OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 25 October 2022

Session 6

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Tuesday 25 October 2022

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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
26th Meeting 2022, Session 6

CONVENER

*Joe FitzPatrick (Dundee City West) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Pam Gosal (West Scotland) (Con)
*Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Oonagh Brown (Scottish Commission for People with Learning Disabilities)
Callum Chomczuk (Chartered Institute of Housing Scotland)
Sara Cowan (Scottish Women's Budget Group)
Allan Faulds (Health and Social Care Alliance Scotland)
Clare Gallagher (CEMVO Scotland)
Jillian Matthew (Audit Scotland)
Susan McKellar (Scottish Women's Convention)

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 25 October 2022

[The Convener opened the meeting in private at 10:00]

11:27

Meeting continued in public.

Pre-budget Scrutiny 2023-24

The Convener (Joe FitzPatrick): Welcome to the 26th meeting in 2022 of the Equalities, Human Rights and Civil Justice Committee. We have received no apologies.

The first item on our agenda is to take evidence from stakeholders as part of our pre-budget scrutiny. I refer members to papers 2 and 3. I welcome to the meeting Susan McKellar, manager of the Scottish Women's Convention; Clare Gallagher, human rights officer at the Council of Ethnic Minority Voluntary Sector Organisations Scotland; Jillian Matthew, senior manager for performance audit and best value with Audit Scotland; Sara Cowan, co-ordinator for the Scottish Women's Budget Group; Allan Faulds, policy and information officer with the Health and Social Care Alliance Scotland, which is known as the ALLIANCE; Oonagh Brown, human rights programme lead at the Scottish Commission for People with Learning Disabilities, who is joining us online; and Callum Chomczuk, national director of the Chartered Institute of Housing Scotland, who is also joining us virtually.

You are all very welcome. We will start by inviting witnesses to make short opening statements in turn. There are a lot of witnesses, so could we keep the statements reasonably brief, please?

Susan McKellar (Scottish Women's Convention): I am the manager of the Scottish Women's Convention. We take the views of women throughout Scotland and put their views into policy and legislation.

Clare Gallagher (CEMVO Scotland): Thank you for inviting me here today. I am the human rights officer at the Council of Ethnic Minority Voluntary Sector Organisations Scotland, known as CEMVO Scotland. CEMVO Scotland is a national intermediary organisation and a strategic partner of the Scottish Government's directorate of equality, inclusion and human rights. We aim to develop the capacity and sustainability of the ethnic minority sector and its communities. With a network of over 600 organisations, we gather intelligence on issues affecting communities and use that to inform policy and practice.

CEMVO Scotland offers an array of programmes on issues ranging from employment to financial capability. One of our core programmes is the race for human rights programme, which I work on. The programme aims to embed equality and human rights into the strategic planning and day-to-day functions of public bodies and third sector organisations, and we do that by adopting a human rights-based approach. We offer consultancy support, policy reviews, training and workshops, and learning webinars.

11:30

Jillian Matthew (Audit Scotland): Good morning. I am a senior manager in Audit Scotland's performance audit and best value group. We audit over 220 public bodies across all sectors to ensure that public money is spent effectively and efficiently, and to support improvement. We are independent of all the bodies that we audit, including the Scottish Government, which is important. In the performance audit and best value group, we do national audits, looking at value for money, the use of resources, service performance and sustainability. Our written response to the committee was a joint response from Audit Scotland, the Auditor General for Scotland and the Accounts Commission, on whose behalf we work.

Sara Cowan (Scottish Women's Budget Group): I am the co-ordinator of the Scottish Women's Budget Group. We advocate for gender equality through gender budgeting to recognise the different economic realities of women and men. Taking a gender-analysis approach to budgets helps to improve understanding of how decisions affect women and men differently because of their different experiences in family and household structures, paid employment, unpaid work and caring and providing support to others. We provide training on gender budgeting and carry out advocacy and research.

Allan Faulds (Health and Social Care Alliance Scotland): Good morning. I am a policy and information officer at the Health and Social Care Alliance Scotland. The ALLIANCE is the national third sector intermediary for a range of health and social care organisations. In addition to third sector organisations large and small, our membership of over 3,000 includes private and statutory sector bodies and a range of individuals with lived experience.

