality and mainstreaming. Even if it does not feel like it, there has been year-on-year progress, which is regarded as being in the forefront of some very difficult areas. I am confident that there is a baseline understanding that mainstreaming is about everyone taking responsibility and being open and accountable about what they do to deliver the equalities agenda across the Executive. Although the system of reporting that work might be slow to develop, there is far more understanding of what is expected in Scottish Executive departments and elsewhere.

There has been anxiety that to mainstream a matter is just to move it so that it disappears and is not challenged. That ought not to happen and the fact that we have an equality unit in the communities portfolio means that it is less likely; there is a commitment to equality. We must always be vigilant and open about such matters. If the committee thinks that the general understanding that I described is not present, I would be more than happy to hear about that.

**Shiona Baird:** In relation to race and disability, the committee has heard about the importance of life chances, such as access to employment and services, and civic engagement. Are you confident that the draft budget and the targeting of resources address such matters? Does the

Executive's mainstreaming policy allow for those key areas to be addressed?

**Johann Lamont:** It might be useful to provide factual information about what is being done. There is certainly an understanding in the Executive that the matters that you identify are crucial. We can write to the committee with more detail about practical activity—we do not have the detailed information with us.

**Shiona Baird:** This question might also create problems. The Executive's response to the committee's report on the AER says that, in relation to mainstreaming,

"the Executive has achieved a greater level of consistency ... across all Departments."

What scope is there for further improvements? For example, the response mentions

"Departments that previously had shorter or no sections on equality issues".

Are you convinced that the presentation in the draft budget represents a step forward in the building of equality into departments' spending considerations?

**Johann Lamont:** The key point is that there is now a consistent approach. I understand that there was an issue about managing the process. Because some departments had no section on equality and others had long sections, there had to be some chopping about to ensure that every department said something significant about what it was doing. We now have a baseline from which we can develop.

**Elaine Smith:** The committee heard during its consideration of the AER that the Executive would initiate two new pilot studies. We asked to be informed of the findings of the studies, given their potential for wider application. Can you update us on progress on the pilots on smoking cessation and health? Are you confident that lessons can be learned from the pilots that can be applied across departments? Professor Midwinter noted that both pilots operate below level 3 in the budget, so how can they influence the budget?

**Johann Lamont:** We would certainly be happy to consider any suggestions from the committee about how such matters might be progressed. The Executive, through our advisory group, is pursuing two pilot studies—one on smoking cessation services and one on sport. The advisory group will have a key role in determining how the approach is developed and in considering how suggestions might be progressed. We are happy to encourage the group to discuss the matter further at its next meeting.

A detailed proposal for the pilot study on sport has been drafted and circulated and we will consider the study's methodology and

management. We are also considering how we can support the health pilot work. I accept that there is little detail in what I have said, but that is one of the things that I would be looking for the advisory group to give us a progress report on. I ask the Equal Opportunities Committee to do the same.

**Elaine Smith:** Some organisations, such as the Commission for Racial Equality, are especially keen to see progress because they hope that any lessons that are learned can be widened to other equality strands as soon as possible. It would be fair to say that the committee is keen to get whatever feedback we can.

**Johann Lamont:** The purpose of the pilot is precisely to do that; it is not just to tick a box and move on and make it look as if something is being done. The question is about what is manageable in the process. Things that seemed to be clear around equalities in the budget process have become, over the past five years of the Parliament, understandably more complex and difficult than perhaps I imagined five years ago they would be. Perhaps we should tease out those things from the health pilot as well.

**Ewa Hibbert (Scottish Executive Development Department):** I know that Professor Midwinter suggested that we look at a larger area of the budget, but the advisory group thought that it would be better to start with smaller areas of discrete spending. Given that we have never done this kind of beneficiary expenditure analysis before and are not aware of anyone else's having done it, we are very much feeling our way.

The advisory group thought that we should start with just one budget line. If we have not yet done an analysis of even one budget line, it is rather difficult to leap in and try to do it for a whole departmental budget. However, we are certainly willing to consider doing the analysis on a larger scale once we have done it on a smaller scale to start with.

**Elaine Smith:** That is helpful.

**Marlyn Glen:** My question follows on from that. I understand the cautious approach and the need to take things a little bit at a time. However, the timescale is a little bit concerning. As you know, the committee is keen for the Executive to progress equality audits on a much bigger scale. The pilot studies that you talk about offer the opportunity to measure only parts. The committee proposed a larger-scale project with the focus on the outcome of a policy area at such a level that gaps in spending and the implications of larger spending decisions could be identified. I understand your view about starting small and being cautious, but do you envisage that the pilot

studies will be scaled up and that an equality audit will be conducted in the near future?

