OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 26 September 2019

Session 5

The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 26 September 2019

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EQUALITIES AND HUMAN RIGHTS COMMITTEE
22nd Meeting 2019, Session 5

CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

DEPUTY CONVENER

Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Angela Constance (Almond Valley) (SNP)
*Mary Fee (West Scotland) (Lab)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
Oliver Mundell (Dumfriesshire) (Con)
*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Shaben Begum (Scottish Independent Advocacy Alliance)
Paul Bradley (Scottish Council for Voluntary Organisations)
Antony Clark (Audit Scotland)
Helen Forrest (Children's Health Scotland)
Jamie Greene (West Scotland) (Con) (Committee Substitute)
Elric Honoré (Fife Centre for Equalities)
Lucy Mulvagh (Health and Social Care Alliance Scotland)
Richard Robinson (Audit Scotland)
Susan Smith (forwomen.scot)
Jude Turbyne (Office of the Scottish Charity Regulator)
Beatrice Wishart (Shetland Islands) (LD) (Committee Substitute)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 26 September 2019

[The Convener opened the meeting at 09:00]

Interests

The Convener (Ruth Maguire): Good morning, everybody, and welcome to the 22nd meeting in 2019 of the Equalities and Human Rights Committee. I ask everyone to turn off and put away mobile devices, please. We have received apologies from Oliver Mundell and Alex Cole-Hamilton. We also have apologies from Angela Constance, who will be joining us a little later on.

I welcome Jamie Greene and Beatrice Wishart. I invite them, as new substitutes at the committee, to declare any relevant interests.

Jamie Greene (West Scotland) (Con): Good morning, everyone. Thank you for having me along. My only relevant interest is that I am co-convener of the cross-party group on lesbian, gay, bisexual, transsexual and intersex plus issues, whose secretariat is in receipt of public funding.

Beatrice Wishart (Shetland Islands) (LD): Good morning. I, too, thank you for having me here. I have nothing to declare.

The Convener: Thank you.

Pre-budget Scrutiny 2020-21

09:00

The Convener: Our first panel this morning includes Paul Bradley, who is the open government project co-ordinator at the Scottish Council for Voluntary Organisations; Jude Turbyne, who is the head of engagement at the Office of the Scottish Charity Regulator; and Antony Clark and Richard Robinson, who are, respectively, audit director and senior manager at Audit Scotland. Good morning. You are all very welcome.

I welcome the views of all the third sector and voluntary organisations that have written to us. Their work across Scotland is essential. We acknowledge the time pressure on everyone and appreciate their having taken the time to get in touch with us.

Given the scope of our inquiry and the limited time that is available, I ask all witnesses today to limit their remarks to our remit, which is

"To explore public sector funding"

that delivers

"national equalities and human rights priorities"

and

"the accountability of public bodies partnering with the third sector in achieving better outcomes".

I will, if necessary, intervene, to help us keep our focus. One hour is allotted for the first panel.

That said, I move to the first question. Should third sector organisations be delivering public services?

Antony Clark (Audit Scotland): That is really a matter of public policy on which Audit Scotland does not have a formal view. However, the Scottish Government clearly has a commitment to use the third sector to promote improved outcomes by working—productively, I hope—with local authorities and others. We have an interest in how all that works, but we do not have a formal view on the rights or wrongs of the policy. However, we recognise that that is an important bit of the context for what we will discuss today.

Jude Turbyne (Office of the Scottish Charity Regulator): There are more than 24,000 charities in Scotland, and a lot of them work at the coalface in delivery of public services. They are very well placed to deliver services that we want, so I think that they definitely have a role to play. How that role should be structured is a different question.

Paul Bradley (Scottish Council for Voluntary Organisations): Third sector organisations should absolutely be delivering public services. I look to

what makes the voluntary sector unique, which is its values. Those values are voluntary organisations' reasons for being; they give their existence legitimacy. It is important that we maintain those values not just in the voluntary sector, but in Government, so that it enables and develops organisations in the voluntary sector to drive their work in communities.

There is a challenge in that organisations in the voluntary sector have, for the past 10 years, been asked to deliver more for less. They are vital players in delivery of services in communities, but attention needs to be paid to adequate resourcing of those organisations.

The Convener: What impact, if any, has the national performance framework had on services that are delivered to the vulnerable groups that third sector organisations are trying to help?

Paul Bradley: I know that the committee has been looking at that for some time. The revised national performance framework gives us a solid base. The 11 new outcomes that we have are linked to the United Nations sustainable development goals. I will move on to that, in a moment.

The problem is that there is general lack of awareness and understanding about, and deployment of, the national performance framework. It looks nice—it has the right words in it and it has the right feel about it, but what does it mean in relation to commissioning, to services, to organisations and to local authorities?

Much third and voluntary sector funding comes from local government. Local government has local outcomes improvement plans. How do those link to national outcomes? Although there is a recommendation for local authorities to ensure that they look at how local outcomes link to national outcomes, there is no duty to report on that. That is an issue because there is tension between what is to be achieved at local level and what is to be achieved at national level.

Jude Turbyne: The sector is skewed towards small to medium-sized organisations—50 per cent of charities have an income of less than £25,000, and some of those will be working in the areas that we are talking about.

I echo Paul Bradley's comments: there is awareness in parts of the sector, but not all across it. There is work to be done in relation to how the work all links up overall. The question is how charities operationalise what they are doing, and how they see that within the national performance framework.

Antony Clark: I echo Jude Turbyne's comments about the outcomes approach being more well developed in some sectors than it is in others. There is also still more work to do to embed the approach in the planning and performance management arrangements across the parts of Government.

Richard Robinson (Audit Scotland): To a degree, the issue is at the heart of the difficulties of aligning services towards outcomes.

At national level, the equality statement goes with the budget. In May, the Scottish Government produced the report, "Scotland's Wellbeing—Delivering the National Outcomes", which set out what is being done and what the baseline position is. I echo the comments about the local outcomes improvement plans. The issues are how the local and national plans marry together, and how well LOIPs can collect what is happening in a complex and wide third sector. We need to understand how the different plans align.

The Convener: On our visits as part of the inquiry, the committee heard about the gap between national human rights and equality priorities and aspirations, and the ability on the ground to deliver on them. What are your reflections on that?

Paul Bradley: Scotland has world-leading legislation and fantastic frameworks, programmes and policies, but delivery requires resourcing. Also, voluntary sector organisations need to be not just at the table, but to have a meaningful say in designing and developing solutions for communities

There are a couple of issues. I have mentioned the resource issue, which leads to lack of cohesion between policy development, delivery and implementation. Scotland's national action plan for human rights, which was launched in 2013, is a really good example: it has no dedicated resource and budget. Voluntary organisations, which the committee will hear from later on, contributed to it and provided funding to progress some initiatives. It was a good plan, but the resources to progress it were not adequate.

There are similar examples to do with housing legislation. Although we have world-leading legislation on homelessness, last year, more than 3,000 people had their requests for temporary accommodation declined. There is a huge gap between the legislation and reality.

Jude Turbyne: In addition, the sector is stretched. We do surveys every two years with charities and the public, and among the main issues that are raised are financing and sustainability. Some funding models lead to fragility in organisations: I think that some of the written submissions mention that some funding is for only one year. There is also mention of reticence about providing appropriate core funding. That might not be very sexy or exciting,

but it is a very important part of what needs to happen if bodies are to have the resources to do their work. It is an important point to consider.

As I said, the overall framework is great, but are the charities that are getting the money sufficiently resourced not only for a project, but so that they are sustainable? Do they have the necessary core funding?

Antony Clark: I echo some of those points. The Accounts Commission and the Auditor General for Scotland have been promoting long-term strategic planning for quite some time.

When it comes to delivering long-term equality and human rights outcomes, long-term planning is needed, and the partners that work to deliver those outcomes need clarity and confidence that resources will be available. That will be difficult for local and central government, but it is essential that they move in that direction.

Jamie Greene: Have members of the panel noticed any tangible difference with regard to operation and success between charities that are in receipt of public money and those that raise funds privately?

Jude Turbyne: That is a difficult question to answer. Of charities that get public funding, most also have other sources of funding. Charities that are heavily publicly funded are usually larger and more professional organisations that can, over a long time, develop ways of dealing with their funding that impact on outcomes. Generally, there is a mixed portfolio of funding across the sector.

Paul Bradley: Small organisations are really challenged to get funding, because they do not have the capacity or resource to put the time in. That came up a few times in the written submissions.

Another issue that comes up time and again, especially for small organisations that are reliant on state funding, is the tension between the services that they deliver and the funding that they receive, which stops them being able to be a challenging voice that upholds the rights and needs of the people whom they represent. That is a big issue. Disproportionate numbers of organisations that receive all their funding from the state are based in deprived areas, so it is vital that they are able to use their experience and expertise to challenge local authorities, Government and public services.