We have a vision for a Scotland where everybody, particularly disabled people, people living with long-term conditions and unpaid carers, can realise their right to live well and have services that put them at the centre and that support them to live their lives to the best extent possible. As part of that, we look at not just health and social care but related areas such as social security. We have also taken a look at climate change, 20-minute neighbourhoods and gambling harms. Of course, all that is underpinned by human rights. The ALLIANCE has been a long-standing advocate for adopting a human rights budgeting approach in Scotland's budget processes.

The Convener: We will go online now, to Oonagh Brown.

Oonagh Brown (Scottish Commission for People with Learning Disabilities): I thank committee members for having me here today. I am the human rights programme lead at the Scottish Commission for People with Learning Disabilities. The commission's vision is for a fairer Scotland where people with learning disabilities live full, safe, loving and equal lives. We are a human rights defender, working to uphold, protect and raise awareness of the human rights issues facing people with learning disabilities in Scotland.

I welcome the opportunity to give evidence. In particular, I am keen to highlight the need for improved disability disaggregated data to ensure that people with learning disabilities are visible in legislation, policy and decision making. We need to ensure meaningful participation in budget processes; that support for people with learning disabilities supports their needs and aspirations; that the allocation of resources supports the development of a new human rights bill for Scotland; and that there is partnership working to support all that to happen.

Central to that is ensuring that we listen to the words of people with learning disabilities from across Scotland, such as Fiona Dawson, who is a human rights defender from South Ayrshire and who said in her blog for the British Institute of Human Rights:

> "We need to use human rights to stand up for ourselves and make certain we are heard. We cannot let people with learning disabilities be forgotten about."

Thank you for inviting SCLD to participate. I look forward to hearing the other panellists' contributions.

The Convener: We again go online, to Callum Chomczuk.

Callum Chomczuk (Chartered Institute of Housing Scotland): I am the national director of the Chartered Institute of Housing Scotland, which is the professional body for those working in the housing sector. We have 2,500 members in Scotland, most of whom work in the rented sector, and mostly in the social housing sector. I am here to represent their views and talk about the work that we have done in the field of human rights.

The Convener: Brilliant. Thank you very much, and thank you all for your written responses to our call for evidence, which anyone can access via the Scottish Parliament's website.

We will now open up the meeting for discussion. The aim is not to have a formal question and answer type session; it is more of a wider discussion. Maggie Chapman will kick that off.

Maggie Chapman (North East Scotland) (Green): Good morning, everyone, and thank you for joining us. I want to start the conversation with questions of process and how we define and describe the process of human rights thinking in our budget decisions.

Oonagh Brown said in her opening statement that centring people with lived experience in the process is important. One challenge with access is that inclusion and participation, which are a cornerstone of realising rights, sometimes seem impossible because of the time that budgeting processes take. What would a transparent, inclusive and accessible process look like for you and the people whom you work with and support?

Oonagh Brown: That is a helpful question and one that I am happy to answer. In our consultation response, we referred to meaningful participation in the budget process. For SCLD, that is about accessibility, inclusion, accountability and change. At times, we are guilty of asking people with learning disabilities what they think or can tell us about their lived experience, but we do not always implement what they say.

That is clearly evidenced in the current conversations in Scotland about the Scottish mental health law review versus the independent review of learning disability and autism in the mental health act. Meaningful participation needs to mean that people with learning disabilities are involved in such processes at all levels. That might mean people with learning disabilities being invited to take part in committee meetings. SCLD was pleased that People First (Scotland) was invited to the committee today.

A helpful model of participation for the committee to consider is Professor Laura Lundy's model of child participation, which we believe could be developed. It centres on the need for voices to be heard and taken into account. Part of participation is also ensuring that organisations that can support capacity building among people with learning disabilities to act as leaders in this area are resourced. Examples of existing work may include Together Scotland's work on the

rights right now project and its on-going work on rights detectives.

At SCLD, we have our future leaders programme, which has a module that may be of interest to the committee and that focuses on managing charity finances. Similar approaches could be taken there. We also have our human rights bill lived experience board, and another positive example is the Human Rights Consortium Scotland's lived experience board. Those are not the only examples from across Scotland, but they are some of the ones that we are aware of.