**Johann Lamont:** That is the intention. I do not know whether we could take one equality strand in the first stage or whether the committee could suggest an equality audit or gender equality audit for the first stage. However, the point seems to be that we should move on from the small things. We must also consider the speed and management of such progress.

**Marlyn Glen:** So you do not have an idea at the moment of a timescale for moving forward. Because of the limited progress of gender budget impact assessments, would you be willing to engage in informal discussions with the committee to consider how equality audits could be developed?

**Johann Lamont:** I would be more than happy to do that.

**Marlyn Glen:** Is there any work that the equality proofing budget and policy advisory group could usefully take forward in the next year to assist in equality proofing the budget?

**Johann Lamont:** That is really the main vehicle for that work, is it not? That is the process and key people—including the Scottish women's budget group—are arguing about how to develop it. The group has been working on the pilot studies and I would think that we would charge the group with responsibility for examining how the pilots can be progressed.

**Marlyn Glen:** It would just be nice to get timescales and an idea of how the work is progressing, because it is obviously a really slow process.

**Ewa Hibbert:** One difficulty that we face is that very few people in the world have the necessary knowledge and experience to do it; I can probably count them on the fingers of one hand, so we are struggling to find the necessary experts. We have approached several people, but they are extremely busy and are not always able to do the work in the timescale in which we would like it done.

**Marlyn Glen:** I do not want to overplay Professor Midwinter's part, but he has provided an equality audit illustration on education.

**Ewa Hibbert:** The equality proofing budget and policy advisory group would be happy to discuss that.

**Johann Lamont:** Professor Midwinter is part of that group. I have not reflected fully on his evidence, but I will do so. Where obvious issues arise on which we need dialogue, I will ensure that that takes place.

**The Convener:** The committee is keen to make progress on the equality audits and to take a long-term view on how the situation is developing. We are keen to give feedback and have dialogue on that.

**Ms White:** The minister mentioned that the best-value measures include equal opportunities considerations and we heard that Audit Scotland would be auditing that work. Professor Midwinter said that it would take five or six years for anything to be produced from the audits of local services, and we have heard about the problem of availability of experts. If Audit Scotland carried out the best-value audits, would they be publicly available and would the commission report to ministers on any matters that arose from the process?

**Johann Lamont:** Audit Scotland's reports on the best-value reviews would be public, but the commission would report to local authorities. It is important that we see ourselves as being in partnership with the bodies that will be charged with delivering—and which have responsibility for—many of the measures that are important for equalities. Although we may read the best-value audits and we will have a role in them, local authorities are also committed to that process. They will take the audits on board and, even through the process, will change their practices. The model will not be one in which, once the authorities answer all the questions, the Scottish Executive will sit in judgment and tell them what to do.

We need to understand, encourage and support the dynamic that operates locally, but also to recognise that that dynamic has a life of its own and that the context for much equalities work is not just the Executive. If we have partnership working, it will be easier to manage the process.

**Ms White:** So you are saying that each local authority will be audited and the report will be sent to it, and that ministers will not have an input. The problem that the committee has is, as the convener said, that we are keen to mainstream equality and perhaps to have a national strategy. Given that it is one of the flagship policies of the Scottish Parliament and the Scottish Executive that equal opportunities will prevail and be put on a high level, and given that all the health service money and 80 per cent of local government money comes from the Scottish Executive, should not the Executive produce a strategy, starting with local government, to find out exactly how equality proofed that money is?

**Johann Lamont:** I have no difficulty with the idea that the important information that the best-value audits will provide should be available to all of us. However, local authorities are not simply enabling bodies for Scottish Executive policy,

although they have a key role in that. The Executive's relationship with local authorities is understandably different from that with other bodies because the local authorities are a separate layer of government. To assume that policy is always created centrally and delivered locally is probably not the right model, although I understand that guidance and other measures determine some of what local authorities do. There is a balance between national commitments and local government obligations and duties. We can use audit information to work out how to manage that, just as we can use it to work on the quality of services.

11:15

**Ewa Hibbert:** Audit Scotland is taking a cyclical approach to best-value audits and it aims to cover all councils in three years. At the end of that period, each council will have had its first best-value audit report. All those reports will be published. This is the first systematic investigation into whether each local authority has the systems and processes in place to deliver equal opportunities. We have to start by finding that out and determining the extent to which local authorities are following their guidance on how to meet their best-value equal opportunities obligations.

For example, the first report for Angus Council was published in August this year. The report said that the council needed to make a greater commitment to equal opportunities at all levels of the organisation. It commended the council for having an equal opportunities policy and a race equality scheme in place, but said that the authority needed to do more to monitor whether its policies were delivering better outcomes.