Much of the evidence is anecdotal. Given the nature of the work, we do not go around giving specific examples, so there is a challenge for us in respect of how we talk about and encourage more discussion about the issue without fear of losing funding in the future.

A few weeks ago, I was at an event about the draft budget scrutiny inquiry, which was the first time that I had heard from people whose contract stated that they were not allowed to challenge the local authority or public service with which they work. Although that is anecdotal evidence, if that is coming to Scotland, we must look into it. It does not happen at national level and should not happen at local level. We do not want what happens in the United Kingdom to happen in Scotland.

Antony Clark: I am sorry to say that we do not have evidence, one way or the other, on the different models of funding of the third sector.

However, Jamie Greene's question raises a broader point about the evidence of what makes a difference. It seems to us that, in the world of outcomes, that is a challenging issue for the people who fund services and for those who provide them. The third sector has been giving a lot of thought to what evidence it could gather to demonstrate that it is making a difference in communities. We have shifted from the old-fashioned unit-based productivity and inputs process models towards outcomes, but the evidence to demonstrate outcomes is complex and, by its nature, long term. Everybody is grappling with that at the moment.

Mary Fee (West Scotland) (Lab): Good morning, panel. I apologise for my voice.

I want to look in greater detail at the assessment of outcomes at local level. Who assesses the extent to which local authority budgets deliver national human rights and equalities priorities?

Antony Clark: There is no one single answer to that question: scrutiny and oversight arrangements vary from local authority to local authority and depend on the services and outcomes in question. Some scrutiny might take place at a community planning partnership board meeting, some at an education committee and some at the integration joint board. There is a range of places where scrutiny and oversight take place. One of the challenges is to aggregate all the evidence and get a sense of what is happening at regional or national level.

Jude Turbyne: One of the main challenges is that there are multiple funding streams that ask for slightly different things at slightly times, and look for outcomes in slightly different ways. Good work has been done by Evaluation Support Scotland with others on harmonisation of reporting. It is a complicated area, and if we do not start to take it seriously, we will put a burden on charities, which have to report in different ways to different organisations. That would be a hefty burden to bear, although the reporting probably does not

provide the evidence that is needed, because it is not aggregated properly.

09:15

Paul Bradley: SCVO has always said that the budget should be aligned with the national performance framework right down to local level. We want to see where the money is flowing to achieve certain outcomes, but the policy has to come before the budget. The national performance framework is a vital tool, but there are many gaps in it and it needs to be developed further to ensure that it is representative of what Scotland's national outcomes should be and how they should be achieved.

Gender equality is an important example. At the start of the year, independent analysis was done by Newcastle University that said that gender equality is non-existent in the national performance framework. In its written submission, Engender said that only two of the indicators specifically relate to advancing equality for women.

Although we want our national performance framework to be aligned with our budget, and we want to ensure that money flows to those areas, that leads to the question whether certain groups would miss out if that were to happen right now. It is an important issue that will be discussed further: we will have a conversation about it with the Scottish Government's national performance unit, which is very much up for having a conversation about developing the indicators and areas. It is a complex area.

Mary Fee: Jude Turbyne spoke about finding a way to harmonise all the ways in which local organisations assess outcomes. I am keen to get your view on how much work is involved in that assessment work, particularly for third sector organisations that do it on their own and do not know what they are meant to be looking for. We frequently hear from third sector organisations about their budgets being stretched and their difficulty in managing them. Does the assessment work put extra pressure on the staff of third sector organisations?

Jude Turbyne: When we do our surveys and talk to charities, that is what we hear. If they had just one funding stream to report to that would be quite simple and they could invest the time in it, but different funding streams run to reporting cycles that might be at different times of the year or are biannual. There are also different ways of reporting. If they want to do a good job of showing their impact, but have to do that in different ways for different people, a serious piece of work has to be done.

That relates to something that I said earlier. Charities are finding it difficult to invest in the people who can help with that work. If a charity gets a stream of funding to do a project, it is quite easy to get the workers who will work directly on the project. However, getting the money for somebody to do the reports and support the project is difficult. Such work often becomes an add-on role for the project workers, and it takes them away from what they are meant to be doing.

There is an issue about the harmonisation of reporting. It sometimes starts with simple things: having a clear shared understanding of what the outcomes are for different areas of work, shared language for certain things and shared ways of measuring things. I am making that sound easy, but it is extremely complicated.

We want to see the impacts and measure them, but a lot of investment needs to be put into working out how to do that. That work is important, and it has to be recognised that the core functions—which do not look so sexy, and do not involve doing the work down the mine—that are needed to support project work have to be funded as well.

Mary Fee: That is helpful.

Paul Bradley: The need to report on different frameworks and measures is also an issue for local authorities, and a conversation about that is needed. Much of the voluntary sector's funding comes from local authorities and, because of real-terms cuts to local authority budgets, there has been an impact on the quality and affordability of the services that we deliver.

The most important thing that I want to get across today is what makes the sector unique: the values that we have and the lens through which we see the Scottish society that we want to live in. However, if our values keep being chipped away at, that could lead to contracts being given back to local authorities. We have seen that, because organisations do not have the right resources to deliver contracts or to provide their staff with the right working environment and wellbeing in their terms and conditions. There is a risk of the erosion of the voluntary sector's values, which are a crucial part of Scotland's ability to achieve its national outcomes.

Our reporting on the state of the sector, which came out earlier this year, contained some pretty eye-opening statistics. Eighty-three per cent of our members think that delivering quality, affordable services will be a challenge in the next year. That is a really dangerous area for us to be in.

Antony Clark: I will respond to Jude Turbyne's points. It is very clear and well understood that there must be an opportunity to declutter the reporting and accountability landscape for the third

sector. It has multiple accountabilities, and the public sector landscape is increasingly complex, with CPPs, IJBs and regional improvement collaboratives, for example. It is inevitable that that creates a reporting burden on the third sector, and some might argue that that is a distraction from doing the core job of delivering services and improving outcomes. That is a well-understood challenge.

As Jude Turbyne said, if doing that was easy, we would probably have done it by now. There is a collective commitment from everybody to work together to align those things.

Although I agree with much of what Paul Bradley has said, there is an important local authority dimension. The national performance framework is a Scottish Government framework. Local government is supportive of it, and it aligns its activity to it, but there needs to be discretion for local authorities to respond to the specific needs of their communities. There is almost an inherent tension there that we need to recognise.

Mary Fee: That is very helpful.

I have a specific question for the panel members from Audit Scotland. Do you look at the grants and contracts that are awarded to third sector organisations and assess their impact, or do you not have the capability to do that?

Antony Clark: That is a slightly tangential, indirect interest in relation to our responsibility in auditing the third sector. Our interest is in following the public pound through the funding from local authorities to the third sector. To put it simply, we are interested in whether the councils know that the public bodies are clear about what they are trying to achieve in using the money, how effectively they are monitoring the use of that money and whether councils or, indeed, other public bodies are able to affect and assess the impact of the funding. We do not tend to look at individual grants and services; we tend to look more at the wider governance and accountability arrangements.

Angela Constance (Almond Valley) (SNP): Good morning. I will pick up on Mr Bradley's point about the quality of services and financial constraints not chipping away at the sector's values. We all know that the public pound is precious, and I am not demurring from the importance of resources. However, do the pressures mean that how the statutory agencies work in partnership with the voluntary sector is all the more important? Do the pressures mean that how the statutory agencies and the voluntary sector share that challenge, information and resources, how they work together for solutions and how they reform services in partnership with users at the heart of the process in addition to resources are of the utmost importance?

Paul Bradley: Absolutely. Everyone knows the challenges that we face. That is not just a voluntary sector issue; it is a local government and national Government issue. We wanted to put forward in our written response the idea of looking at different agencies, such as the Convention of Scottish Local Authorities, local authorities and the Government, forming new dynamic partnerships.

I think that, back in 2009, there was a joint statement from COSLA, the Society of Local Authority Chief Executives and Senior Managers Scotland and the Government that focused on looking at how partnerships could be developed and what gold standard joint working would look like. However, that was 10 years ago and we have had almost a decade of austerity since then. The challenges that local authorities and voluntary organisations have had to face have eroded the sense of partnership and trust. Obviously, there are really good examples of working in different places, but the question is: how do we get back that sense of partnership and trust? The SCVO is working with COSLA to revisit the joint statement and to think about what practical things we can do to support local authorities and members of other voluntary organisations to work in partnership.

The involvement of the voluntary sector sometimes seems like a numbers game and that we are invited to the table a little late. That is an issue. It is not just about being around the table; it is about having equity in partnerships. Recently, I was involved in the children and young people's mental health and wellbeing programme board. We were approached at the last minute about putting forward a representative from the voluntary sector to be on that board. That process is completely at odds with the design thinking approach that we should take. We need to change the idea that one organisation can represent the voluntary sector on such a complex issue. We need to change the culture and the practice.