It is also about accountability. People with learning disabilities need a way to ensure that their human rights are being realised in practice. That is where there is a potential role for a learning disability, autism and neurodiversity bill and a commission or commissioner to defend the rights of people with learning disabilities.

Finally, the most important thing to achieve positive change that will lead to the realisation of rights is that we cannot have participation for participation's sake. Therefore, we need to ask people who are impacted by the decisions the hard questions so that they can help to build solutions.

On your point about transparency, documents such as the resource spending review are not accessible, which makes it challenging for the people whom they impact, and time and resource may need to be spent on making them more transparent. I take your point regarding time, but I say that that would be time well spent. Third sector partners such as People First that support people with learning disabilities need to have a say in the decisions and we need to create processes that are more inclusive. Sometimes, we can overcomplicate what "inclusivity" means when, actually, just being open, transparent and warm goes a long way.

Maggie Chapman: That is helpful. It is very useful for us that you have pointed out some of your strategies and documents, just now and in your written submission.

My next question is for Clare Gallagher and is on similar lines. Oonagh Brown rightly pointed out how inaccessible the resource spending review documentation and process can be, and we need to learn from that. Clare, from your work at CEMVO, what is your assessment of how we can learn from looking backwards compared to taking a purely forward-looking approach? It is about a revisionist approach versus saying that what we have does not work so we should create something new. How do we get the best of both approaches?

Clare Gallagher: A lot of what Oonagh Brown said resonates with how we look back, but it is not just about looking back. We can all look back, but we need to take what we learn and implement it to make changes. The way to do that is through adopting a human rights-based approach. CEMVO Scotland advocates using the PANEL principles of participation, accountability, non-discrimination and equality, empowerment and legality. The PANEL principles can be used for policy development, service provision and decision-making processes and are a tool that can be adapted to whatever needs to be done.

The principles allow you to address barriers. When we look backwards at what we have done before, we can see that we are struggling to engage with underrepresented, marginalised or hard to reach groups—whatever we want to call them—that are consistently not having their voices heard at the table. A human rights-based approach allows you to focus on those groups. When you design a process that tries to reach the furthest away person, you inevitably include other people along the way.

Specific protected characteristic groups face particular barriers when participating. Research and a lot of papers are being published about those barriers, and we have identified and focused on a couple of the ones that ethnic minorities face. The way to look forward and change that is by addressing those barriers. We must acknowledge them to start off with, but we then need to ask what we have to implement in order to change the situation.

For example, through our work, we have identified that there is a lack of trust in public bodies among ethnic communities. That might be the result of institutional racism, or it might be due to negative experiences in the past. There is also a big fear about how people's information will be used and whether it could be used against them. We hope to change that. We have to reassure people and empower them to know that that is not what their information is being collected for, and set out what we want to change.

Apathy is another barrier. There is a lot of talk about consultation apathy, especially in the third sector. It is about the apathy that arises because nothing has changed. People think, "I give you my opinion and experience, and I give up my valuable time, but nothing has changed." Looking forward, we have to learn from our mistakes, but we have already done a lot of learning and given a lot of evidence, so now let us make changes. Using a human rights-based approach can address all protected characteristics, but the important part is that it captures intersectionality, because that focuses on the human being.

Callum Chomczuk: To add to what the other panellists have said, we need to start with the outcomes that we want to achieve. If we can set

out the human rights outcomes and standards, that will inform decision making. I recognise that that can be a lengthy process, but it has to be a lengthy process, and it should be a continual process. We are talking about legislating to incorporate human rights. We need to do a lot of work to identify the minimum core, just to get us started, and then we can look towards progressive realisation. It is an on-going process for the entire country—for all the stakeholders, the service users and the people with lived experience of services. It is an engaged process and is one of constant flux, in which we constantly consider how to meet the minimum core and how to go beyond it.