We are in the first stage of assessing whether all local authorities have the systems and processes in place. That will be our point of departure in our considerations of whether the authorities can then deliver the policies. We will have to monitor that.

**Ms White:** Targets for disability are in place but many local authorities do not quite meet those targets. Because the Executive and the Parliament provide so much money to public bodies, we have a golden opportunity to target, for example, the glass ceiling and to monitor how many women or disabled people are employed in the top jobs. Could there be a national strategy based on local authority guidelines? You have the guidelines, but they do not tell you whether the people in top jobs are women or men and they do not tell you how many disabled people are employed.

We have a golden opportunity and it may be that legislation is not required. As I think Marlyn Glen suggested, the convener and the minister could

get together and have a chat about these issues and a national strategy. We should start with local government, which receives 80 per cent of its money from us, and the national health service, which is completely paid for through us. Because the money comes from the Executive, we could have an input in setting gender-related or disability targets. Is the Executive considering such things? The minister spoke about experts, but the systems are already set up and we do not need an expert to consider NHS and local government issues.

**The Convener:** The committee welcomes the work that has been done on best value. The review has been positive, but there seem to be no indicators or targets to ensure that local authorities and health boards not only have processes to ensure best value in terms of equalities but have indicators that demonstrate that the authorities are actually doing what the processes exist for. We want to do more than simply ensure that local authorities have policies; we want to know what local authorities are doing, how they are doing it and whether that is working.

**Johann Lamont:** To me, the purpose of an audit—or any kind of dialogue—is not simply to paint a picture of what is happening but to consider how people can be supported if change is necessary. Sandra White talked about information. We have already made significant progress in determining what things are important to report on. There was a time when it was not regarded as at all important to report on, for example, how many women a local authority employed. Interesting work could be done on getting that kind of information without that leading to a form-filling overload. Again, there is a balance to be struck. There is no point in gathering evidence if it does not then inform policy and change.

**Nora Radcliffe (Gordon) (LD):** The minister is coming at the issue from the angle that I wanted to ask about. A useful step that could be taken would be the establishment of a national reporting system. That would enable us to get consistent information across the piece and ensure that people were working with the same definitions of senior officer and so on. It is important that we can compare apples with apples and are not being fed information that is being arrived at under differing definitions. Is that happening or does the situation need to be refined?

**Johann Lamont:** I would need to examine in more detail how the process is managed, but I am clear that the purpose of the audit is to deliver to the local authority—the audit is an attempt to capture what is happening in individual local authorities, recognising that different local authorities are at different stages. A template that simply covered every authority would not capture

the kinds of issues that we would want it to capture, because of the unevenness of development or the fact that an initiative has developed in a different way because it is operating in a different context.

I agree that, unless we use a common language, the information will make no sense. I am happy to consider that further. At a local government level, self-assessment is important and the work must be driven by the local authority if the authority is to sign up to it, but there must also be a way of ensuring that we do not end up comparing apples and pears.

**Nora Radcliffe:** That is correct. We do not want to be prescriptive; we are simply saying that certain definitions should be used so that everyone is sure what everyone else is talking about.

**Johann Lamont:** I will check to find out the extent to which Audit Scotland has responsibility for some of the relevant issues, as the matter that you raise affects its work as well.

**Mrs Milne:** I was pleased to hear you say that you wanted to avoid the need to fill in too many forms. Bureaucracy can expand.

**Johann Lamont:** It can take on a life of its own.

**Mrs Milne:** We have had an undertaking that we will be kept up to date with the progress of the voluntary sector strategic funding review. Do you have any idea when the review is likely to be concluded and when we will receive a report on it?

**Johann Lamont:** I understand that a report has been completed and is with the Executive at the moment. We will let you know what the prospective timetable for publishing and action is.

**Mrs Milne:** You will be aware that the committee is embarking on a disability inquiry. We have been taking evidence ahead of that and have been told of the need to ensure that disabled young people have an opportunity to volunteer if they so wish. It is encouraging that the Executive is committed to volunteering—I think that the intention to recruit 450 people into project Scotland is an indication of that. Has the Executive taken any steps to ensure that disabled young people have an equal opportunity to volunteer?

**Johann Lamont:** I would support any policy that ensures that disabled young people have an equal opportunity to volunteer. I look forward to following the committee's inquiry and to reading its conclusions. The area is an example of a situation in which we have to talk about how a strategy and a commitment—in this case, a strategy on voluntary sector involvement and a commitment on equality and disability—can be made to feed into each other and how we can ensure that all organisations are aware of that work.