It is important that voluntary organisations and others who are on programme boards and in other groups understand the different roles that they are to play and the merits that they can bring to discussions. There is definitely a role there for the SCVO and other bodies such as COSLA in championing that way of working and drawing up best practice on how things should be done.

Angela Constance: My next question is more pertinent to the SCVO than it is to other organisations. Once you are at the table, are you listened to? Can you tell truth to power? The voluntary sector does that well.

Paul Bradley: A lot of that depends on the individuals with whom we are working. My

experience of working with the Government, for example, has been fantastic. There has been a really open discussion about the national performance framework and human rights-related aspects of sustainable development. That is down to staff feeling that they are empowered to have open and responsible relationships. That empowerment to collaborate more, maybe take more educated risks and do things slightly differently from how they maybe did them in previous work comes from a senior level, such as the director level.

It really depends on the relationships between organisations and the individuals who are part of those relationships. Obviously, I am not at every single meeting in the voluntary sector, so it is difficult for me to comment on that.

Angela Constance: Do voluntary organisations feel a bit disempowered at the local level in respect of having open and frank conversations with their partners in local government or health?

Paul Bradley: Again, it depends on the organisations and the type of funding that organisations receive. Earlier, the issue was raised that there has always been a tension. If people receive funding from a specific body, they will consider that they cannot necessarily challenge what is happening, because their whole survival relies on that relationship. I am sure that members will hear from the second panel examples of challenges having been made to certain local authorities or public bodies and, when it has come to the renewal of contracts, they have been declined. There is a lot of anecdotal evidence about that happening.

Angela Constance: Have you felt that with the Government at the national level, or are you reflecting on local experiences?

09:30

Paul Bradley: I am reflecting on local experiences and on what comes through from our reporting on the state of the sector.

SCVO's relationship with the Scottish Government is very strong. I like to think that we, like many other national organisations, embody the idea that a good positive relationship is about being a critical friend. Yes, we get funding from the Government, but we have a voice in relation to how we work collaboratively. Our preference is always to work collaboratively in discussing challenges and issues, rather than our saying the same thing time and again in consultation responses and briefings, because we have not got a seat at the table.

A recent example is the Government's setting up of a financial transparency working group. I said that it is really important that we talk about human rights-based budgeting. We understand that there are challenges to that, and there is so much learning to be done—SCVO is still learning. The Scottish Human Rights Commission is a great example of an organisation that is doing work in that area. The voluntary sector needs to understand what the challenges and difficulties are in relation to what civil servants and the Government are seeing in order to have adult conversations and come up with solutions.

Angela Constance: There is nothing in the SCVO's grant offer letter that means that it must support Government policy.

Paul Bradley: No. There were concerns from some organisations that submitted evidence to the committee's inquiry that the Government has provided restrictions. That is not the case. Engender, in particular, wants me to say that the Scottish Government, unlike the UK Government, does not place any limits on the advocacy of policy organisations as a condition of funding, which is an important point.

Annie Wells (Glasgow) (Con): Given what has been said today and in the submissions, and given my conversations with third sector organisations, does the panel agree with Age Scotland and the Health and Social Care Alliance Scotland that the third sector is increasingly there to "plug the gap" that has been caused by reduced local government funding?

Antony Clark: Audit Scotland would not use that language. In the context of the challenges that Scotland faces and is trying to address in relation to inequality, prevention and so on, the third sector has a unique role and can clearly make an important contribution.

Jude Turbyne: That is an interesting question. There certainly is, and always has been, a role for the third sector and the charity sector in that space, but we have to guard against the sector picking up the slack when we need national or local public bodies to do that work. My sense is that we all have challenges, which is bound to lead to certain tensions and pressures.

It is useful for us to say to the committee that local organisations are feeling the pressure—it is not necessarily the case that the Government, local authorities or other public bodies want that to happen—because stuff has stopped happening, so local organisations are stepping up, as they always have done and always will do. That is great, because we want the third sector and the charity sector to do that, but the important point is ensuring that they are not being broken by that process.

Antony Clark: The pressure is being felt across the public sector; the issue is not unique to the third sector.

Paul Bradley: Obviously, the inquiry is very much focused on the beneficiaries of our advocacy services. However, the voluntary sector has more than 100,000 paid staff who provide good work, not to mention all the volunteering opportunities, which are important for wellbeing. Those workers have rights and needs, including wellbeing. Some of the frustration comes from the fact that voluntary organisations are taking on more roles with communities with complex needs—the work that might previously have been undertaken by the public sector. People in voluntary organisations probably look at their public sector colleagues and think, "Hang on a minute. Look at my terms and conditions. Look at the environment in which I am working. I am asked to do more for less, but I am on a short-term contract." They could even be a supply worker. That has an impact on staff morale and wellbeing; that point definitely comes through. Confidence is extremely low in certain voluntary sector areas, because people feel that they do not have the time or the resource to work effectively.

The Convener: We were going to talk about fair work later, but we can do so now, given that Paul Bradley has mentioned it. That issue stood out to those of us who were at the committee's recent engagement event. We might not previously have considered the fact that the people who work for organisations that help folk to realise their human rights are often on short-term contracts. One organisation said that it could only ever employ a younger person who was just out of university; it might be able to give them six months' experience. What can we do to improve working conditions for workers in the third sector?

Paul Bradley: You have hit the nail on the head—it is a case of speaking directly to such organisations and bodies such as the Glasgow Council for the Voluntary Sector and listening to them talk about the challenges that they face.

More than three quarters of our voluntary sector organisations have no paid staff and rely solely on volunteers. As well as being the lifeblood of the sector, volunteers perform vital roles for their own wellbeing at certain points in their lives, whether that role is to do with their own development or something that they have chosen to do at a certain time.

The third sector is a major economic partner, and the issue that you raise is hugely important. We struggle to get the Government to understand or to speak much about it. We might have more of a role to play in bringing the matter to people's attention. There is a lot of evidence on social care and the living wage, which the committee will hear about later. The Government is trying to ensure that people who work in social care services in the voluntary sector receive the living wage, but there are still challenges, as the committee will hear later.

I come back to the point about the values of the sector. If our organisations are calling for the living wage but they have people on zero-hours contracts whom they are not paying the living wage, that represents the erosion of values that I am talking about. It also raises other questions, such as trust in charities and whether our views are legitimate.

The Convener: The other point that was made in our engagement event in Glasgow was that volunteers are not free—it is necessary to train them and invest in them.

Jude Turbyne: I will add to Paul Bradley's eloquent comments. Sometimes the issue is the level of the resources, but sometimes it is the length of time for which they are invested. If an organisation has a bit more certainty about how long they will have resources, they will be able to bring in a young person, train them up and have them stay for three years. That is a very different way of working from bringing in someone on a short-term contract.

I agree that volunteers are the lifeblood of the sector and that we must invest in them. Virtually all the trustees who run charities do so on a voluntary basis, so we must look at how we support them. That is part of our enabling role as a regulator. The issue is not just about money and resources; it is also about the way in which the resources are offered. That can have a big impact.

Antony Clark: I agree with everything that Jude Turbyne has just said, but it seems to me that it is partly a question of having a mature relationship with the people with whom you are working. It is a case of having a shared vision of what you are trying to achieve together, committing to long-term funding and recognising that development and support for the service must be part of that deal.

Annie Wells: The HSCAS argues that tighter local authority budgets result in poorer experiences for service users, including more restrictive eligibility criteria, increased charges and growing infringements of their human rights. Do members of the panel agree?

Paul Bradley: In general, yes. If there are cuts at the local level and budgets shrink, that will have a knock-on effect on the services that we deliver. As has been mentioned, that is an issue for not just the voluntary sector but Government and local government, too.

One issue is the type of funding that is provided: 91 per cent of those who took part in our state of

the sector exercise said that they find it a challenge to plan for the future. If we want to move towards a more outcome-focused approach that involves patient working and which is person centred and beneficiary led, we need to move away from simply relying on short-term project funding. That can be crucial for specific groups, but we need to think about the impact on the majority of groups in Scotland and not limit the type of funding that is available because, otherwise—and this is already happening, as we heard earlier—organisations will have to find capacity to chase short-term funding to the detriment of what they are here to do, which is to deliver vital services, support and advocacy.

It is absolutely the case that what happens at local government level has an impact on the voluntary sector.

The Convener: On funding, how long would be long enough to be able to improve working conditions and do all the things that we have been talking about?

Jude Turbyne: I will make a general start to answering that question, but everyone will have their opinions. It is a tricky question to answer because, even with a three-year budget cycle, we would have only about 12 to 15 months in which we were not coming out of a cycle or going into another one. That is not a very long time, but having a budget cycle of that length would still make a massive difference, because people could budget over the three years.