In the social housing sector, with which I am most familiar, social landlords continually engage with tenants—the landlords have a statutory responsibility to engage with tenants on rent, but tenants do not always opt for the lowest rent. Tenants and landlords have an engaged process where there is a conversation to understand what can be invested in and what the opportunity costs and benefits are from rent rises or flat rent rates. I do not suggest that tenants have a veto, but there is a partnership, and that develops good outcomes. We see from results from the Scottish Housing Regulator that tenants feel genuinely involved in the decision-making process of the landlords, who build in the time and the capacity for that. When you have those skills and that experience and you commit to the process, you can achieve that.

I agree, however, that trying to look at the totality of the Scottish budget over a couple of months is beyond us. Until we set the standards and outcomes that we want to achieve at the outset, we will always fall short.

11:45

Maggie Chapman: That is helpful. I could go on, but I will let others come in. Thank you.

The Convener: I say to the witnesses that committee members will direct questions to particular people, but if you have something to add, please indicate that in the chat box, as Callum Chomczuk did, if you are online, or directly to me. I will keep looking round.

Pam Gosal (West Scotland) (Con): Good morning, everyone, and thank you for coming along.

I want to follow on from what Clare Gallagher said about marginalised groups. I have participated in many round-table discussions with many members of black, Asian and minority ethnic communities and have asked them whether the fact that they always feel that they are not included is to do with particular policies or decision making.

You mentioned that you go out and talk to more than 600 groups but, somehow, information is not reaching those people on the ground. I understand what you said about there being a trust element—I absolutely agree. I come from one of those communities. There is a feeling of, “Why you want to use our information? If you use it, will something change?” I am fully aware that members of those communities question whether anything will change.

Should we consider changing our tactics a bit, rather than using the same groups? Should we involve wider community groups and perhaps even think about talking to people in more religious settings, where a lot of belief is? My family comes from a Sikh background. Maybe you could go to the gurdwara to speak to people. You could even have a group there—maybe downstairs, not where the main congregation is—through which you could provide information, or you could hold a workshop. Every religious setting, whether it is a mosque, a gurdwara or a synagogue, will have schools associated with it. Is that something that could be considered as a way of getting more information to those people so that they can be more involved in decision making?

Clare Gallagher: Yes, I think that a change is needed, because we are not capturing the voices that need to be heard. We would always ask for a strategic approach to be taken—one that starts at the beginning, not at the end. We need to start by thinking about the groups that are less represented or the groups that we are not hearing from. We know who those people are. For example, when planning an engagement event that is focused on that target audience, using the PANEL principles will facilitate a process that is meaningfully participative.

For me, meaningful participation is not just a case of giving people the information and thinking, “Now it’s your job to come to me and tell me what you think.” If we are to break down the barriers that I talked about and which you recognised, we must go into communities and the places that they use. It is not a case of, “Come to me and I’ll tell you.” We must go into communities and have the information available in accessible documents in different languages. We live in a very diverse Scotland, but most documents are still in English, although some are in EasyRead English.

We need to go into communities. Religious settings are a good example. We have done a lot of work with the vaccine inclusion research team that has involved going into mosques to promote and share information about vaccines. That also involved talking to religious leaders, because that is where the trust is. We need to get them on board to share our message. As you said, rather than going through the main congregation in

religious settings, we should use the schools where children go, which offer avenues to engage with people that are currently underutilised.

We have just run six engagement events on the hate crime strategy, which involved going into mosques and community centres from Inverness to Falkirk. The information is all there. It is a case of letting people see your face, telling them why you are there and empowering them to understand the importance of their decisions. We told them that when we had finished analysing all their information, we would come back to tell them about the outcome, whether that is a policy change or a direct impact. By sharing feedback in that way, people will be encouraged to participate more in the future.

Pam Gosal: Thank you. That point about going back to people to show that their information was valuable is very important. That will make them feel willing to open up again. I welcome your recognition that a lot of change is needed. I saw what happened with vaccination in gurdwaras and mosques. It was brilliant how we rolled out that process, and we should certainly learn from that.

The Convener: Sara Cowan would like to come in.

Sara Cowan: I want to add a point about the accessibility of information and the fact that, as was mentioned earlier, documents such as the resource spending review are so dense and difficult to make sense of. From looking at the annual budget, it is hard for people to think what difference it makes to their everyday lives but, in fact, it makes loads of difference to their everyday lives.