My instinct is to say that the voluntary sector is tuned into the issue that we are discussing. The sector is not a difficult place in which to promote equalities issues. Obviously, we will pursue our dialogue with it through the voluntary issues unit. If you have any practical examples that you would like to pass on to me, I would be happy to take them on board. Your point is well made and we can report back to the committee.

**Frances Curran (West of Scotland) (SSP):** I suppose that it would have been better to have asked this question previously. I must be honest. I sat through the discussion last year and I am still none the wiser as to what equality proofing the budget means. I feel a bit like Professor Midwinter does. I understand that the processes take time, but one of the problems relates to the objective. How do we define equality proofing in the budget?

We do not have the information or the audit, and I understand the problems that you have with that—what was said about that was helpful. Now that I have been elected, I think that there is in general quite a difference in Government policy making at a high level and outcomes at a lower level. Things are difficult enough in education and health, but they seem to be even more complicated in relation to equality.

I attended an Engender seminar on women's appointments in public life in Scotland at which people had the figures and the information—a woman from Aberdeen City Council's equal opportunities unit could reel off all the council's figures. I wonder why we do not have that information. Is it because so much form filling is involved? A lot of work is being done out there, but we do not seem to have a report that tells us where we are and how equality proofing parts of the budget will change things.

What headline are we trying to achieve for public appointments of women or disabled people, for example? Are there headline policies that we are trying to achieve through equality proofing the budget? I am still confused about that. It is not clear to me where equality proofing the budget is leading for policy outputs at the bottom.

**Johann Lamont:** In a sense, that encapsulates the difficulty in trying to suck the budget debate out from the broader policy debate. We know that we must have both debates about the equalities agenda.

The first step is to understand the policy and to get a commitment to it. A way must then be found of ensuring that what is being done through the budget process matches that commitment. In doing so, the danger is that the point of the other bit of the process will be lost. There are simple ways of measuring outcomes and targets without driving the whole machinery of government, at



Executive and local level, towards considering managing budgets and columns when there is a policy headline that we should not lose sight of. The policy headline relating to women in public appointments partly results from our thinking that it would be good to have more women in publicly appointed roles, but the figures also reflect inequality in society. Women have not ended up in such positions and that affects their economic and social opportunities in other ways.

I agree with Frances Curran. We would be here for a long time if we started to discuss all the policy commitments in all the areas that could come under the general equalities agenda. However, we must find a comfortable process to test policy commitments and spend. Does the spend make a difference? Does it do what it was intended to do? There are debates in other policy areas in which there is self-evidently a financial or economic commitment, but that commitment is not necessarily driving the policy outcomes that we would want.

Perhaps we are fortunate in having folk who have the technical skills in these matters, but we should not lose sight of the policy goals that drive the process. If there is an equality audit, the committee will have a key role to play in driving policy. Obviously, the committee's disability inquiry will be a part of that. Budgetary matters can then be challenged, but the danger is that one thing will overshadow the other; the danger is that folk who drive the policy agenda will feel excluded and will back off.

**Nora Radcliffe:** My next question follows neatly on from your reply, minister. What commitment has the Executive made to increasing investment in child care provision in disadvantaged areas in order to ensure that there is no barrier to work because of a lack of such facilities? The committee is also interested to hear about the steps that the Executive is taking to ensure that families who are affected by disability have equal access to child care.

**Johann Lamont:** We do not have the figures with us today, but I undertake to get them to the committee in the form in which they are available. The Executive's commitment to child care is clear, as is its understanding of the importance of child care to families. In developing our policy, we have recognised the fact that the issue is not as straightforward as people imagined it to be. There was a day when women were in one place and nurseries were in another. That made no sense, because the needs of one did not match the provision of the other.

That is probably even more applicable for families with disability issues. My experience of working with families is that they can have problems even with simple issues such as access

to education, yet getting youngsters to school allows parents to work in order to support their families. We have to fine tune our policies in light of our awareness of such issues.

As I said, we will get the detail of what has been done in that area to the committee. It is evident that any child care policy has to understand the needs that drive that policy. We need to know how families work and how need is expressed in the family context.

**Nora Radcliffe:** That would seem to take the definition away from one that is geographical to one that sees families almost as a group.

**Johann Lamont:** It can include both.

**Nora Radcliffe:** Yes—both are needed.

**The Convener:** Thank you, minister. We had a good session this morning. We look forward to receiving the information that you have undertaken to get to us. We also look forward to working with you in future.

**Johann Lamont:** Thank you.

11:31

*Meeting continued in private until 12:03.*



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