There are different models to think about. People might develop a five-to-10-year working model that could be revisited in different ways at different times. I know that such a model is very ambitious and would be tricky to work towards, but the idea is that the longer the timeframe, the better. However, there would need to be points at which things could be challenged. If we are working with tricky intersectional needs and looking at outcomes for people who have all sorts of difficulties, short-term funding does not affect only the number of staff and the stuff that can be done, because people tend to look for impacts that can be measured quickly, because they can then show that they are doing something right. That takes us away from looking at longer-term outcomes.

I know that the Scottish Government will not suddenly be able to provide funding for 10 years at a time, but we should be looking for modalities that work over a longer time and finding different ways of intersecting them.

The Convener: The committee is interested in hearing about the ideal model, but we all live in the real world and understand that the Scottish Government does not get 10 years' funding.

Jude Turbyne: Exactly.

The Convener: However, it is important to hear about what would work and what would help.

Paul Bradley: It is true that we must be realistic about the current environment. The Scottish Government does not get 10 years' funding—it does not even get five years' funding—but we need to think about the ideal model and about what would be of most benefit to the sector and the Government.

The question is very difficult. Sometimes we fall into the trap of thinking that three-year funding is what we need, but what is the rationale for that? I am not saying that there is a problem with short-term funding; in certain instances, it can be crucial. However, we need to link things back to the outcomes that we are trying to achieve. We need to think about the resources and capacity that are needed to deliver those outcomes, which will vary depending on the type of groups that an organisation is working with, the location and so on. More work is needed on that. We are speaking with our members about the type of funding that would most suit them. It is a challenging question.

Antony Clark: I agree with much of what has been said. The other point is that it is about strategic commissioning, not just funding. It is about working with the third sector, so that we understand what we are trying to achieve in the long term. Irrespective of the length of funding, third sector organisations should be in a good place to make a bid and work with politicians to deliver the right services. Long-term funding is good for dealing with long-term outcomes, but that needs to be balanced against flexibility. Things change, and we would not want to tie ourselves to a contract that was no longer relevant to needs. There is a lot of complexity in relation to commissioning and the nature of funding and contracting.

The Convener: That is helpful.

Richard Robinson: It also goes back to the point about how difficult it can be to measure things. With outcomes-based budgeting, we are trying to get an idea of the impact of a change in spending level. The information that we have underneath that will determine how well different types of spending are working. As has been said, it can be difficult to gear reporting at every level towards thinking about how something relates to every outcome. When we talk about collaboration and collating information, we need to be clear about the acceptable level of information that is needed to show an impact. It is not only about the intention of the spend but about how that will be monitored, so that we can look at the potential impact of a change in spending levels between years.

The Convener: The committee has had evidence sessions on outcomes-based budgeting. It is one of those ideas that sounds wonderful, but I do not think that we managed to find anyone who has cracked it yet. There is more work to be done.

09:45

Jamie Greene: Some of what I was going to speak about, in relation to budget cycles, has already been covered. The Culture, Tourism, Europe and External Affairs Committee has just finished an inquiry into funding for the arts. Two main themes came out of that inquiry. The first was that one-year budget cycles made it impossible for organisations to make long-term plans. The second theme was that access to funding was difficult, because the complexity of the applications favoured medium and large organisations, which had experience of bidding for funds and the structures in place to submit applications.

In future, how should Government make funds available on a more long-term basis but also make the processes easier and therefore the funds easier to access?

Antony Clark: That is an interesting question. It strikes at commitments that Government and other bodies have made around participatory budgeting. It is about trying to devolve budgets to local levels, so that those at the local levels can have discretionary choice. That might be one way of breaking that log jam around what people see as monolithic approaches to commissioning services.

Jude Turbyne: Jamie Greene is right about medium to large charities—usually large charities—being the best at accessing funding. That is probably why they are large; they also have the staff and the experience. If we want to work with smaller organisations, we have to build a different model of partnership—a different way of working with them—to allow them to get to that stage, but in a way that does not, in the first instance, ask for big, complicated proposals. Finding that different way of working with organisations is tricky for Government to do, but it can be done. Participatory budgeting is interesting, too.

Paul Bradley: The SCVO sometimes falls into the trap of engaging with large organisations because they have teams to engage and work with in those roles. I do not want to pitch large organisations against small organisations; it is about which is the right organisation to deliver a service. As we have heard, smaller organisations do not always have the capacity. Sometimes, it is about having the skill and knowledge to complete an application form. The GCVS submission said that organisations should try submitting an application on their own application forms—they will see that it is a challenge.

Whatever happens with the UK exiting the EU, if we get a replacement fund, there will be an opportunity to look at what is a difficult, untransparent and inaccessible application process that makes it hard for organisations to apply for funding. That is the case in relation to many other funds that organisations have to apply to.

Jamie Greene: Thank you for those responses. There is a lot of commonality between this panel's responses and those of other panels that I have heard in inquiries into such funding.

One of the themes that has come out is that big government is well suited to giving big chunks of cash to big organisations, but that, at a local level, it is often difficult to see how someone sitting in Edinburgh could fund a small-scale project—with, say, funding of tens of thousands or less—and how the small organisations could directly influence the process. That is interesting feedback.

We are tight for time but I am keen to explore the idea that, if two or three charities or third sector organisations are working in the same space and in receipt of public funds, and the Government makes a difficult or controversial decision to move funds from one organisation to another, that creates an element of internal competition within the sector. How could organisations better deal with that, so that resources are pooled in the best place in order to meet the needs of the people that they are all trying to serve?

Paul Bradley: As I said, there are 40,000 or more voluntary organisations. Lots of organisations work in the same space. We encourage collaboration between organisations that work on the same issues. Through our Scottish charity awards, we look at the partnership approaches that organisations take to deliver specific outcomes and make the best use of resources.

From our state of the sector report and other evidence, we know that organisations feel as though equalities are having to compete against one another. Organisations get into the game of listing all the equalities and working out which is the priority, even though they are all a priority. We need to look at all the intersections and ensure that organisations work together to deliver on all equalities.

When it comes to the funding of smaller organisations and national organisations, the Government's funding of intermediary bodies works well. Such bodies, including the Scottish Council for Voluntary Organisations, play a crucial

role in giving other organisations a voice, whether on health, gender or other areas. It is important for us to be able to gain an insight on what is happening on the ground.

Antony Clark: I am not sure that there is a simple and easy answer to your question, Mr Greene. When difficult choices are made about shifting resources from one service to another, there are inevitably dissatisfied people. There are important principles here about the openness and transparency of the process. People need clarity about the basis on which decisions are made. That will never entirely eradicate the sense of dissatisfaction that people feel if they end up not being successful, but it might help to mitigate risks.

Jude Turbyne: I agree with my colleagues. An important factor for funding bodies is that they understand the bit of the environment that they are funding. The Scottish Government has been good at using user research in other parts of its work to understand what is going on on the ground. Whether funding bodies do the research themselves or go through intermediary bodies, understanding the local context is valuable so that they understand the possible conflicts or tensions. It might not change their funding decisions, but it might make them do things slightly differently.

Fulton MacGregor (Coatbridge and Chryston) (SNP): My line of questioning on partnership working between local authorities and the third sector has been mostly covered in the responses to my colleague Angela Constance. I will pick up on a specific aspect. Do the witnesses have any comment on how third sector organisations link with integrated health and social care, given that that is relatively new?

Antony Clark: The evidence from our audit work is that the picture is varied. There are arrangements in place for the IJBs to engage with third sector providers and there is a commitment to use the third sector to provide services, where appropriate. I am not particularly well placed to talk about what the arrangements are in particular places or how well they are working. I will go back and look at that and, if I find anything, I will pass it on to the committee.

Paul Bradley: I do not want to comment on that too much, as the next panel will follow up on that specific area. What comes through as similar in relation to health and social care integration and other partnership areas is the democratic deficit and the lack of equity that voluntary organisations experience in partnerships. That will probably come up a lot in your conversations about the voluntary sector's role in relation to the IJBs.

Fulton MacGregor: Since being elected, I have been contacted by many third sector organisations that are struggling in the landscape and looking for a bit of support. An organisation that provided drug and alcohol services in my area had recurring problems and ended up going under. It raised a concern about dealing with the integration joint board and understanding where it fitted in with that. Have you come across that issue in relation to drug and alcohol services?

Antony Clark: We have not looked at that specific point, but we produced a briefing paper earlier this year on the current performance of drug and alcohol services in Scotland, which highlighted deteriorating performance and the challenges in improving outcomes. IJBs have an important part to play in leading on and responding to those challenges, so that is an issue that requires further thought.

