OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 3 October 2019

Session 5

The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 3 October 2019

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EQUALITIES AND HUMAN RIGHTS COMMITTEE
23rd 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:

Caroline Gillwood (Stonewall Scotland)
Tim Kendrick (Fife Community Planning Partnership)
Professor Alison McCallum (NHS Lothian)
Janis McDonald (deafscotland)
Liz McEntee (Glasgow Council for the Voluntary Sector)
Bernadette Monaghan (Glasgow City Council)
Linda Owen (Dumfries and Galloway Health and Social Care Partnership)
Mhairi Snowden (Human Rights Consortium Scotland)
Adam Stachura (Age Scotland)
Talat Yaqoob (Equate Scotland)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 3 October 2019

[The Convener opened the meeting at 09:00]

Pre-Budget Scrutiny 2020-21

The Convener (Ruth Maguire): Good morning, everyone, and welcome to the 23rd meeting in 2019 of the Equalities and Human Rights Committee. Please make sure that mobile devices are switched off and put away.

Agenda item 1 is pre-budget scrutiny. I welcome our first panel this morning: Caroline Gillwood, head of programmes, Stonewall Scotland; Janis McDonald, chief officer, deafscotland; Liz McEntee, director for external affairs, Glasgow Council for the Voluntary Sector; Mhairi Snowden, co-ordinator, Human Rights Consortium Scotland; Adam Stachura, head of policy and communications, Age Scotland; and Talat Yaqoob, director, Equate Scotland. You are all very welcome.

Before we start, I thank the members of the third sector and voluntary organisations who have written to us. We welcome their views and acknowledge that their work across Scotland is essential.

Given the scope of our inquiry and the limited time available to us, I ask witnesses 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 we stray off track, I will intervene and bring us back to that focus. We have an hour for the first panel.

I start with a reflection from our committee events in Glasgow and Camelon, where the national emphasis on human rights and equalities was welcomed but the Scottish Government was challenged—this is a quote from the events—to "do more than talk". We spoke about the gap between people's aspirations and the reality on the ground. What more could the Government do to ensure that the third sector is supported in its efforts to protect, defend and promote access to human rights?

Talat Yaqoob (Equate Scotland): When it comes to supporting the third sector, it is no surprise that the first thing that is discussed is funding and how the funding relationship works with the Government. Our organisation works to provide support for women in science, technology, engineering, mathematics and the built environment. We often work with women who do not have access to support in other places, so what we provide is important because they do not have employment support elsewhere.

Since 2012, we have been on year-on-year funding—the funding has been for one year at a time. That means that we cannot be as effective as we want to be in what we deliver, because we are always under pressure that the funding is about to end and we do not have security about what will happen next. Therefore, our delivery is start and stop, which has an impact on the people whom we are delivering for.

The Convener: I think that the committee will want to explore that issue in a bit more depth.

Adam Stachura (Age Scotland): Age Scotland's relationship with the Government is very good, particularly with the officials and ministers in the areas for which we receive funding. As was just mentioned, the challenges can be with the different funding periods, whether that is three years or one year. With one-year funding, at what point do you stop delivering and start writing up the analysis of the project? At what point do staff start looking for other employment options? Organisations can lose very talented people because of one-year funding. A lot of organisations might look at how they secure and safeguard their staff, but many will have difficulty financing that.

Liz McEntee (Glasgow Council for the Voluntary Sector): A very clear message came through the consultation that we have done and the event that we ran about holding public bodies, local authorities, health and social care partnerships to account on their equalities and human rights performance.

At the moment, we would question the robustness of equality impact assessments. Something that came through very strongly at our meeting in particular was the need for committees such as this one or the Government to scrutinise the reporting arrangements for the funding that goes to local authorities. We need to know how much of the funding supports the local authorities and public bodies to deliver on human rights and equalities.

Mhairi Snowden (Human Rights Consortium Scotland): The third sector is vital in protecting human rights in Scotland. I know that the committee has heard that many times, but the

sector often defends people's human rights, and without it many basic human rights would not be realised. It is vital that we value the third sector.

I will highlight one particular matter. It is fantastic that there are so many good developments in human rights, that human rights are, without a doubt, a Government priority and that a national task force for human rights leadership has been set up. We have also had Scotland's national action plan—SNAP—on human rights, which, as you will know, is into its second phase. The evaluation of the first phase found that SNAP does a lot of very useful and valuable things and that there is a huge amount of support but that that support is underfunded. There is not the resource for it to have the full effect that it could have.

If we are looking at a gap in public sector funding and the impact that it could have on human rights, we know for sure that there has been a gap in SNAP funding. It is important that the second phase of SNAP is properly supported and resourced by the Government.

Janis McDonald (deafscotland): One additional thing to add is about the expression of the socioeconomic duty. Quite a lot of delivery of equalities is based on social benefit. I think that quite a lot of the equalities organisations would say that we really need to have a better understanding of socioeconomic benefit, because it is that economic benefit that makes the work more sustainable and we are struggling to get the balance right.

Caroline Gillwood (Stonewall Scotland): Some of the key areas for Stonewall Scotland in relation to our funding are to do with evidencing impact, getting Government to support us in our outcomes, how we meet the equality outcomes and how we impact on our social users and the public in general.

The Convener: Another issue that was raised during our events is that equality groups can sometimes be pitted against each other because of how the tendering, procurement and grant funding operates. Do you recognise that issue? What are the reasons for that? I see that Janis McDonald is nodding.

Janis McDonald: That is a big issue, which makes it very difficult to get partnership approaches and to get some of the organisations to bend the spend so that they can be more inclusive of people who have communication barriers, for example. By working together, organisations could make themselves more accessible. That is a huge gap in the array of options that we could progress.

The Convener: Do you have any ideas on how we could improve the situation?

Janis McDonald: It is very difficult to get access to information in order to look at what the economic benefits would be. If I take communication as an example, there would be huge opportunities for workforce upskilling and the creation of new jobs to ease communication across the country. Some of those jobs would be in technical fields, such as digital or acoustic. I have tried for five years to get health economics work done to change our world, in the way that the purple pound report has worked for people with mobility disabilities. The ways for us to do that would be to join up some of the economic and social benefits. There is a tendency for equalities to look at only the social benefit.

Talat Yaqoob: Largely, the equalities sector, particularly in the third sector, is very good at partnership working. We communicate well. We meet often to try to prevent duplication and competitiveness, so that we can work together and be as effective as possible. That works really well, particularly in the core funding that we have. However, the ball is perhaps dropped with the short-term, smaller funding pots, which are sometimes mid-year and new initiatives. The emphasis tends to be on funding what is new as opposed to sustaining what is evidenced to work. That can create inefficiencies, because people pursue something that is likely to get them funding as opposed to something that they are already doing and is evidenced. The short-termism of those projects means that we are sometimes pitted against each other—that applies not to core funding, but in the secondary layer of funding.

I appreciate that you want me to keep this short, but the second point is that one way in which we can prevent being pitted against each other—I do not think that we are; there is a feeling of partnership—and make the work effective is if third sector and equalities organisations are encouraged to take an intersectional approach, so that their work is goes further and they have to think about those at the sharpest end of policy making, including black and minority ethnic women and disabled women. I think that that approach is of most benefit to the work that we do.

Liz McEntee: Convener, I know that you asked the question specifically about equalities groups and organisations, but I want to emphasise that it is a major issue not just for those third sector organisations that self-identify as equality organisations but for those that are delivering equalities outcomes and working with groups that are very vulnerable and at risk of infringement of human rights and so on. I want that point to be clear. Particularly when we are talking about organisations that are working in the field of social care, for example, commissioning, procurement and tendering arrangements bring a huge emphasis on competition and do not necessarily

support collaboration. We know from the work that we do in Glasgow that organisations sometimes question whether there is really a need to tender to have arrangements in place. When work that is being delivered is working, why keep repeating procurement for it?

The Convener: That is certainly what we have heard from many different organisations.

Adam Stachura: The point about innovation is a very good one. Although it is very important that any service that is publicly funded reflects, adapts and looks to innovate, when it is working well and there are people who rely on our service, the challenge with new funding applications is how we tweak it a bit to make it look cooler than it needs to be. The danger is that it might disappear entirely—who else will then pick it up? The Age Scotland helpline is a good example. It is a core service that we offer, but I am not sure how you would innovate beyond tweaks in information, friendship and advice for the 20,000 people that we handle calls for every year.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning, panel. Moving on from that line of questioning, can I ask each of your organisations how much of your money is derived from the public sector? Is that money in the form of grants or contract income? Is it mainly from local authorities or from the Scottish Government?

Adam Stachura: As I recall—not down to the exact final pound—we get £300,000 or so every year from different sources in the Scottish Government, whether it is through the equalities budget or the housing budget, under lots of different initiatives. The bulk of it is equality department funding for the helpline, community development and some other aspects of communication with older people.

Fulton MacGregor: What is that as a percentage of your overall income?