Another point to make about participation is that we need to make the information a lot more accessible at an early stage. We would recommend the publication of a citizens budget each year as a way of bringing out the information in the budget, explaining what it means for people's lives and helping people to start to feel connected with the budget process so that it does not seem like a distant thing that is discussed in massive documents, because only very highly engaged people will choose to engage in that kind of process.

Pam Gosal: The point that Clare Gallagher made about the importance of plain English was a valid one.

The Convener: What would a citizens budget look like? Are there any examples of such an approach being used? I do not necessarily mean at a national Government level.

Sara Cowan: I might need to come back to you after the meeting with a good example. A citizens budget would break down information in portfolio areas and explain what it meant at a more individual household or community level so that people could see what a decision to put however many millions of pounds into education meant for the number of school places and access at the community level, and what it might mean for what their household and other individuals should be able to access. I will look for some good examples.

Visuals should be used as well. Over recent years, an effort has been made in Scottish Parliament information centre budget publications to break the information down so that it makes more sense to people. A citizens budget would need to bring the information down to that level.

The Convener: Brilliant—thank you. Allan Faulds wants to come in.

Allan Faulds: I want to make a brief point that builds on what others have said about going out to communities to engage with people and about inclusive communications.

The budget is the biggest thing that the Scottish Parliament does every year. It is completely fundamental. If we view the budget as an investment in the people of Scotland, the people of Scotland should be invested in the budget. There is no better use of resources at budget time than putting some of those resources into making sure that we can go out to those communities and that people are not only asked about their views but are supported, by being provided with inclusive communications in Braille format, EasyRead and community languages. Providing such resources will help people to know that what they feed in can influence results and will enable them to see the final outcome.

Karen Adam (Banffshire and Buchan Coast) (SNP): Good morning. It has been fascinating to hear how the process could and should work.

I have a question for Sara Cowan. I am interested in how the budget scrutiny process works for women in particular and what outcomes you are looking for. It is still the case that it is mostly women who have the burden of care placed on them. A woman might stay at home raising children for most of her life and not gain entitlement to a state pension. What could we do to help in such situations? Are those the types of inequalities that we are looking at? If we are looking to have a health and wellbeing economy in Scotland, what would such an economy look like, not just from a human rights-based perspective but specifically for women?

Sara Cowan: Those are big questions. As you will have seen, in our submission we call for a human rights-based approach to budgeting, but one that continues to have a gender budgeting lens. Human rights and equalities must work

together—I do not need to tell the committee that—but we must ensure that the analysis is there. As Callum Chomczuk said, we need to take the approach of looking at the outcomes from a human right-based perspective from the start while ensuring that we bring in the equalities analysis throughout the process so that we can look at the differences that exist.

From our perspective, we are particularly interested in the differences in the challenges that are faced by women and men, but we are also interested in all the intersectional differences. Different women face a variety of experiences. For us, the care economy is a huge part of that. As you mentioned, women are much more likely to be unpaid carers. They do significantly more of the unpaid work in the economy. Looking through an equalities lens as part of a human rights-based approach would involve looking at how we can invest more in the care economy so that women have a choice when it comes to caring and have access to childcare, if they want it, from when maternity pay stops. That way, people will have a choice about whether to work or whether to care for their children. We also want there to be employment policies that mean that care could be shared more equitably between women and men, but that goes beyond the budget process.

That sort of investment would mean that, as women get to retirement age, there will no longer be a greater chance of their being in poverty, as there is now. Women are more likely to be in poverty in retirement because of the factors that you mentioned.

Investment in care is a crucial element. We believe that taking a human rights-based approach with an equality lens built into it would highlight the need to invest in that sector and would enable the investment to focus on that.

Karen Adam: We also want to have a preventative system, not just one that mitigates what might happen to women. A preventative system would mean that, as young women and girls came through school, they would have opportunities and options and would be aware of those choices. Do you think that there is an opportunity to invest in that?