Beatrice Wishart: Many written submissions were in favour of more public participation in the budget process. Does the panel have any practical suggestions for how to allow the third sector and the public to have a more meaningful say in the budget process?

The Convener: Antony Clark spoke a bit about participatory budgeting—he might want to expand on that.

Antony Clark: We often work on community empowerment, which is an important policy area for Audit Scotland and the Scottish Government. We looked at some interesting examples of local authorities and their partners involving communities in decision making about what needs to happen to improve their area by, for example, holding day sessions and working with community groups. The third sector is often involved in such discussions as well.

As everyone will appreciate, it is not easy to find the right way to have conversations that will create meaningful and concrete proposals for change. However, the evidence that I have seen suggests that, when people are allowed to be involved, they are pretty rational—they know, for example, that there is a finite amount of resource. There can be tensions between different groups that are competing for resources, so the issue of winners and losers is difficult to manage.

However, such developments are really quite exciting and there is commitment to the approach. Local authorities are really trying to grasp the nettle of engaging with communities, although it is not easy. I am sure that colleagues from the third sector will have views on how well they feel that they are involved in such processes—I cannot comment from their perspective—but we see a commitment from local authorities to developing novel approaches.

Paul Bradley: For me, it again comes back to policy. At the moment, we have a national

outcome on human rights, but we do not measure the process around the Scottish budget. That is really important, because doing so would allow us to understand the transparency of, accountability in and participation in the process. We already have draft results from the Scottish Human Rights Commission about the level of transparency, accountability and participation in the Scottish budget process, so there are indicators, but we need to use them to understand how we are doing and bring that into the conversation.

Understanding the budget is an issue for voluntary sector organisations: it is not only members of the public but people in our sector who might not necessarily understand it, and trying to follow the money is hard. The sums of money that small organisations receive can be quite small, and if those sums are anything under £2 million, it is hard to find out where the money has gone and the impact that it has had.

There is a need to look at international models of best practice. We need to have a proper conversation with the Scottish Government about what the specific challenges are in Scotland and work together collaboratively, rather than bringing the same responses back every year about the need for human rights-based budgeting.

The Convener: That was very helpful—thank you.

09:58

Meeting suspended.

10:01

On resuming—

The Convener: I welcome our second panel: Shaben Begum, director of the Scottish Independent Advocacy Alliance; Elric Honoré, development officer at the Fife Centre for Equalities; Lucy Mulvagh, director of policy and communications at the Health and Social Care Alliance Scotland; Helen Forrest, chief executive of Children's Health Scotland; and Susan Smith, co-convener of forwomen.scot. You are all very welcome.

When I introduced the first panel, I mentioned how much we welcomed the views that we received from the third sector and voluntary organisations that wrote to us and how much we appreciated the work that they do. Given the scope of the inquiry and the limited time available, I ask everyone to limit their remarks to our remit, which is

"To explore public sector funding"

that delivers

"national equalities and human rights priorities"

and

"the accountability of public bodies partnering with the third sector in achieving better outcomes".

If necessary, I will intervene to keep us on track, but I am sure that I will not have to, as the questions and answers will be very focused.

I will start with a question that I asked the first panel. Should the third sector be delivering public services on behalf of the state?

Shaben Begum (Scottish Independent Advocacy Alliance): The members of the Scottish Independent Advocacy Alliance do not deliver public services, so I am not in a position to comment on that. Our members are there to hold decision makers and statutory bodies to account collectively and individually, so I do not feel able to comment.

The Convener: I should also say that not everybody has to answer every question.

Susan Smith (forwomen.scot): I would say that there is a difficulty when a group that represents one set of interests does something on behalf of Government, such as delivering a service or undertaking a project that should be undertaken by Government. That concentration on one specific area might have impacts on other sectors or other protected characteristics. From the point of view of women, we have seen recent policy that has affected women without their needs being considered, because the people who undertook that work were not looking for that. If third sector organisations are going to deliver services on behalf of the state, maybe they should be subject to the same restrictions that a Government organisation would be subject to.

Helen Forrest (Children's Health Scotland): Children's Health Scotland works in partnership with the Scottish Government and others and we believe that we provide a valuable service that complements the services that are delivered by local government and the health boards, so my answer is yes.

Lucy Mulvagh (Health and Social Care Alliance Scotland): For those members of the committee who do not know about the Health and Social Care Alliance Scotland, I note that we are a third sector intermediary for a wide range of health and social care organisations, many of which provide direct, front-line services, and I would say that they should be doing that. The reason why third sector organisations do that work is that they are very well placed to do it. Often, they are the best placed to do it, because they are by and of the communities within which they work—they are often formed from those communities, be they geographic or otherwise.

As Paul Bradley—who was one of the speakers on the previous panel—said, it is very much about the values-based delivery of services. The third and voluntary sector is an invaluable resource that often works on little more than air.

Elric Honoré (Fife Centre for Equalities): Fife Centre for Equalities does not deliver public services as such, but we do what most third sector organisations do and step in when things fall into the gaps. We would say that that should technically be done on the public side, but we step in at the intersection when things do not co-ordinate well. My answer to the question is that we sometimes do that, but we should not have to be there. That is an on-going story.

The Convener: Will those of you who deliver services to the public give your reflections on the changing demand over the past decade and the reasons for that?

Helen Forrest: The demand is increasing. We provide direct services in Tayside, Perth, Glasgow and Edinburgh. We could do more, but we do not have the people in areas to do more. The demand is increasing year on year.

Our area officers go out into the community. For example, Michelle Wilson goes into the Dundee International Women's Centre, and she gets more work from there. She knows that there is more to be done, but she has to cap the work at the amount that she can cope with. We know that there is more to be done, but we need the funding to do it, or we cannot deliver.

The Convener: What are your reflections on the reasons for that increase in demand?

Helen Forrest: I can speak only from the children's health perspective. Knowledge of rights and of human rights is growing. People know more about the United Nations Convention on the Rights of the Child and about their rights. Because they know more, they ask more questions, and that leads to other people asking more questions, too. Michelle Wilson spoke to a group of about 20 international women in Dundee, all of whom needed to know more about rights and equalities, and they went on to talk to more people. When the information gets out at the ground level, more work is required.

The Convener: Shaben, have you seen an increase in demand?

Shaben Begum: Our members are definitely reporting an increase in demand. Lots of people come to independent advocacy organisations because they have not been able to access the services that they have a right to access.

I am really pleased that other members of the panel have reported a heightened awareness of rights. Our concern is that people do not find out about their rights until they are in a crisis situation where things have gone wrong. There are a lot of assumptions that people are entitled to all sorts of services that they are not necessarily entitled to. The threshold to access some services is quite high, and that is reflected in people's access of independent advocacy.

The Mental Health (Care and Treatment) (Scotland) Act 2003 was the first piece of legislation that gave people an automatic right to access independent advocacy, and in it, we have an act that is recognised across the world as being really important. That access to independent advocacy is unique in the UK.

In other bits of the UK, people can access advocacy only when they are in a difficult situation—for example, when they face detention in hospital. The 2003 act talks about anybody who has a mental health issue being able to access advocacy. When that piece of legislation was written, there was thinking about advocacy having a preventative role in people's lives—about its preventing situations from escalating and preventing people from having to be admitted to hospital by giving them the ability to access services in the community that they need. However, advocacy is increasingly becoming a firefighting, emergency service, so people find out about it only when they are seriously unwell or when they are in danger of losing their tenancy, home or children. We cannot do the preventative work that we are supposed to be doing because we are too busy fighting for people to hold on to their liberty, for example.

The Convener: That is helpful.

Lucy Mulvagh: I want to raise the issue of self-directed support in social care. We have a fantastic piece of legislation in many ways that embeds choice and control in human rights, for example, and affords people who require social care support the opportunity to be provided with four options by local authorities for how they want the package of support, to use the slightly older terminology. That creates the expectation that a person will be able to go along, request support, and be given the support that they need because the legislation tells them that they have a right to it. Obviously, all that that did was bring international legislation and an international human right to health and wellbeing.

We are increasingly finding that people go along and ask for that support and are not able to access it because of shrinking resources and funding at the local level, and we see that as a really clear example of where there is a growing implementation gap. We have some world-leading policy and legislation on rights and equalities in Scotland, but the reality for people on the ground

in communities is very different, and that creates discord and distrust.

The Convener: I know that Jamie Greene will explore that gap a little more, but I want to bring the panellists back to the demand for their services.

Elric Honoré: I will chip in to support what Shaben Begum mentioned. There are structures in place in law centres to provide representation, but people do not have the resources to access them. We know that the number of legal aid grants is going down. Applications and grants have been going down since 2009, so people are not quite able to exercise their rights. A lot of people cannot prepare a case in a preventative way, so it has to become a court case or employment case. It does not matter what form it takes; the problem is that we do not have support for casework at the stage before the issue becomes a big problem and has to involve defence lawyers. The bulk of people therefore simply give up. They sit just outside the process; they do not have support from the third sector for individual casework. The law centres cannot take their issues on board. There is also limited access to interpreting services, for example. The bulk of people cannot exercise their rights because they are slightly outside that bubble.