Adam Stachura: The money that goes into the helpline will be about 50 or 60 per cent of the cost of the service. The housing department funds us to do policy development work and to get the insight of older people from across Scotland about housing and energy needs. That is essentially wholly funded by the housing department.

Caroline Gillwood: At Stonewall Scotland, about 30 per cent of our funding comes from the Scottish Government and that funding adds value to our work, but we have multiple funding streams.

Liz McEntee: About a third of our funding comes from the local authority and the Scottish Government. We self-generate income, as we are a social enterprise. We rent out rooms in our buildings, and we have a cafe and so on, and we run events, so we have a mixed funding package. We are an intermediary organisation, so I feel that I am here to talk about other organisations that we engage with rather than our own organisation. The vast majority of the organisations that we work with rely very heavily on public sector funding.

09:15

Mhairi Snowden: The consortium does not receive public funding but, like the organisations that Liz McEntee works with, many of its members very much rely on such funding. I emphasise again that that is a good thing. The United Nations declaration on human rights defenders says that it is entirely appropriate and required that the state provides support and funding for civil society organisations to play their critical role and to be a critical friend and a challenge to Government in order to defend human rights. That is a positive thing.

Fulton MacGregor: Are any human rights or equalities conditions placed on some of the public funding that you have talked about for your organisations or the organisations that you represent, and what are they?

Adam Stachura: For a chunk of money that comes to us from the equalities budget, there are lots of outcomes that relate to protecting the human rights of older people, their rights and values and their access to services. Through the Age Scotland helpline, we make sure that people have access to their rights, so that outcome is easily demonstrable. Human rights are entirely embedded in the community development work that we are funded to do to make sure that older people are able to interact with society and have lasting connections and lots of things therein. Human rights are at the heart of those outcomes.

Caroline Gillwood: At Stonewall Scotland, we receive about 30 per cent from the promoting equality and cohesion fund. To receive that funding, we needed to evidence that we would help to meet three of the four outcomes. I can talk to you about what those are, if that would be helpful.

Fulton MacGregor: Yes.

Caroline Gillwood: The three outcomes are:

"Discrimination against people who share protected characteristics is reduced and multiple discrimination is addressed so that the barriers to participation are reduced ... People and communities are supported to participate in and engage with services and civic society; their contribution is recognised and community cohesion is increased",

and

"Current imbalances in representation in all aspects and levels of public life, including education and employment, are addressed to better reflect our communities."

Liz McEntee: I echo what Mhairi Snowden said at the beginning. It is inherent in the work of the third sector that it delivers on human rights and equalities. I think that almost every third sector organisation is making a significant contribution in that regard, but it is not necessarily a requirement of the funding that that has to be reported on. Maybe that could be considered. It would be great to have that contribution made more visible in some kind of way. I go back to what I said to you at the outset about the importance of holding public bodies to account through the funding that they get for what they deliver.

Fulton MacGregor: That is the point that my question was trying to get at. For me, and I think everybody else who was at the event day that you held, there was no doubt that third sector and voluntary organisations are doing so much good work. I was just trying to tease out whether there are conditions on some of the funding that is coming in. That was helpful. Thank you.

Talat Yaqoob: The entire premise, mission, vision and values of the organisation are based on equalities. For me, it is about intersectional equalities for women. All the funding that we get is national from the Scottish Government and it comes through the equalities department. The conditions on it are to reflect an equalities agenda and have outcomes that improve equalities and access to employment for women. The basis of the funding is equalities outcomes.

Janis McDonald: I think that Fulton MacGregor made quite a good point. Our services are funded to do an equality job by working with people who are affected by deafness, but the reality for us is that people in every protected characteristic are affected by deafness, but we do not see the spend on communication support, for example, even across the main stream where it should be happening. A simple thing like having a budget line for communication support for application forms would make a big difference. Our lens on the world is that we are cross-cutting as well as having a line of our own and it is about trying to get people to understand that, if the communication is not right, people are not able to access the right to enjoy their lives. That is a point that we keep banging on about and which could be reflected in the structure of how the funds come through.

Mary Fee (West Scotland) (Lab): Good morning, panel. I want to ask you about the impact that the funding cycle has on your organisations. In 2017, the Government said that it would move the equality funding cycle from one to three years. How has that impacted on each of your organisations? What difference has it made or will it make?

Talat Yaqoob: It makes a huge difference. As Adam Stachura said, one of the fundamental ways in which it will make a difference is by enabling us to retain good staff. Despite being an equalities organisation, I do not think we are providing a fully equalities-focused working experience, because I can provide only temporary contracts on a year-to-year basis. That is ironic given the work that we are meant to be delivering. It will make a huge difference. It will help us on two levels: first, it will allow us to retain good staff, which will make us more efficient in the work that we do because we will not be retraining and constantly rehiring; and, secondly, it will provide consistency for the women we are delivering services for, because we will not have to stop in May to say, "We will let you know what happens and be back in touch in July." It will provide consistency for our delivery.

Mary Fee: That is helpful. Does anyone else want to comment, or are the views much the same among all the witnesses?

Janis McDonald: The reality when it comes through is that the funding is still on a year-to-year basis. We have a three-year funding agreement, but it is reviewed every year, so we do not necessarily have the same feeling of surety, depending on the work that we are doing. As an intermediary body, we feel a particular squeeze. We know that intermediaries are not particularly popular at the moment, but we still feel that we have a job to do. Sometimes the principle does not work through the system.

Mary Fee: Could you explain in a bit more detail what the review process looks like? Is it a case of saying, "Let us take stock of what has happened in the last year and look at your planning for the next two," or is it more than that?

Janis McDonald: It is a bit of both, but it depends. Some of it is impacted by churns in the department, if there are changes of staff and people are moved on. We have experienced, for example, the timing of the three-year period shift. We had three-year funding from April to March, but the most recent funding agreements have been from June onwards, so there was a three-month gap that we had to manage, and I think that lots of other projects were in the same position. Some of the review and follow-through process needs to be more forward facing, so that we are not still doing it in March for June and we have a bit more of a principled approach.

Mary Fee: That is very helpful. Does anyone else want to comment on that?

Liz McEntee: I am not from an equalities organisation as such and I do not benefit from it—I know that you are asking specifically about equalities funding, but I have to make the point that, if funding arrangements for third sector

organisations and voluntary organisations generally are on a one-year basis, they do not work. Those organisations are working to deliver on equality and human rights issues and they are working with people and communities that are significantly affected by that. Anything that can be done to increase the funding period for third sector organisations can only be a good thing, for all the reasons that have been described. I echo that longer-term funding is needed so that organisations can do longer-term planning, strategically plan and not lose staff and resource. It is not just about the length of funding; it is about the value of the funding that is given and having that on a more equitable basis with arrangements for public sector organisations. I know that we have third sector organisations that are funded, but the terms and conditions—as I am sure you will have heard many times—are not on a par with what our public sector partners have, yet we are regularly picking up work from the public sector.

For all those reasons, I would want that point to be broadened out and not just to be considered around equalities funding.

The Convener: For clarity, we absolutely recognise that delivery of human rights goes right across the board. Traditionally, we scrutinise the equalities budget, so that is why some of our questioning is worded as it is, but it is helpful to hear that from you and we acknowledge what you say.

Talat Yaqoob: On Janis McDonald's point, it would be helpful for funding to be for three years and for there to be a contract for three years. What we have had since 2017 is three-year support as opposed to three-year funding. That is exactly the situation we found ourselves in. At the one-year period, we have essentially had to put in a new funding bid that we would do on a year-to-year basis. Since 2017, I have not been in a position to give any employee a three-year contract. They have year-to-year contracts because I do not have the security of a three-year contract. What we have had since 2017 is three-year funding in principle.

Mary Fee: On the one hand, moving from one year to three years has been a good thing, but it has made no tangible difference to your organisations.

Talat Yaqoob: No. The tangible difference would come from having a three-year contract, which would therefore allow us to plan. We have had three-year funding in principle and been told, "We will review at the end of each year what you will receive the following year." The amount has been the same, but it does not put me in a position where I can provide staff security.

Janis McDonald: The reality is that it is three-year funding in principle—we are not guaranteed the three-year funding. It can be withdrawn at any time in contractual terms, but it can also be withdrawn on the basis of the annual reviews. It can be quite difficult to know what hoops you will have to jump through.

Mary Fee: That is helpful. I am conscious of the time, so I will put my next two questions into one. I want to ask you about the relationship between your organisations and local authorities. How successful has that relationship been and how do the community planning partnerships work together? Do you have any input into the decision-making process of the local authorities?

Liz McEntee: You are talking specifically about local authorities. Our relationship with the local authority in Glasgow is improving. We have had a concordat put in place, which is an agreement between the local authority and the third sector in the city. That was a launched a year ago and there are some very strong principles and a vision set for how we can work together. That is a step in the right direction, but there is still a way to go in translating words into action. We are talking about culture change that is required over a period of time.

Mary Fee: Does your organisation have any input to how the budget is spent across the areas that you represent?