Annie Wells: Good morning, panel. You have spoken about an increase in demand for your services. From what everybody whom I have spoken to has said, day in, day out, that is nothing new. Have you seen a reduction in the funding that is available to you over the past 10 years? What impact have the funding changes had on the service that you can provide?

10:15

Helen Forrest: Children's Health Scotland is funded mostly through the children, young people and families early intervention and adult learning and empowering communities fund. There is an onerous form to fill in and we have to jump through hoops, but the three-year funding, which has now rolled into four-year funding, gave us the breathing space to allow us to apply for the new funding for families and communities. Getting a pot of money is critical to allow our services to move forward. We are at the stage of asking whether we will get the funding again and, if we do not, whether we will need to roll out redundancy notices. That is a real issue for third sector organisations and their ability to grow year on year.

We hope to keep our services as is—that is our first and foremost concern. We then think about whether we can grow them. If we can, we need to find a mentor who can say, "We will help you to do this, because we know that the service that you are providing is valuable." Such mentors do not really exist, so we need to think about whether the pot of money will allow us to do work in Aberdeen or Inverness and whether we can make ourselves a national organisation. There is a real problem in looking for pots of money and then being able to afford the time to apply for the funds that will help to grow the service year on year.

Children's Health Scotland has been growing year on year. We are not a huge organisation but, with small steps, we have been getting bigger and better, which has allowed us to provide a valuable service on the ground and to lobby for children and young people to have a voice regarding their health rights. We have also expanded through funding for hard-to-reach areas and groups, which has proved valuable in giving such people a voice. They might not know that there is a doctor in their area—never mind where to find them. As more people have come into the country, helping hard-to-reach groups has become a growth area for us, but it is very difficult to find pots of money.

Elric Honoré: This point applies more to the organisations that we work with than to us. As an organisation, we are not community advocates, but we enable services to engage directly with equality groups. Our experience is with very small, low-level local groups that work with specific groups, such as Syrian refugees, the Fife Arabic Society and the deaf club. Those groups cannot access the funds for a range of reasons.

For example, the form for a £10,000 pot will not be in British Sign Language, and the native language of those in the deaf club is not English. Third sector interfaces do not write policies or make applications on behalf of other organisations, and the English of the people in those organisations might not be good enough for the forms, because that is not their native language. The forms are not geared towards that. TSIs sit outside the system, because we are not allowed to write policies or fill in application forms. That is understandable, but it means that such groups are left out. The same applies to the Fife Arabic Society. It does not have the corporate governance that allows it to access capacity building of TSIs. Those organisations need to pass their organisational health checks, so they are left outside of equalities and human rights budgeting.

Such groups do so much work, at any time of day or night, in relation to healthcare and education access, emergencies and hate crime, but they are not part of the picture. The groups are not accounted for, because the services that they deliver to people are outside of the account books. They do not access the funds, and their work is not valued. There are two sides.

Shaben Begum: The SIAA lobbies and campaigns to ensure that new legislation includes

the right to access independent advocacy. The flipside of that is that our members cannot access funding from third sector funders if they provide a function that is a legal right, so they have to rely on the national health service, local authorities and integration joint boards for their funding, and the funding for those organisations has shrunk.

Every two years, we do research for what is called the advocacy map. Before the economic crisis in 2008, funding for independence advocacy was going up on a small scale, but since then, most advocacy organisations have reported that funding has been cut or frozen. The demand for independent advocacy has continued to grow, because more people have found out about their right to it, but the organisations have not grown to meet that demand.

Lucy Mulvagh: I have a bit of a solution for the issue of trying to do the same with shrinking resources, which has become part of the narrative. We use the phrase so often that it is almost becoming meaningless, which is a reason why we made great reference to human rights budget work in our submission.

We are partnering with the Scottish Human Rights Commission, the University of Glasgow and Glasgow Caledonian University on interesting and potentially game-changing work that challenges trying to apply the same system with a shrinking pot of money. It is a paradigm shift thing. Paul Bradley from SCVO touched on the issue in the previous session. We suggest starting from a different place by asking what people need and what are their rights, then asking what resource is needed to meet that need and where to get it. Those underpinning principles go all the way through the process, and they would be applied practically, around transparency, accountability and participation, by people involved in decisions in the third sector.

The SHRC's response to the call for evidence contains information about that process, and it has produced a series of briefing papers that go into great detail about the actual "how" of how we would do that, so it is not just something that sounds great on paper. Now is the time in Scotland for us to take that approach—we have reached that point.

Mary Fee: Good morning, panel. I will look in more detail at the split in funding that your organisations receive. Can you give committee members a bit of detail about the percentage of your funding that comes from the public sector? How much of that is grant funding and how much, if any, is contract funding?

Helen Forrest: Sixty per cent of our funding is from the children, young people and families early intervention fund. We have just gone through the application process again for the families and communities fund that will be coming out. Interestingly, we had to tick the box about whether we were doing it from the point of view of rights or of children and young people. We debated whether we would lose the funding because we were going for the right-based approach. We had a big discussion with our trustees about whether we would lose our money if we went for the wrong thing. We have gone with our gut instincts and picked the rights-based approach, and hope that we will still get a pot of money.

We fundraise through trusts and foundations; we get chunks of money to deliver services from BBC Children in Need and the Robertson Trust, for example. If we do not raise enough money in the year, the services are afforded through our reserves. Because we do health and rights, we are not able to fundraise as well as the national organisations that can go out and do such things as bucket collections, so we rely on trusts and foundations for our income to deliver the services.

Shaben Begum: Because of the statutory duty on the NHS and local authorities to ensure access to independent advocacy, most of the funding for independent advocacy organisations comes from statutory sources. Most of it is on a three-year funding cycle. Contracts are tendered and organisations compete against one another to win them. As the previous panel said, some of our members find out about funding yearly and are constantly in the cycle of trying to source funding.

Most of our organisations have a contract to deliver independent advocacy. I suppose that that may appear to be a contradiction, as the whole purpose of independent advocacy organisations is to hold decision makers to account. When they do that, they inevitably annoy decision makers; they hold local authorities, the NHS and IJBs to account. Difficult decisions are made about services that are provided and people are often denied funding; advocacy organisations might then take action on behalf of groups of people or individuals. Then, when the three years of funding comes to an end, we have evidence that some of our members have suffered the repercussions of holding decision makers to account and speaking truth to power, because they have lost their funding and contracts.

Mary Fee: So when they have challenged, the contract funding has been removed.

Shaben Begum: Ideally, I would like there not to be a connection between holding those people to account and the very same people making decisions about whether to renew contracts.

The Convener: The committee would obviously be interested to see any evidence about that. If

you want to write in with specifics, that would be helpful.

Shaben Begum: Yes, we can provide that.

Mary Fee: That would be helpful.

Susan Smith: We are funded by donations and have no paid staff. We are not paid to produce anything. It is similar for the MurrayBlackburnMackenzie collective, which has also made a submission. It did a fundraiser, and we all have a few thousand pounds in the bank. We are running on gas.

That is not unusual. I also work for a charity that gets bits from the Big Lottery Fund and BBC Children in Need. Again, the work is all done by volunteers, who are people who work in related areas.

Elric Honoré: Fife Centre for Equalities is relatively new and is funded by the local authority. We receive a block grant from Fife Council and are lucky that it is over three years, which is good. We have diversified into specific areas of work and projects that can be funded from any sources, depending on the work that we deliver.

For the grant, we have to have a service level agreement, which is quite similar to the idea of working as critical friends to the council. It is about how to make it better; we are there to enact the Equality Act 2010 in local authorities. It is a unique set-up, because we inspect how the local authority performs on equality and diversity from that position as a critical friend.

Mary Fee: Is the public funding that your organisations receive attached to human rights and equalities outcomes? If so, does that make it easier or harder to do the job?

Lucy Mulvagh: The alliance is a national intermediary, which is funded by a strategic partnership agreement with the Scottish Government. We have a separate contract with Glasgow health and social care partnership for delivery of the links worker programme, which I will not go into now.

Our agreement for the Government grant is governed by an outcomes model. It is focused on outcomes that are aligned to our organisational vision, mission and aims—I could recite them off heart for you, but I will not as they are on our website. Human rights are explicitly included, and the outcomes are about putting the voices of people front and centre to ensure that policy and practice are built around people's rights and needs, rather than being extraneous to them.

We have found working in partnership and being, as Elric Honoré put it, a "critical friend" to Government incredibly fruitful and valuable. It has enabled us, for example, to play an active role in human rights initiatives in Scotland. We co-convened the health and social care action group of Scotland's national action plan for human rights. We are involved in the development of the second national action plan for human rights and we have been involved in other work.

It has helped us to progress the rights of disabled people, people living with long-term conditions and unpaid carers in Scotland. Without that funding, we would not have been able to do that work. Although I am blowing our own trumpet, we have done a lot of work to advance the rights of people in Scotland, particularly the stakeholder groups and our members. Our third sector members and partners also play an important role that in doing that.

10:30

Mary Fee: That is helpful. Thank you.

In its submission, forwomen.scot states:

> "the Scottish Government does not provide funding for any groups who represent women based on the protected characteristic of sex."

Although I do not want to open this discussion up to the wider debate about gender, do you have any examples of organisations that have applied for public funding and been denied on that ground?

Before I open that up to the rest of the panel, I ask Susan Smith for a response.

Susan Smith: No, because that issue has come up only in the past couple of years. Two years ago, Engender's report still talked about collecting data on the basis of sex and about the importance of sex as an analytical tool for measuring discrimination. That seems to have changed just in the past year or so. Nobody is sure how it happened.

Now, we hear that, for example, the applications to the equally safe fund have to be fully inclusive. They are not allowed to use the exemptions in the Equality Act 2010. That might be an issue. It is not happening on the ground because, on the ground, people are using their discretion.

The issue seems to have come into a lot of organisational structures. Engender no longer says that it is a sex-based organisation; it says that it is a gender-based organisation. Because that issue has only just arisen, a lot of groups, such as ours, have started to analyse policy. The problem is that groups have not been analysing policy, so we get things such as the Scottish Prison Service policy, which was problematic. That is an area where people should be analysing policy on the basis of sex as a protected characteristic.

Mary Fee: What about the specific question of organisations being refused funding on that basic ground?

Susan Smith: I do not know that anybody has applied yet, because there has not been a funding review since then.

Mary Fee: So there is no evidence.

Susan Smith: Nobody has had the opportunity to put in an application, because it has only just happened. The organisations have just changed policy, so, until we get the next funding round, we will not know whether that is true.

Angela Constance: I have a brief supplementary question. If I understood Susan Smith correctly, she said that there is evidence that, going forward, the Government will not allow the Equality Act 2010 exemptions to be used for applications to the equally safe fund. It is my understanding that no Government can ask anybody to step outwith the law. Specific examples would be appreciated, but perhaps it is more a question that we can ask the minister. That is a serious allegation.

Susan Smith: It was on account of a parliamentary question that Kezia Dugdale put to Christina McKelvie last year about the policy for applicants to the equally safe violence against women and girls fund. The answer was that they had to prove that they had an inclusive policy.

Angela Constance: Ms Smith, you said that the Government was not allowing organisations to apply equalities legislation. I am testing the idea that Governments are not able to step outwith the law.

Susan Smith: Domestic violence charities use the provisions of that legislation by having a single-sex restriction. If the Government says that they have to have an inclusive policy, single-sex organisations cannot use those provisions, so they cannot apply to that fund.

Angela Constance: I will pick that up with the minister but, as we have seen in events this week, no Government is above the law.

Susan Smith: It might be just a misapprehension, but that was the answer that was given with regard to that fund.

The Convener: As I said at the beginning, I am keen to keep us focused on the budget. It is an important topic. We can look at the question and pick it up with the minister. We can look at the application to see that there.

Jamie Greene: I am keen to explore other areas. There are specific issues that affect different aspects of the voluntary, third and charitable sectors, but I want to step back a little. I was taken by something that Lucy Mulvagh said earlier. In some areas, the Government is planning three-year cycles for equalities budgets, rather than single-year cycles. As this is budget scrutiny at work, is there an opportunity for the Parliament's committees to take a fresh look at how the Government funds the third sector?

A theme that comes up is that your organisations are being asked to do more for less. Because there is only so much that you can do without more funding, you will hit a wall at some point. Given how many organisations are vying for the same pot of money, does there need to be fundamental change in how our country uses the third sector and how we get value for money from it for the public purse? Given that there is £24 million but there are 24,000 charities and 45,000 voluntary organisations, that is a lot of people and not a lot of money to go round.

Helen Forrest: They are chasing that pot of money. It would be good to have transparency on how to get part of it. When smaller organisations try to put policy into practice, how can they achieve the visible outcomes that they want? When it comes to rights and health, outcomes are not about number crunching; they are about the difference that the organisations make to the people they are engaged with. It is hard to put on an application form that you have made a difference to the lives of people—it is difficult to get that across. That pot of money might be a big spend. Organisations say, "We have helped only this amount of people, but that help has made a significant difference to those people." That is an issue that needs to be looked at. Therefore, it should not be just about putting numbers on what has been done and saying, "We have talked to so many thousands of people to whom we have made a difference." Organisations need to talk about how they made the difference and what impact that has made to that person; they need to get it down to that individual level.

Elric Honoré: It is a big issue. We are always inspecting how local authorities deliver services to specific equality groups. When that does not happen or it does not happen well, the third sector steps in. It has to be addressed in some way. That is where I am stuck. I lack data and I need to find out what is happening or not happening. When it comes to monitoring protected characteristics, there is not a lot of detailed equality evidence on the delivery of services. That is something that happens in the public sector as well as in the third sector.

Even organisations that deliver specific services to allow access to a human right do not monitor the access to the right—that work is being sought after—and the characteristics of a person. We cannot gauge how much the public sector or the third sector is doing, and what is happening in

between, because there is not a budgeting angle that looks at whether rights are being accessed and at who is using the services. That is a problem.

We need transparency, so it is good that, for example, the Exchequer is adopting open-government principles, so that as much information as possible can be provided. That is good, but it needs to be matched by having a measure for the process of accessing rights. How is that tagged? That will not work with an archaic system in which we take a snapshot of a person who is accessing a service, in relation to equal opportunities. At the point of access, we need to look at what right is being sought and the characteristics of the person at the time. That is the issue that we have all the time.

Lucy Mulvagh: We are talking about a fascinating and, in many ways, huge question. It is worth pointing out the number of people who are employed or are volunteering in the third sector and the amount of money that is concerned. Our submission notes some of the recent SCVO data that shows that the third sector spends approximately £423.5 million on health-related activity and £1.6 billion on social services. However, that money comes from a budget pot of £13-plus billion, so it is a fraction of the overall pot.

It seems like a large number of people are working in the third sector, but we need to think about how large the numbers are, proportionately, and who the people are. Given the atrocious funding landscape and the working conditions in which many of the people are working and volunteering, it seems that there is more than enough work to go around; in fact, there is probably scope for many more people to be involved in such work.

I am not sure that the figures take into account the legions of people who volunteer. The legions of people who provide unpaid care in Scotland save the Scottish economy something in the region of £10 billion a year. The Scottish health survey that came out this week showed that seven out of 10 unpaid carers feel that they get no support to provide their care, and they experience increasing problems with their mental health and wellbeing. We have great legislation that, on paper, provides them with all sorts of rights and opportunities to afford themselves of those rights, but we know that partnerships are now saying that families will have to expect to do more, because there is not enough money in the public purse to fund the services.

I have digressed, but the human rights-based approach has a lot to offer. The change that Jamie Greene mentioned is already beginning to happen; we see that in the increased use of rights in rhetoric, as well as in strategy and policy. The big piece of work that is taking place with the human rights leadership group, which has been tasked with creating an active Scottish Parliament that incorporates economic, social, cultural, environmental and other rights into Scots law, will bring about an even bigger shift. A cultural shift is required, as well as a shift in money and perceptions. We need to move away from a medical or charitable model in which people in society are recipients of care towards a more active approach that involves people in their communities. People need to be seen as capable of being active and involved members of their communities. The barriers that stop people from doing that are not just bad things; they infringe on people's rights to be actively involved in their communities. People have a lot to offer, but they need to be afforded those opportunities.

Jamie Greene: Thank you for that comprehensive answer. You touched on some excellent areas but, unfortunately, we probably do not have time to go into them in more detail.

We have talked a lot about rhetoric, legislation and Scots law. However, is there a risk that we in the political bubble pat ourselves on the back for passing wonderful world-leading legislation when you and your organisations have a very different experience on the ground? Is there a risk that the general public's perception of their rights and access to them is very different from what we think it is? Given that money can be spread only so thinly, how can we bridge the gap between what we talk about in here and what happens at grass-roots level.

10:45

Lucy Mulvagh: That is another interesting question. I sometimes question the work that I did before I worked for the alliance, when I worked in mental health for the Scottish recovery network and introduced the concept of rights aligned with mental health recovery. Most people know their rights and understand the concept. The language of rights is incredibly empowering for people, and that is what we want more of—we want people to be empowered so that they can claim their rights.