Liz McEntee: We have third sector representatives on community planning partnerships and so on. Most of the organisations that speak to us that fulfil that role feel that they are present there, but they question their level of influence and sometimes whether they make a real contribution to the decisions that are made. Sometimes, there is a sense that decisions have already been made outside the room. There is a way to go on all of that. However, with the local authority bringing in the concordat, there is certainly a willingness to review the relationship and recognise that the third sector is a key partner and that we have to work together in order to tackle the challenges that exist in Glasgow. We are on a journey, but a big culture shift has to take place.

GCVS was involved in the work on reshaping care, and we dealt with social work and health partners in the city. There is definitely a tension around the sharing of decision making where budgets are held by a body that is responsible for them, because the other partners are not ultimately responsible for the budgets. They can be partners and they can contribute and bring ideas to the table but, ultimately, because they are not statutorily responsible, there is a lack of parity and equality. That remains a challenge.

Adam Stachura: We are looking at some funding models, particularly for older people's groups and some smaller charities. In some local authorities, there has been a move to the integration joint boards distributing money and making changes. In Edinburgh, for instance, a load of older people's groups in areas of multiple deprivation have had to fold as a result of the IJBs getting into who makes decisions there and then deciding how money will be spent, say in year 2 or 3, after the initial set-up costs. There have been challenges at a local level about where funding pots come from and who they speak to.

An example is Care and Repair Edinburgh, which is a brilliant charity that supports older and disabled people. Initially, some funding came from the City of Edinburgh Council, but then it moved to the IJB. The charity had to re-establish relationships, and the IJB had to work out its value in delivering support for older and disabled people in their homes and keeping them out of hospital or social care settings. There has been an initial challenge there.

09:30

Mary Fee: That is helpful. Does anyone else want to comment? Liz, do you want to come back in?

Liz McEntee: Yes. You asked specifically about local authorities, but I can say something about the health and social partnership as part of this. That particular body presents significant challenges for third sector organisations because it is so complex, bureaucratic and multifaceted. There are so many different committees, and I do not think that that is true solely in Glasgow—it is true across the piece. It is not helpful to have just one third sector representative, who is non-voting, on a integration joint board. Mary Fee asked about influence and so on. If the third sector does not have voting rights, it clearly limits our ability to influence decision making.

There is an issue about organisations being involved in committees and being there to represent people when that is not being resourced. Third sector organisations are having to give up time, but not on a resourced basis, and that represents a real challenge. I think that you and other committees have heard that there is a democratic deficit, and I agree with that.

Janis McDonald: I could bore myself on this point. The reality is that people who are affected by deafness are not generally in the rooms or round the tables, and communication support and accessibility are not there across the board. That is not to say there are not examples of really good practice. There are forums and things that have taken additional steps, but we see that as a big gap. It is almost as if there are two populations in Scotland—the hearing population and those who have challenges. We feel strongly that inequalities will always survive unless we can narrow those gaps. How those principles cascade through is a big budgetary issue in the Scottish budget.

Mary Fee: That is very helpful. Thank you.

Alex Cole-Hamilton (Edinburgh Western) (LD): Good morning to the panel. I will start by directing a question specifically to Age Scotland, but it has a bearing on all your organisations, so please feel free to comment. I was keen that Age Scotland came to the committee today because I feel that age is a protected characteristic that we have not previously addressed as a committee. In the context of the budget scrutiny that we are doing today, will Adam Stachura and then other members of the panel, who should feel free to join in, give us an idea of the structural problems in budgeting when it comes to older people? Are decisions taken without older people in mind that restrict the universe in which they live or exclude them from our society?

Adam Stachura: It is a very good question. Age is a protected characteristic, but we also need to consider older age and the many cross-references with all the other protected characteristics and equalities angles. In my 18 months at Age Scotland, I have found that the needs of older people in general are often overlooked, and it is important to think about people's access to their rights and about human rights.

We have a society that is moving at a lightning pace towards digital by default. As I have said to a Scottish Parliament committee previously, Scotland has half a million people over the age of 60 who do not use the internet. That number is the same as the population of Edinburgh. It is hugely important for people to have access to information and advice and to know where they can go to for that, whether it is provided at the end of a phone line or elsewhere. Some 170,000 pensioners in Scotland are living in poverty, and they could not even afford to have access to digital services.

Last year, Janis McDonald and I delivered a presentation on digital development to the national health service. When people are designing and delivering services, digital can be the easiest or the most cost-effective approach, but it misses a huge number of people. We need to ensure that those who are most in need do not get left behind. We say that repeatedly about a huge number of things, including bank branch closures, the lack of ATMs and the closure of community centres. Local authorities will centralise services and exclude huge numbers of people. That affects older people, but we need to remember that they also have lots of different equality elements to them.

On older people in general, there are huge changes in people's needs. At Age Scotland, we say that "older people" includes everyone who is over the age of 50. I see the convener raising an eyebrow at that, but we know that age discrimination in the workplace kicks in at that age. We find that, at the age of 55, workers who still have 10, 15 or maybe even 20 years of brilliant experience and service left in them are denied opportunities to develop, to look at flexible working or to look at their caring responsibilities where they are in the sandwich generation.

Age is such an important issue. We need to ask how people can access their rights when huge barriers exist. As we move to digital by default, the people who are left behind will be those who most need access to services that have gone online.

The Convener: Forgive my raised eyebrow. I was just realising that I am not that far off older age, if that is how you define it.

Adam Stachura: I do not believe that for one second, convener. [*Laughter*.]

Alex Cole-Hamilton: Before I bring in other witnesses, I have a further question for Adam Stachura. We are not just looking at national budgeting here; we are looking at local budgeting as well. Where are the structural problems in the consideration of older people's needs at a local authority level?

Adam Stachura: We are starting to campaign on the idea of local authorities having older people's champions, and we know that some of the other older people's charities are doing that, too. Local authorities have veterans champions and lots of other champions who can put up their hands and raise people's needs. I wonder whether anybody at the local authority level is really considering broadly what things mean for older people. We are all going to get old—touch wood—and we might need access to services.

Let us consider the decisions that are made about road works. If we look at the most micro level at things that might seem inconsequential to many people, a decision to dig up X number of roads might have a significant impact on older people with mobility issues or those living with dementia, who require routine and structure. People need proper signage and information on changes to routes and bus stops. An element that should really be thought about is how those things will affect person X, Y or Z, who might have dementia, be old, or have mobility problems. At present, that is an afterthought. It usually happens as a result of people at Age Scotland and lots of other organisations kicking up a stink after something has happened, and people then try to unpick it and roll it back.

Alex Cole-Hamilton: By way of bringing in everybody else, I note that—obviously—being old is not something that we do in isolation. There is intersectionality. People who are lesbian, gay, bisexual or transgender become old and people who are deaf become old, or people become deaf when they are old. Will you reflect on how the protected characteristics that your organisations work with and represent deal with that and give your views on getting older?

Liz McEntee: We run the community connectors service in Glasgow, which supports older people in the city who are socially isolated and connects them to services that can help to address that. The charities that we consulted through the event that we held consistently tell us that, even though people are entitled to support and they have rights, that is being denied by public agencies. No one is under any illusion that things are not really challenging, given the public sector fiscal environment. The Government has fantastic legislative frameworks and a vision for social care and how it wants Scotland to be, but the reality does not match the rhetoric that is expressed at the national level.

There are charging policies where there is a free personal care policy. There are long waiting lists for services. Things such as podiatry services for older people are being restricted, which means that people cannot get out—they cannot walk or they are at risk of falling. There are delays in adaptations being put into people's homes. All of those relatively small issues make a huge difference to the quality of people's lives and their ability to live and to engage, so those issues are really prominent in the conversations that we have with organisations that work with older people.

However, in Glasgow, again with our health and social care partnerships, there is a real look at the agenda of maximising independence, and we are being brought into the fold at an early stage to have those conversations. We really welcome that, because we are starting to look at what the third sector can do to improve things around health and social care provision. There are challenges, but I think that the direction of travel is looking more positive than it has looked in recent years.

Caroline Gillwood: For the LGBT community, age is something that we need to address and look at, particularly in relation to supporting other third sector organisations and public sector bodies to understand what the needs of elderly LGBT people are.

Our research shows us that the issues include social isolation and the fact that health and social care services might not have the right support in place or understand the specific needs of LGBT people, particularly when they are going into care

homes or accessing healthcare. They also need to consider the attitudes of other older people and the cultural shifts. Historically, LGBT inclusion has not been as good as it is today, and it is important to help older people to understand the needs of their peers.

We see ourselves as having a consultancy and advisory function in helping public bodies and other third sector organisations to understand the needs of LGBT people in later years.

Alex Cole-Hamilton: I would like to interrogate that slightly deeper. Yesterday, I met the LGBT wing of a business, which talked about the horrific story of an elderly lesbian couple, one of whom had dementia and had gone back into the closet, as it were. She had forgotten that she had come out and embraced her sexuality, and her wife was really struggling with that because, obviously, she wanted to provide a loving relationship to that person.

Care homes were mentioned. I recently read a report on going back into the closet, which was about our having become very good at allowing people to live their authentic lives—to be the real person who they are—in normal, mainstream society, or whatever you want to call it, but that regressing a bit as soon as people retire and move into places such as care homes. Do you want to tell us a little bit more about that?