The problem with the implementation gap is to do with accountability. There needs to be a corresponding movement to enable duty bearers—public bodies and others—to understand their roles and responsibilities in order to help people to fulfil and realise their rights. It is not just about public perception; it is about the role and duties of public bodies and those acting on their behalf to ensure that we do everything we can to help people to realise their rights.

I go back to the point about a paradigm shift. Jamie Greene mentioned the resources being

spread thinly. A human rights-based approach means starting from the beginning so that we do not think that human rights are another thing that we have to do with the ever-shrinking pot of money. It is about what is in the pot and what we are trying to achieve. As was covered by the previous panel, we need to start from the outcomes and then follow the money back from those to see how much we need. It is about looking at how and what revenue is raised and questioning many things that are taken for granted in the budget-setting processes. That affords us the opportunity to shine a light on those issues and consider whether the status quo is working well for everybody and, if it is not, to consider what really needs to change, because potentially, everything can change—

The Convener: We are going to have to move on.

Lucy Mulvagh: Sorry.

The Convener: You are preaching to the choir a little, as we are the Equalities and Human Rights Committee. I guess that we want to drill into the detail of where the gaps are. We are all well versed on what you are saying and we absolutely agree with it.

Before we move on, does any other panel member want to talk about what that gap means to their service users or members?

Shaben Begum: In Scotland, we are fortunate that we are at least talking about human rights and making people aware of their rights.

I will give an example of a piece of work that I was involved in last year that contradicts Lucy Mulvagh a little. The chief medical officer had a citizens jury, which was a randomly selected panel of members of the public who were asked questions about access to health services. The number 1 recommendation of the jury was that people need to know that they can ask questions of their doctor. That shows the huge gap between the policy and the legislation, some of which is excellent, and public awareness.

Some people know a lot about their rights, because they have to and they have made it their job to know that. There is then a significant proportion of the population who do not know what their rights are or what they are entitled to. The people who have intersectional identities and who are marginalised and face further discrimination are those for whom a human rights-based approach would be most beneficial. That approach would capture those groups and would enable us to have systems that meet the needs of the most discriminated against and marginalised. It would enable us to have a system that meets everybody's needs and not just the needs of people like us who are articulate, who have sharp elbows, who know the system and who can navigate it easily.

Elric Honoré: If I can just—

The Convener: I am sorry, but I want to move the discussion on. I am conscious that there are colleagues who have questions to ask.

Fulton MacGregor: Good morning. If you were in the room for the previous panel, you will see that my question follows on from one that I asked earlier—indeed, it involves an issue that has already come up in your answers, because it is a huge part of the landscape.

In your experience and that of your organisations, does the partnership between the third sector and local authorities work?

Shaben Begum: It varies. We have members who work well with all the statutory bodies in the area—for example, they might be members of the adult support and protection committees and be involved in all sorts of mechanisms that safeguard adults. The issue feeds back into the point that I made earlier about holding decision makers to account, and how that creates a certain tension in relationships. With regard to the world of independent advocacy, there needs to be a little bit of tension. If I am an independent advocate holding other people to account, there is bound to be some tension, but there is no reason why the situation has to be acrimonious or for those relationships to break down.

Partnership varies across the country. It depends on individuals on both sides building those relationships and recognising the importance of having collegiate relationships. People need to understand that organisations have different roles and that holding people to account is an important part of those relationships and of having a transparent and open democracy.

Helen Forrest: To be honest, going to local authorities is not something that Children's Health Scotland has thought about, although I will certainly be thinking about it after today. We exist to ensure the rights of children and young people to access health services. Therefore, we have always taken a national perspective rather than a local government one—we have never asked local government for money; we have always worked on a national level.

Transparency around where that money can be found would be good. We go to the SCVO site to find out about funding streams, and we engage with those streams in order to get money. However, because we are delivering services on the ground, we do not have a lot of time to do that. Therefore, it would be good if there was somewhere that we could find the streams that are

available. However, we had not thought of local authorities in that regard.

Lucy Mulvagh: I echo what Shaben Begum said. The picture is varied. Different local authorities operate in different ways, and the same is true of social care partnerships and IJBs. Our members report differing experiences depending on who they approach, where they engage, the points at which they engage and the sectors that they engage with. Even within a local authority area, you can have different experiences depending on whether you are engaging to deliver health or social care services, education services or whatever.

Fulton MacGregor: I want to ask you specifically about the IJBs. Do you have any view on what works and what can be more problematic from the point of view of third sector organisations? I mentioned drug and alcohol services earlier, but you do not need to use that specific example. I would just like to know what you think can be improved and what already works when third sector organisations deal with IJBs.

Lucy Mulvagh: A few case studies on our website show examples of where there has been good partnership working between the statutory sector and third sector partners at the partnership or IJB level.

It is safe to say that the approach works best when it contains elements of human rights, when there is free, meaningful and active participation in decision-making about what that piece of work will look like, when people feel like they have an equal seat at the table and when there is transparency and accountability across the piece. However, it is safe to say that it is a very mixed picture.

We welcome the recent report and recommendations by the ministerial strategic group on the review of integration. Chief officers and others in the partnerships are working towards those recommendations in partnership with those in the third and independent sectors who are delivering services.

We undertook an interesting piece of small-scale, qualitative research with some of our statutory sector partners, whose responses were completely anonymised. We saw that, in the statutory sector, there is a mixed perception about and, unfortunately, still some continuing misunderstanding of the role of the third sector in health and social care integration. Some work is obviously needed to ensure that the role and value of the third sector is recognised and well understood by people working at all levels on the statutory sector side of integration. It is everybody's business.

Beatrice Wishart: The first panel was asked about public participation in the budget process and participatory budgeting was referenced. I know how successful that has been where I come from. Does anybody on the panel have any practical suggestions about what would allow the third sector and the public to have a more meaningful say in the budget process?

Lucy Mulvagh: I will plug one of my members. The provision of independent advocacy services to—[*Laughter*.]

In all seriousness, there are many ways of ensuring that people from seldom-heard communities and the hardly reached—which includes but goes beyond the protected characteristic groups—are supported to engage in decision making, and of facilitating that. Independent advocacy plays a huge part in that, but there are other means of supported decision making that could be used. We could look at international models such as personal ombudsmen, but independent advocacy is my suggestion.

Elric Honoré: The existing budgeting system is quite good in certain places, but it is geared towards delivering block services to organisations and not citizens.

I will give the example—there is nothing like a good example—of a case in which we had to step in, because the person involved, who had suffered from domestic violence on a farm, spoke only Bulgarian. That is an intersectional issue.

There are community interpreting services, but they are geared towards providing a service to the police or the health service. If an individual wanted to contact a general practitioner directly, they could not do it, because the budget is set up to deliver a block amount to the public authority. The individual in the case had to wait two days before seeing their GP with a translator, which meant that they had to wait two days before their case became a police case.

That is a short cut to telling you the complete story. When someone is between the gaps, they find that the budget is geared towards organisations and does not deliver services directly to a citizen. A solution would be to give the local community interpreting service some money so that it could provide services directly to a citizen who was in need at a certain time—not through the intermediary of the police or health service. It could serve the citizen first, then engage the public service or specific third sector organisation that needed to step in.

Shaben Begum: In theory, it is another example of the legislation and the policy being robust and sound, but, in practice, inconsistent across the board. Statutory services are in danger of not recognising that they need to take positive action to support certain groups to engage in the

budgeting process. Most people have difficulty understanding how budgets are drawn up and put together, but if we want the people who will benefit from the budgets to be able to influence them, we need to make systems that are accessible and easy for people to understand. I am just talking about the basic first step of using plain English to make things easier to understand, rather than taking huge steps to be inclusive, although such steps will of course be really important.

Lucy Mulvagh made a point about taking additional steps to reach hard-to-reach groups. As an Asian woman, I might be seen as being part of a hard-to-reach group, but we are not really that hard to reach. I know lots of Asian women who are opinionated, well-informed and knowledgeable. We just want to weigh in and influence those systems that are not accessible to members of the general public, even if they are articulate and know what they are talking about.

Many people do not really understand how budgets are drawn up or how local authorities or statutory services use their budgets, as there are so many barriers in the way. We have really good policy, but we have not thought about implementation and how to remove the barriers that exist for many groups. We have to recognise that some people encounter further barriers.

Beatrice Wishart: That is a good point.

The Convener: Those points about communication are well made. Elric Honoré spoke about BSL and foreign languages, and we should definitely strive for inclusive communication.

Everybody is looking content, so I will bring the session to a close. I thank everyone for their evidence.

At our next meeting, we will continue to take evidence as part of our scrutiny of the Scottish Government's 2020-21 draft budget.

11:01

Meeting continued in private until 11:30.

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