Caroline Gillwood: It is about education and empowerment, and supporting health and social care staff to understand needs. You gave the great example of dementia and Alzheimer's. As you say, somebody's identity can shift and regress.

It is also about support for care home residents. It is difficult for people who were brought up in an environment with section 28 or section 2A, for example, when LGBT identities were not talked about and accepted in society. It is about supporting staff to be able to challenge behaviour gently and kindly, and understanding the context in which they are operating. Stonewall and other LGBT charities are looking at that issue quite closely and at programmes and packages of support that can help.

Janis McDonald: We think that the rights-based, person-centred approach is the best way to help, because it focuses on what is right for individuals.

There are two budget issues for us. With the ageing population, there is an increasing level of hearing loss and deafness in the community. Currently, 60 per cent of people at the age of 60 have some sort of hearing loss. If that message was loud and clear, it would shift mainstream thinking quite a lot.

We are also concerned about an increased level of hearing loss as digital work comes through. Quite a lot of people stick things in their ears, and the vibrations or the noise or both will cause an increase in the level of hearing loss in time.

We would like the issues of preventable deafness, planning for older age and understanding the communication barriers to be addressed a bit more. All of those things can happen only when people can communicate around them. I will be—or I am—one of those older people in the workforce.

Mhairi Snowden: It is worth reflecting on many of the comments that have been made, such as those by Adam Stachura, who said that older people are a bit of afterthought. In some ways, that gets to the heart of how budgets are made. I know that members have heard plenty about this, but there should be a human rights-based budget from the outset. I do not know what the committee can do about questioning that at the national Government level and in local authorities. It is about the process of how the budget is made right from the start, where we start from, and what people's rights are. We should look at how we will progressively realise those rights and put steps in place. We would then would avoid the afterthought situation.

09:45

The Convener: We are acutely aware of that issue, and you are in the process right now. That is what we are trying to do.

Oliver Mundell (Dumfriesshire) (Con): I want to pick up on two questions that come up all the time—and they came up when we were in Glasgow. First, is there a conflict for advocacy organisations between their role in defending the rights of vulnerable people and the feeling that they should not criticise the bodies that provide them with funding? Have you come across that yourselves, or have members of your organisations or consortiums experienced that?

Adam Stachura: I think that many organisations that take money from the Scottish Government are defined as "a critical friend". I am pretty sure that there are people in the health department who do not like Age Scotland's regular criticism of the sky-high levels of delayed discharge and lots of other things, but that does not prevent us in any shape or form from standing up for the interests of older people. We are not just sitting in a silo; we help to channel the voices, views and needs of older people.

Sometimes diplomacy is required in how we go about things. In May, we wrote a report on the length of time that older people were waiting to receive the social care that was deemed

necessary for them. Forty-three per cent were not getting the six-week period. On paper, we can see that the Scottish Government would not be very happy about that kind of report going out. It was directed more at health and social care partnerships, but that would not prevent us from making things really clear by any stretch of the imagination.

Members can see where there have been difficulties. Some journalists have mentioned in the past that organisations have been reluctant to criticise the Government, local authorities or whoever else about decisions, because they knew that funding was coming up or that their core funding was entirely dependent on the body involved. I do not think that it was necessarily the Scottish Government that said that that should not be done, but they were maybe aware that that could cause them difficulties—although that was not necessarily the case for us.

Mhairi Snowden: That issue came up quite a lot when we were putting together a report at the end of last year on strategic litigation and whether charities and non-governmental organisations should get involved in taking cases to court. One message that we often heard back was that there was a concern. I cannot stress enough that it is not necessarily about terms and conditions; I do not think that that is the case. I think that the issue results from the relationships between organisations and those that they fund. Obviously, there is a feeling that it would be difficult to take cases against those organisations—anyone can understand that. As I said earlier, it is entirely appropriate and correct that the public sector and local and national Government should fund civil society, so that is not at issue.

That highlighted to us that there is a continual need for the Government to repeat often and clearly that civil society has an absolutely appropriate role in being critical of Government, and it will not fulfil that role unless it challenges things and pushes them on. That includes taking cases to court, if that is appropriate. That means that human rights law will be enforced in practice and will have an impact, and that it will not just stay in the law books.

We need to be very alive to and aware of that issue. The Government needs to continually look for ways to say, "It is absolutely appropriate to take those steps and be challenging, because that is your quite proper role."

The Convener: I can understand that, for larger, well-known organisations, such as Stonewall and Age Scotland, there is a bit of comfort and protection in their size. People know and respect them. Is the issue more about smaller, community-based organisations that are funded by health and social care services or local authorities?

Liz McEntee: I think that there is an element of that. It is right to say that that issue came out very strongly at the Glasgow event, and we regularly hear about it anecdotally. Smaller organisations feel vulnerable, and they look to us as a third sector interface to take on that role, because they feel that we will protect them in representing and giving voice to their interests. We hear things anecdotally, but people say, "Do not name us. Don't share who said this." That is stressed. Obviously, the event that we had was about protecting identities as part of that.

The issue is a concern, because it goes to the heart of independence. I completely agree with what Mhairi Snowden said. We have to ensure that the sector's independence is retained and that, just because people are funded by a particular body, that independence is not diluted somehow.

Adam Stachura talked about the critical friend role, which is crucial. There is a duality in the nature of the relationship between funders and public bodies and the sector, and we have to argue strongly that that needs to be retained. However, what has been described is happening, and we know that organisations feel that funding decisions and so on will be impacted if they speak out.

Talat Yaqoob: To speak from Equate Scotland's point of view, I have no problem in openly criticising things that are not working for women. That is pretty evident in all the work that we have done.

To follow on from what Mhairi Snowden and Liz McEntee have said, removing the perception also lies with the funder. Funders should be able to say openly, "We expect criticism. You are not bound by this funding, because providing it is a right and proper duty."

We have a critical friend relationship, and when something is not working, we are very open about that. Whether that is done publicly or in a meeting, we feel at ease doing that. That might be specific, as we are a national organisation that does not work hand in hand with a local authority on the ground level. Making that clear is hugely helpful.

Janis McDonald: There are several layers to the question. On a human level, it can be more difficult to be critical in a conversation and to work out how to be critical and friendly at the same time, because criticism is quite often adversarial and people are protecting money.

The other layer is to do with confidence. Many smaller organisations deal with people who may be harder to reach or easier to ignore, and they

are often less confident. Those organisations are not so well established, and there may be a confidence and skills issue. Maybe we sometimes suffer from a lack of skills building in the sector. That is another area that funders need to consider.

The question is multilayered. However, I think that a lot of organisations would not feel confident about being too critical.

Oliver Mundell: My second question also probably applies more to smaller organisations. Is there a danger of mission creep when, because of funding pressures or the influence of public sector bodies, organisations are pressured or forced into taking on new work or new areas that were not in their original mission or part of their core purpose? That was something else that a few of the organisations in Glasgow raised.

Liz McEntee: I will probably reiterate what was said at the Glasgow session. Such mission creep can and does happen. I do not think that it affects only smaller organisations. Third sector organisations in general need to survive but, frankly, funders do not always fund core costs and so on, so there is pressure to have multiple funding resources, which can take organisations in different directions. There is a well-known diagram that shows third sector organisations as tentacled octopuses because they have followed so many different routes for funding.

At the same time, we do our best as a third sector interface that provides support to more than 3,000 third sector organisations in Glasgow to make sure that those organisations are well governed and realise the potential dangers of mission creep—for example, a third sector organisation has to clearly keep within the bounds of its memorandum and articles of association. Mission creep can happen, simply because of the pressure to survive and the need to access funds in order to do that.

Oliver Mundell: Is there a particular impact on organisations that deal with equalities and human rights, or does it apply across the board?

Liz McEntee: I could not comment on that, to be honest with you. From what we see, it applies across the board.

Mhairi Snowden: I think that there is a particular funding pressure, which we absolutely need to recognise. There is a bit of a perfect storm of issues at the moment for the third sector, in that they have been hit by public sector cuts at the same time as needs have increased as a result of austerity and other measures. I hate to mention the word but, due to Brexit, needs are only going to increase, yet we know that, unless European Union funding to the sector—which is critical—is replaced properly, with not just gross domestic product but equality at the heart of its replacement, we are in a much more concerning place in terms of a funding gap in the sector. In considering the budget, it would be useful for the committee to look at what the Scottish Government is doing to consider the impact of there being no EU funding for the sector and, in particular, what it can do to try to make sure that any replacement has equality at its heart.

Although we are all very critical of the amount of bureaucracy involved, one thing is that EU funding had equality and social inclusion throughout, so it had an impact on meeting people's basic human rights and on getting those in place. About half the funding had equality indicators. We do not want a funding replacement that is very narrow, economically. The Scottish Government should consider what the gaps are. In addition, in terms of the Scottish Government's Brexit funding—

The Convener: I said that I would intervene if we strayed a little wide. It is difficult to separate the two things, but I think—

Mhairi Snowden: The critical question that I was going to ask is: what part of the Scottish Government's Brexit funding is directed to the third sector?

Oliver Mundell: I am happy with that. We will follow up on that point because I think that it is important. Thank you.

The Convener: I want to pick up on something that Talat Yaqoob mentioned, which we also heard about at our events. On fair work for employees in the charitable and third sector, we heard about short-term contracts. I ask this probably already knowing the answer, but I want to get your comments on the record. What needs to happen to make sure that people who deliver equalities and human rights work for others have fairer working conditions—secure contracts, the living wage and so on? I will come to Talat Yaqoob first.

Talat Yaqoob: It is about the level of funding and the longevity of that funding. For example, our core funding has been static for a number of years, while costs have increased. Salaries are not impacted by that because that would be wholly inappropriate, but staff development opportunities and growth opportunities are stifled because they are extras that we cannot provide. As an equalities organisation, we should provide those opportunities, given that equalities organisations are about the workplace.

Secondly—and it will always come down to this—it is about moving away from year-by-year fixed-term contracts. I cannot provide staff with security, and I lose excellent staff as a consequence.

The Convener: Thank you. Does anyone else want to come in?

Liz McEntee: I echo everything that Talat Yaqoob said. I understand what she said about any impact on salaries being inappropriate, but we know from a lot of the organisations that we work with that they do not pay increments or salary increases and that there are standstill budgets. In terms of funding, that amounts to a real-term cut, frankly, as time goes on. We need to recognise the importance of full-cost recovery—it is an old term, but I think that we need to bring it back into use—in how organisations are funded, to make sure that we do not lose the potential for organisations to keep par with pay and pension increases and that they do not have zero-hours contracts and so on. There is a particular issue around childcare and social care.

The Convener: The other point that was made to us was that volunteers are not free and have to be invested in, trained and looked after properly.

That brings our first evidence session to a close. Thank you very much for your evidence, which has been helpful. I suspend the meeting for around five minutes.

09:59

Meeting suspended.

10:08

On resuming—

The Convener: Joining us for our second panel, we have: Tim Kendrick, community manager, Fife community planning partnership; Bernadette Monaghan, director of community empowerment and equalities, Glasgow City Council; Linda Owen, strategic planning and commissioning manager, Dumfries and Galloway health and social care partnership; and Professor Alison McCallum, director of public health policy at NHS Lothian. You are all welcome.

As I did before we spoke to our first panel, I will read out the scope of our inquiry:

"To explore public sector funding to third sector organisations that deliver national equalities and human rights priorities, and to assess the accountability of public bodies partnering with the third sector in achieving better outcomes".

The committee will do its very best to ask focused questions. If we wander off, I will bring us back on topic.

To what degree does the third sector contribute to decision making in health and social care partnerships? What are your reflections on the extent to which third sector organisations are equal partners in that regard?

Linda Owen (Dumfries and Galloway Health and Social Care Partnership): That it is a difficult question. From our partnership point of view, third and independent sector organisations are in our partnership and we see them very much as equal partners. However, if you had a third sector organisation before you today, you might hear that it has a different view.

We are linked closely with our third sector interface. However, it represents 3,000 different organisations across Dumfries and Galloway, so the situation is very difficult—it is similar to what Liz McEntee said earlier in relation to Glasgow. There has always been a challenge around getting representation from the third sector. About a quarter of our budget goes out to the third and independent sectors, so we see them very much as equal partners. They have full seats on the IJB. They are involved in decision making. They get involved in workshops, policy, strategy and all the way through planning. From our point of view, we think that they are equal partners.

Tim Kendrick (Fife Community Planning Partnership): I am not really qualified to answer the convener's question in relation specifically to health and social care. My remit is more around the broader involvement in the community planning partnership, and the health and social care partnership is one of the partners. Therefore, I will leave it to colleagues to answer that question.

Bernadette Monaghan (Glasgow City Council): I echo what Tim Kendrick has said. The health and social care partnership is one of the partners in our community planning partnership, as is the Glasgow equality forum and Glasgow third sector interface network. We have been doing a review of governance around community planning structures and the equalities groups are now more formally represented in that structure, which they report to.

There are opportunities to influence decision making in a broader sense. We also have the third sector concordat that we signed off with the third sector interface on behalf of the whole of the third sector, and an action plan that sits behind that, which we work through with our partners, and we report back to the wider sector. There is always room for improvement, but I think that we are going in the right direction of trying to be much more inclusive of our third sector. I am sure that we will come on to funding. The third sector worked alongside us in constructing the new fund and in holding stakeholder engagement events with the wider third sector as well.

Professor Alison McCallum (NHS Lothian): The board of NHS Lothian sees the third sector as equal partners at the team level. For example, we work very closely with the third sector as part of the team around particular population groups—the team around the child, the team around the adult,

the multidisciplinary team and so on. The third sector delivers essential services—

The Convener: Could you explain what you mean by "team level"?

Professor McCallum: Yes. In practice—at the coalface or whatever you want to call it—the team level involves groups of professionals working with individual patients and particular population groups. That is one area in which the third sector works closely with us. We see those organisations as equal partners at that team level.

The Convener: My question was specifically about the decision-making level.

Professor McCallum: Yes, the third sector input around decisions for individuals is one of the things that has come up in evidence. On decision making, we have the same relationships at integration joint board level and at community planning level with the third sector interface organisations and with the third sector representatives. From my experience on an integration joint board, I see that the third sector representatives work hard with the broader sector to get views on policy, strategy and decision making in order that that voice gets fed in, with the third sector acting as an equal partner.

The Convener: In that case, my challenge to all of you is, why would third sector partners feel like it is not an equal partnership? Why would that come up? Can you think of reasons why that might be a perception?

Linda Owen: I think that it goes back to the number of the organisations. If you take a straw poll of this room, everybody here will have a slightly different opinion on a particular matter. If you multiply that up by 3,000, you get a different scenario.

Our experience is similar to Alison McCallum's, in that our third sector interface has forums and engages with as many third sector organisations as it possibly can to inform their views when they are around those tables. That is a challenge, because they do not have permanent funding in the same way that we do, through our statutory funding. We fund them on a three to five-year cycle, and sometimes year-to-year, depending on what our budgets allow. Sometimes, some of that may make them feel like they are not equal partners even though, from a policy and strategy and decision-making point of view, they are. I think that that is where that perception comes from, but that is just my view.

10:15

The Convener: Somebody looking from the outside at a health and social care partnership would say, "How are decisions made?" If there is disagreement around the table among the equal partners, who gets to decide what way the decision goes?

Linda Owen: The legislation says that the voting members of the IJB are councillors and NHS board members—that is the situation by virtue of the legislation. In our IJB, we have voted a handful of times. Most of the time, we have managed to reach a consensus. The legislation prevents the other members voting. Third sector organisations are non-voting members.

The Convener: Oliver Mundell, did you want to ask a supplementary question?

Oliver Mundell: It was on exactly that point. When Linda Owen mentioned full members of the IJB, I wanted to clarify what she meant, because I think that, in our first evidence session, there was a strong feeling among the third sector on that. However, I will come back to the issue later.

The Convener: What are the key public policy areas where you think that individuals in protected groups are particularly struggling to realise their rights?

Tim Kendrick: I would say it is particularly around the anti-poverty and welfare reform agenda at the moment. One of the things that we have done in Fife—following on from the fairer Fife commission that produced the "Fairness Matters" report about four years ago—has been to work with the third sector and equalities groups in particular to try to ensure that they have more of a strategic voice. That was one of the points that came out of the fairer Fife commission.

At a strategic level, we have reviewed our community planning partnership. We now have a specific sectoral group looking at welfare reform and anti-poverty. That is chaired by the council but has a broad representation. It is something that we are tackling at a strategic level, but it is at the individual level that we would agree that it is not always easy for individuals and groups to influence the life circumstances that they are in. There is a real issue around funding.

The Fife Centre for Equalities delivers on the outcomes in our local outcome improvement plan, but it recognises that its funding does not stretch to the individual casework and support work that is needed to support individuals who are struggling to find their way around the welfare system. I would say that that is a particularly critical area at the moment.

Bernadette Monaghan: For us, one area is around community budgeting. The approach that we have taken in our four pilot areas in Glasgow has been as inclusive as possible. For example, we work with Glasgow Disability Alliance, which supported disabled people to engage in that

process, and we worked with a group called YoMo to support young people's participation, thinking about the key drivers in the Community Empowerment (Scotland) Act 2015 to ensure that the approach that is taken is inclusive. That it is an authentic partnership and we are supporting groups with protected characteristics to participate in those processes and in that decision making.

Strategically, we have good structures in place through the Glasgow equality working group. We have a BME strategy group and we work closely with our colleagues in the disability networks. In terms of funding, the main source of funding would have been through our grant-giving fund that will finish at the end of March next year and is being replaced by the new Glasgow communities fund.

When we talk about communities, it is very much in the spirit of place-based communities, communities of interest and communities of identity. The feedback that we have had from our equalities groups is very much that the fund as it stands at the moment has been a major part of the fabric of the city for decades, so this move to a new, open and progressive fund is a big culture change. The fund has been closed to many groups with protected characteristics for a long time, so, for the first time, they will have the opportunity to put forward proposals and hopefully have funding considered by the council. I think that that is a step forward.

Strategically, I think that there is good representation through the community planning structures, and also through our wellbeing, empowerment, community and citizen engagement committee, but there is probably more work to do around how we support organisations.

There is also a need for better connectivity between the city-wide work of equalities groups and work that is carried out in local communities. Through the new fund, there is an opportunity for us to collect better data, because we know that there are a lot of people with protected characteristics living in poverty, experiencing inequality and disadvantage. We need to have that information so that we can ensure that people have greater access to the voluntary sector support and services that they need. That is the direction of travel, and we are working alongside the Glasgow equality forum and the Glasgow equality working group to shape what we need to do to ensure that equalities groups are supported and represented through those processes.

Fulton MacGregor: To what extent is language a barrier to people accessing their rights? I am thinking of BSL and foreign language users. In your experience, what are local authorities and other public bodies doing to help people to overcome that?

Tim Kendrick: Language is a huge issue. We provide funding for translation and interpreting services, but joining up some of that work to ensure that, wherever possible, clients do not have to knock on the door of four different agencies to ask for four different sets of services is a challenge.

Another area is that of English for speakers of other languages. In that respect, we have been focusing on working with Syrian refugees across Fife. The challenge there is to link language work with work to integrate those communities into the rest of the Fife community. Instead of providing ESOL in a classroom setting, we take it out to voluntary organisations such as CLEAR Buckhaven, which does weekly work with migrants and refugees in a community setting in a community garden. Through that, migrants are establishing links with the local community while learning language skills.

The issue of language is one side of the coin. The other side of the coin is lack of awareness of what services are out there, particularly in specific BME communities such as the older Chinese community. In an urban rural setting such as that of Fife, members of smaller communities can feel quite isolated and their lack of language skills can keep them apart from others.

Linda Owen: We are in the process of starting to produce a new learning disability strategy, which will come out in easy-read format. Members of that client group often want resources in easy-read, and it makes more sense to provide them in that format.

The issue of language is difficult in some areas, such as that of carers' rights, because in certain languages and cultures the word "carer" does not translate. For example, there is no word for "carer" in Punjabi, so even if we translate phrases such as "carer services" and information about carers' rights, the term will not be recognised by people who do not have English as a second language. It is necessary to do wider cultural work that goes beyond language. You are right that language can sometimes be a barrier.

Professor McCallum: NHS Lothian now has in-house interpretation and translation services, but they are still not used every time they could be. There are still bureaucratic problems that we are working with communities to resolve to make those services more accessible. We also have the minority health inclusion service, which helps with some of the untranslatable ideas. Some of those ideas are not just untranslatable into the languages of more distant countries; people from other European countries can have the same issues. We work very closely with more recent migrants from established communities, such as our Polish and eastern European communities, to

understand why they want to use services in a particular way and how we can make them more culturally competent, so to speak.

We also work very closely with Deaf Action and with our local group. My equality and human rights lead tells me that, recently, we reached 1,300 of 1,800 potential folk. We got them to work with us on developing our equality and human rights plan—we wanted to make sure that we had that in BSL and that we webcast it. We have a number of people who come to meetings to discuss how we are doing and who tell us clearly what we need to do better. We also ensure that we have a wider reach for those who are unable to attend. The augmentative and alternative communication act has been really helpful in getting the issue up the agenda. Our speech and language colleagues work extremely hard with us to make sure that we implement good practice across the system.

When we produce material, we work with groups such as the Family Advice and Information Resource—FAIR—and our learning disability connect groups to deliver resources such as videos for bowel screening, leaflets and papers. My personal view is that our default should be to provide things that are accessible to people who need simple language, because when someone is ill, they need things to be expressed clearly and simply rather than technically, even if they were a linguist when they were well. That should be our default setting, and we should be structuring our communications to do that.

Bernadette Monaghan: As well as funding ESOL provision through the third sector, we are working very closely with our colleagues in community learning and development, in particular, to ensure that there is much greater alignment between what they are doing and community planning, particularly at a local level. Glasgow's first BSL reference group met for the first time on 1 October. That group will provide a link to council services and community planning.

When Mr MacGregor asked the question, I was thinking more generally of the language around community empowerment and the Community Empowerment (Scotland) Act 2015. That sits above everything that we do, not only in community empowerment services but across community planning. It influences how community planning partners work together to do things for the benefit of the city. It also influences how council departments work and how the likes of Glasgow Life, property and land, and neighbourhoods and sustainability talk to one another. Community engagement is at the heart of everything that we do.

We are looking at the mainstreaming of participatory budgeting and what the next phase will look like, and community engagement is there. We are beginning to see a different approach. The language of the Community Empowerment (Scotland) Act 2015 is permeating what we do. The fact that communities have rights to own land and buildings, to tell us how money should be spent and to participate in a meaningful way is having an influence on the direction of travel. That is certainly the case for Glasgow's community planning partnership and the next iteration of our community action plan. That is quite a powerful framework that not only shapes how we do business as a public body, but how we work with our third sector partners and how we create a much more equal relationship that involves authentic participation and partnership with partners.

Annie Wells (Glasgow) (Con): I was going to ask what was being done in Glasgow as regards better relationships and better partnerships, but members of the panel have covered that.

How do community planning partnerships ensure that local outcome improvement plans are consistent with national equalities and rights priorities? How is that evaluated and monitored?

10:30

Tim Kendrick: To go back to my previous reply, the current iteration of our local outcome improvement plan evolved from the "Fairness Matters" report. Instead of having an anti-poverty, financial inclusion and fairness plan alongside the overall council and community plan, we now have a single plan with fairness at its heart. We have adopted the key recommendations from the fairer Fife action plan and have included those in our annual reporting on the outcomes in the local outcome improvement plan.

The important point is that the fairness agenda and the inclusion agenda permeate all four of the overall outcome themes within the plan for Fife. We have a planning and performance framework, which means that as well as monitoring the delivery of activities and outputs, we are developing an overall state of Fife report that we will publish early next year. It will look at the high-level outcomes in terms of fairness and some of the other key outcomes across the plan. The key point is not to look at fairness and equalities outcomes as an add-on but to integrate those into the whole monitoring and evaluation framework for the work that we are doing.

Professor McCallum: The converse of that, which comes at the start of the process, is to ensure that an integrated impact assessment is undertaken by default. That means looking at protected groups, making sure that we include the fairer Scotland duty, the children's rights and—increasingly—climate change sustainability, so

that we are starting off from the point of view of having considered what the likely outcomes are and redesigned things at the outset.

The thing that I would say that we are not good at and have on our to-do list is cumulative impact assessment. From a funding point of view, we have had successful community budgeting, but we have not yet successfully done human rights budgeting. Again, that is on our to-do list.

Bernadette Monaghan: We have just published our annual report on the Glasgow community plan, which is our local outcome improvement plan. It takes a city-wide approach and looks at what the community planning partners are achieving. However, it is very important not just to have that corporate approach. The locality plans sit alongside that, as well as the feedback that comes from a local level about what has worked well, what has worked less well and what is challenging. The theme of equalities runs all the way through that. A three-pronged approach was taken to bring everything together in one place.

Looking at how we do our community action plan in the future, I feel that it must be embedded within community empowerment services. Equalities is there, but it must run all the way through it. The Glasgow equality forum is represented when partners come together to do the next iteration of the community action plan. The Glasgow equality forum will be there as one of our partners, as will the Glasgow third sector interface and network. It is very easy to take a corporate approach to such matters, but I am much more interested in how we can strengthen the structures and organisations that we have at a local level to help us to deliver better outcomes, and how we listen to the feedback that they are giving us so that we can change and shape services to work better.

We also have a new performance management framework that links to the community plan. It is very much a work in progress. There is lots of data in it and it is very technical. We are going to be doing development sessions on that framework for our elected members and officers so that we can understand how we can use it to best effect. We want to include within that the stories that we get from the communities and the feedback, as well as information from all the community planning partners, so that we can have a full picture of what it is that we are trying to achieve. We are trying to join those things up to ensure that the community plan and the community action plan are linked and that they are both linked to our performance management framework, but it is a work in progress. I think that it is going in the right direction.

Annie Wells: Perfect. Do you have anything to add, Linda?

Linda Owen: I do not have anything to add, because I am not involved in the LOIP side of things, aside from the fact that our strategic plan for the integration partnership is dovetailed with the LOIP and we make sure that we report on similar themes. Equalities is a key element running through that strategic plan, but that was not really what your question was about.

Angela Constance (Almond Valley) (SNP): The committee has heard evidence that third sector organisations, in particular social care organisations, are handing back contracts. From your experience in your own areas and jurisdictions, why is that the case?

Linda Owen: I am happy to answer that question, because I know something about that. Our challenge in Dumfries and Galloway is that we have an ageing population, which is ageing more quickly than in other parts of Scotland; the number of young people is decreasing and our working-age population is contracting. We are a net loser of population in terms of that demographic, so our biggest challenge in relation to social care is the workforce. Even if we had more money, at times, we do not have the bodies. Part of the challenge is to do with our rurality. We are finding it very difficult to fill packages in our more rural areas. That is a definite challenge.

Our homecare agencies have not handed back packages but over the past couple of years, some care homes have closed. Some of that is simply about economy of scale. They are our smaller—

Angela Constance: Forgive me for interrupting, but are those care homes third sector organisations?

Linda Owen: Yes. In Dumfries and Galloway, approximately 80 per cent of our care at home is delivered by the independent and third sector and 100 per cent of our care homes are delivered by the independent and third sector.

Angela Constance: When you say "independent and third sector", do you mean "independent" as in private and commercial?

Linda Owen: Yes.

Angela Constance: But I am asking about the third sector.

Linda Owen: We have a number of third sector organisations that class themselves as both third sector and independent sector, depending on which hat they have on.

Angela Constance: So third sector care homes have handed back contracts or packages?

Linda Owen: We do not have any third sector care homes; we only have independent sector care homes—sorry.

Angela Constance: The committee inquiry is with reference to the third sector, although I think that we all empathise with the situation that you have outlined. Have you had any experience in your area of third sector organisations handing back contracts?

Linda Owen: A few organisations that have handed back or changed contracts because they cannot get the workforce that they need to deliver those contracts. We work with our third sector partners that are delivering similar packages and we do package swaps to try to zone things to make it more commercially viable. Dumfries and Galloway Council is a living wage employer, so we require all our care agencies to pay the living wage. We are also not a zero-hours contract employer. We are managing things within our current contractual arrangements. There are challenges, but our biggest challenge is being able to recruit people with the relevant skills to undertake the roles.

Angela Constance: Is that the underlying issue when people hand back packages?

Linda Owen: Yes, that is the underlying issue.

Angela Constance: Do other panel members have any experience of that? What about Glasgow?

Bernadette Monaghan: A grant-giving fund sits with me. We administer moneys for other community planning partners through that fund. That prevents them from having to enter into contracting commissioning processes. I cannot answer that specific question but I can certainly find out for you.

Angela Constance: Thank you for that.

Tim Kendrick: Likewise, if I try to answer that, it will be a slightly different question, so I will not waste your time.

Angela Constance: That is fine.

Professor McCallum: It is the same for me. I am aware that we have significant workforce challenges, but I would be happy to come back with a more detailed response, because it is not my area of expertise.

Angela Constance: That would be helpful—thank you.

Alex Cole-Hamilton: I have a question that was sparked by Linda Owen's comment that she does not have charitable care homes or voluntary sector-run care homes in her authority. We are seeing a lot more of that phenomenon, because increasingly—and I declare an interest, having worked in the care-providing voluntary sector for eight years before getting elected—in the commissioning environment, when contracts are put out to tender, oftentimes the local authority bids for its own contract and independent sector organisations also bid for the contract. There is a hidden economy of scale for the local authority in relation to its central administration costs. As a result, lots of local charitable organisations miss out on the contracts because of the lack of a level playing field. Do you recognise that as a reality?

Linda Owen: To clarify what I said, some organisations classify themselves as third sector or independent sector and sometimes they classify themselves as both. They could be members of Scottish Care, which makes them an independent sector organisation, but their structure makes them a charitable group.

I do not specialise in care homes, so I would need to come back to you with the exact split. However, we tend to class our care homes as being part of the independent sector under the banner of Scottish Care, because we work with Scottish Care on that. However, organisations that have charitable status or social enterprise models operate some of our care services. That is just a point of clarification.

On your point about the local authority bidding for its own contracts, that is not our experience in Dumfries and Galloway. We do not tender for our own contracts. If there is going to be any in-house provision of a service, it tends to be separated out before we end up in that procurement situation.

Alex Cole-Hamilton: The wording of my first question was perhaps a little clumsy. I am driving at the issue of full cost recovery for charitable organisations and voluntary sector organisations. Oftentimes, quite little, local organisations do not have much backroom function, but it is essential to their functioning nevertheless. They find that they are unable to deliver services at the rate that the services are being commissioned at. As a result, they might lose out—and you might lose out on the expertise that they can provide in terms of their local knowledge. The focus of this inquiry is on the equalities perspective and expertise. What do you do to support those smaller organisations that are coming to the table?

Linda Owen: Recently, the council has been working with the equalities groups. Instead of making it a formal tender, we took more of a collaborative approach whereby all the groups that receive funding were brought together to try to find a way in which they could support each other and still manage within the allocated funding.

We tend to fund the core costs because we appreciate that a lot of third sector organisations struggle to cover the core costs. To echo the previous panel's points, we are not giving massive uplifts—if we are giving uplifts at all—so there is that question of whether we are still covering the organisations' core costs as we were at the start of

their contracts. That is always the challenge when you fund an organisation for three to five years. We cannot predict what the inflation rate will be. Therefore, it is difficult to build that into a contract so that what we provide is in line with inflation. However, we pass on living wage increases to the providers where the living wage is a requirement of their contract.

It is difficult with a lot of equalities groups; they are very small organisations because they are not supporting huge numbers of people, but their work is very valuable. We are trying to find different procurement routes rather than tendering for things when smaller organisations are involved, because we appreciate that the resource that is required to tender for something can have quite a significant impact on those organisations. We are trying to work within the procurement (Scotland) regulations 2016 to find alternative options, such as direct awarding for charities and groups such as women's aid groups where there are quite obviously only one or two organisations providing that service locally. It would be different if we were speaking about care at home, where there could be 20 different entities in the market.

10:45

Professor McCallum: We need to try to make sure that people use all the routes that are available through the procurement Scotland regulations; we should not use competitive tendering if it is not appropriate. Where possible, we should always try to secure better outcomes for people through a longer-term collaborative approach.

In practical terms, when we work with the third sector on the health improvement agenda, we provide a link officer who does a fair bit of the backroom function. We also work very closely with the third sector interface. The Edinburgh Voluntary Organisations Council provides a service for the whole of Lothian on things such as information governance and data sharing and it helps the smaller organisations that work with us to make sure that what would otherwise be onerous can be done to an appropriate standard, in line with people's rights.

Those are just two examples. There is a bigger structural issue around how we think about funding and procurement mechanisms; they need to enable full participation of the third sector and not lead us down a route where we end up with organisations that are more commercially focused than care and support focused.

Oliver Mundell: On that previous point, I am certainly aware of Bankfoot House in Moffat, which is a community-owned and run charity. I would have felt bad had I not mentioned it, but I think that it would be classified as an independent sector provider for regulatory purposes.

The Health and Social Care Alliance Scotland argues that

"Tighter ... local authority budgets ... result in poorer experiences for"

service users and

"growing infringements of their human rights."

Do you agree?

Tim Kendrick: Over the past five to six years, one of the real pressures that the local authority and other potential funders in Fife has been under is the fact that a number of the smaller equality organisations have found it really difficult to get on to a sustainable footing. That is mainly because of the difficulty of diversifying the funding base. One of the solutions that we came up with in Fife—this follows on from the Equality Act 2010 and the requirement to cover all the protected characteristics and to ensure that a broad spread of services is available—was to undertake a review of our funding for infrastructure support organisations across all the protected characteristics.

We worked with Fife Voluntary Action, our third sector interface, to develop an independent equality hub in the third sector. The Fife Centre for Equalities emerged from that work, and rather than the previous approach in which funding was provided piecemeal across four of the nine protected characteristics, we now have a much more robust and sustainable equality group. The centre works with the smaller equality groups and provides some of the infrastructure support that Professor McCallum referred to in relation to the wider voluntary sector.

That is one solution, but it does not solve all the problems of the smaller voluntary organisations working in the equality field. We have to come up with new solutions. We cannot continue to erode funding to smaller voluntary organisations without thinking about new approaches and operating models.

Oliver Mundell: Have you had a good uptake from the smaller groups? Did you consult with them before coming up with the new approach or did the approach come from you?

Tim Kendrick: We consulted all the voluntary organisations that were working in the equality and diversity field. There was broad consensus that something needed to be done. I admit that the process was not painless, because some of the existing voluntary organisations lost their funding. The hope and intention was that they would work in partnership with Fife Centre for Equalities and that has happened in a number of cases.

Oliver Mundell: But not in all cases.

Tim Kendrick: Not in all cases, no.

Professor McCallum: We fund Glasgow Council for the Voluntary Sector and other partners in relation to capacity building, and we have just done a survey of what organisations' needs are. With the introduction of the new communities fund, we are mindful that we do not want to disadvantage smaller grass-roots community groups and organisations that have been delivering great services for many years. In terms of the localism agenda, we have said that the funding model should be a 30:70 split between citywide areas and local areas. That does not determine where the money will go and the model will be adjusted depending on what applications come in, but it recognises the localism agenda.

We want to make sure that, in communities where money and services are needed, smaller organisations with a track record of delivering and good services to offer are not disadvantaged—and that is the approach that we are taking. It fits with the community empowerment agenda and the desire across local authorities and elected members to make sure that funding goes where it is needed most and where it will make a difference. This is about balancing the support that smaller organisations need to build their capacity and deliver with looking what are we trying to achieve and where we think that the funding needs to be targeted.

In terms of our colleagues in the third sector and equality groups, we are also looking at our funding panels not only by sector and area partnerships, but citywide. We recognise that the approach is not what has been in place for many years—that is, where bids were assessed and funding renewed for the same tranche of organisations. In fact, only about 10 per cent of the third sector has had access to the old funding, so this new approach is very different.

We are learning, but we are giving thought to how we involve our colleagues in the equality sector and the third sector on those funding panels. We are considering how do we bring in expertise, because we have to look at themed proposals. Very much to the fore of that is making sure that we are not disadvantaging smaller local organisations at the expense of national ones that might have much more infrastructure and capacity. We support our local organisations through that capacity-building process.

Mary Fee: If we set aside the issue of funding, what else can the Government do to support third sector organisations? I have stunned the witnesses into silence. [*Laughter*.]

Tim Kendrick: It is difficult to answer that question on behalf of third sector organisations, which is why I think that there was a little bit of a pause.

Mary Fee: I will change my question slightly. If the Government funds your organisations to support the third sector, what more could you do to support the sector, apart from ensuring that funding is available to it?

Tim Kendrick: The point that Bernadette Monaghan and I have made about the role of third sector organisations in the wider community planning agenda is really important in that regard, and by that I do not just mean that the third sector interface should have a place at the community planning board table, which, to an extent, does not really look at that wider engagement.

We have been working with the wider third sector strategy group that works alongside the third sector interface to ensure that we support inclusion in the thematic partnership groups, such as our communities and wellbeing partnership and our welfare reform and anti-poverty group. In that way, support for staff resources and ensuring that the governance arrangements for scrutiny and the delivery of outcomes have a place for equality organisations in the wider third sector.

Mary Fee: Before I bring in other panel members, I highlight that one of the previous panellists commented that third sector organisations, although they have a seat at the table, they do not have any voting rights. Are voting rights something on which your organisations could decide to say, "You can come to the table and you can also have voting rights"? If you can do that, why do you not do that?

Linda Owen: We cannot do that. The Public Bodies (Joint Working) (Scotland) Act 2014 does not allow for it. It stipulates who should be on your strategic planning group; it also stipulates who should be on your integration joint board. We have ensured that we have equality groups on our strategic planning group. That group informs our strategy policy, strategic planning and so on. We are making sure that, through all our equality impact assessments, an invitation goes out to all our equality groups to be involved. To be honest, they do not all come but they come to ones that are of relevance to their interests.

You asked what else could be done. The legislation could be changed. There is also the issue of building capacity through the third sector interfaces. I am a professional who has sat on many committees and boards, yet even I was a bit nervous coming here today. I was thinking, "Gosh, what are we going to get asked? How are we going to do this?" People who are working in local organisations and endeavouring to do their best need support and encouragement to feel confident and comfortable at the table. Sometimes, people

may sit at the table, but if they do not feel empowered to contribute, there is almost no point in them being there. Some of that development and support could come through legislative measures or through the third sector organisations.

Mary Fee: Okay; that is helpful.

Professor McCallum: Two practical things that could be achieved through some form of direction would be a requirement on statutory bodies to undertake capacity building. There could be an expectation that we support an umbrella or third sector organisation that is very challenging of the status quo and pushes us to do things differently than those with whom we work with to deliver services.

In my experience, when I worked in another country and in another part of the United Kingdom, it worked really well where there was a system that allowed an umbrella group to exist. That meant that organisations that had different roles and responsibilities were not trying to take on everything themselves. It was very clear that there was expertise, and that enabled change to happen quite rapidly.

The other thing that we could make easier is career development across the academic, third and statutory sectors. That happens for individuals in organisations who have tailored needs; it also happens for individuals who have particularly pushy natures. It would be really good if that were built in. Building in accessibility and apprenticeship-type schemes could be really helpful, too.

Bernadette Monaghan: Probably the best thing that we can do is listen to what they are telling us and take that on board. We had stakeholder engagement events about the creation of the new fund. We have our structures in place, we have our concordat, we are working on the third sector action plan and we will be looking at strategy.

I will give two practical examples of our getting a lot of value from working together with the third sector and where they have delivered when we have expected a lot from them at short notice. One was the very first Glasgow City Council's children's holiday food programme. That worked extremely well because we had a specific objective. The third sector mobilised and organisations worked alongside us at short notice. The outcome of the initial programme was that more than 14,000 children across the city were fed as part of their holiday activities.

Impact Funding Partners, which was formerly known as Voluntary Action Fund, undertook an evaluation of the programme. There is no need to read the full evaluation—just read the last two pages with the case studies and you will see the impact on family engagement and so on. It was amazing. We learned a lot from that about how we work together when we are trying to achieve a particular aim and the value that the third sector really brings.

11:00

On our community budgeting pilots, the third sector networks and organisations facilitated the work at the local level to get the citizens panels up and running and to engage people who had probably never engaged in any of those processes before. The evaluation has told us some really positive things. It has also told us that we put a lot of pressure on our third sector partners to deliver for us at short notice. If we are to use that model in the future, we need to be mindful of how we properly resource the infrastructures and support our third sector networks.

That goes back to my earlier point that the corporate approach is one thing, but we also need to look at what we have in local areas that we can strengthen through resource, whether that be support in kind, financial support or whatever, to help deliver the agenda and bring together those two approaches. That is my offer in response to your question.

Mary Fee: I want to ask about the robustness of equality impact assessments and the value that is attached to them, particularly in relation to changes to social care budgets. One comment that has been made is that equality impact assessments are done without looking at the impact that a change to a social care budget will have on an individual. How robust are the equality impact assessments that you do? Have you put in place any measures to make sure that they look at the full impact of any changes in social care?

Linda Owen: Every time that I do one, our template seems to have been tweaked and slightly changed to incorporate more things. Our template looks at the impact on equalities, human rights, climate and a fairer Scotland. We look at all of those aspects any time that there is a new policy or strategy. Our integration joint board will not accept papers that do not have an impact assessment. That has come about because the board was finding that sometimes it was getting impact assessments and sometimes it was not. It has now said that any new policy strategy or significant change requires an impact assessment.

Personally, I find the process really helpful. We have a standard equality monitoring form. When we start any new piece of work, we encourage the people whom we engage with to complete that form. In Dumfries and Galloway, as you will appreciate, our equality groups do not form a large percentage of our population. Therefore, it can be

quite difficult to get enough of a particular group to be able to see a definite difference with statistical significance. Our equality monitoring form helps us when we are doing our engagement, which will then help us as we plan.

I am thinking of what Alison McCallum was saying. We start with the impact assessment at the very beginning so that, by the time we get to the end of the piece of work and are presenting it for approval or whatever, there should not be too many changes required. If we get to that point and have to significantly change the piece of work, it means that we have not listened to the groups as we have gone along. We find that we have relatively good engagement with our local equality groups, who are very happy to be involved in these processes. They are very happy to be involved in engagement and consultation with us when it is relevant to the group of people whom they represent or are involved with.

Tim Kendrick: I would like to talk about the wider use of equality impact assessments, rather than focus specifically on social care. As you will be aware, we are in the process of pulling together Fife Council's budget for the coming financial year. One of the key challenges each year is to ensure that equality impact assessments are not just tagged on as an afterthought after officers have been through the process of looking at savings options and then felt that they had better fill one in.

There is a challenge in ensuring that—as Linda Owen said—equality is part of the process, not just tagged on at the end. When officers are asked to explore potential mitigation measures, for example, they should actually do that and not pluck them out of thin air. I would not pretend that it is not a huge challenge. It is something that directorates and services are constantly being challenged on.

Mary Fee: I suppose that the concern is that the individual gets lost in the process. I accept what you say about there being engagement with lots of different people when you look at a change, but quite often the individual for whom a change in a package would have the biggest impact is lost in the process.

I will give a brief example. A very expensive 24-hour homecare package that someone who lived in my area received was cut in half. At no point was that individual or their family consulted, and it was not explained to them why a cut in a social care budget in a local authority office would have that massive impact on that individual, whose social care package was built around the deterioration in their health. My fear is that individuals are lost in the process.

Bernadette Monaghan: I flag up that we have an equality impact assessment in Glasgow that is flexible and responsive to change. It is reviewed every six months to a year, in order to pick up any unintended consequences of the change.

My colleague from our equalities team is here. If you want us to expand on that with more information, we are very happy to do so after the meeting or in writing.

Mary Fee: Thank you.

The Convener: That brings our second evidence session to a close. I thank our witnesses very much for coming here this morning and for their evidence.

At our next meeting, we will take evidence on the Female Genital Mutilation (Protection and Guidance) (Scotland) Bill. We now move into private session.

11:06

Meeting continued in private until 11:21.

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