Sara Cowan: Certainly. From our point of view, if we have the information, the analysis and the participation of women of different ages, that can all feed into the process of looking at where investment is needed and where preventative spend can go. I know that it can sound as though a lot of different things are being heaped on the budget process—human rights budgeting, gender budgeting and budgeting for a wellbeing economy—but we believe that all of those can work together. Those processes are not separate but can work together. We can bring the analysis together so that we can work for an economy that achieves its best. Through that process, we can have a wellbeing caring economy.

Susan McKellar: We totally agree with what Sara Cowan has said about the Scottish Government attempting to take a human rights-based approach. That is especially important for women, because women are marginalised. When we look at the inequalities that women face day in, day out, we can see that any fiscal decision will have a major impact on a woman. The focus that the Scottish Government has had on reducing child poverty is commendable, but unless we get human rights budgeting right for women, we will always have child poverty. We have to look at the issue in that way. We must incorporate all those aspects.

12:00

When we look at protected characteristics, as Callum Chomczuk said, we need to think about what we want Scotland to be when it comes to human rights. Do we want our women to feel that they are less than the men in our country? No, so we need to change that. We need to think about the economic policies that we get in the budget. At the moment, we would say that those are solely focused on entrepreneurship rather than care. That has a detrimental effect on women, who provide the majority of care, whether that is social care or looking after the health of their families, and they seem to feel forgotten.

When we speak to women, they say that a lot of money goes into the STEM—science, technology, engineering and mathematics—and finance sectors, but the majority of work that is done by women is in the health and social care partnerships. Allan Faulds would probably be able to testify to that from the ALLIANCE's perspective, as that is the lived experience of women. Women dominate the health and social care sectors, which are the lowest paid and which are obviously the lowest valued. When we look at our budgetary process, it is clear that the health and care sectors are not valued as much as the entrepreneurship, STEM and finance sectors. We need to look at that.

On budgetary processes, if we want to get this right, we need to start building an infrastructure that means that, regardless of how much money comes into our budget, we have a way of putting that out to everyone in our society so that they can have their say on it. We would also recommend that the gender budgeting strategy be adopted alongside participatory methods, so that the lived experience of men and women can be considered and we can make the current inequalities more visible.

I can give some examples. One woman said:

"So many women working in the caring and service sector get paid so low compared with people working in IT or STEM jobs, but so much responsibility goes into caring for someone. Why is that not valued?"

Another one said:

"For me, the issue is that there is a lack of economic value typically demonstrated towards the majority of female professions. When I worked in nurseries (Early years) I had to sit through exams, I had to gain lots of qualifications to work there but the pay was dismal and not at all comparative to other skilled professions which all require qualifications."

Therefore, we have to look at it from that point of view as well.

We know from going out to communities that they are having such conversations. Women in mother and toddler groups are having conversations about how the budget is impacting on their lives. We are not hearing that because we do not want to hear it. We talk about groups that are "seldom heard" or "hard to reach", but they are not. They are there having such conversations. The problem is that we seldom listen, and that must change. If we really want to have a human rights-based budgeting approach and to get it right for people in Scotland, we need to do the listening and we need to have accountability for that.

Karen Adam: Absolutely. Your comment about women's voices coming across as white noise to a lot of people a lot of the time really resonates, and we need to find out how we can home in on and listen to them.

Interestingly, the feedback that we had earlier was that this reaches further than our fiscal policy. We have already talked about the labour shortage, but I think that another issue is the nature of the job. After all, women are more likely to do this work, because it provides more flexibility alongside the care that they will be giving in their own lives. Perhaps this is all about looking at different sorts of career progression and so on.

Susan McKellar: There definitely has to be more flexibility.

Karen Adam: It is quite a vast issue, is it not?

Susan McKellar: Maternity policies, for example, are all geared towards women. Why are we not encouraging men to take up that work? Why are we not encouraging the same maternity benefits for men? The reason is that men are in higher-paid jobs. Given the gender pay gap, if men took on that work, there would be more of a drop in income for those households. That is why that happens.

We have to look at the bigger picture and understand why women are in lower-paid jobs, why they are taking part-time work and why they are not fulfilling their potential to get their full pension. It is because we are not giving them the social and equal opportunities that they deserve.

Karen Adam: Thank you.

The Convener: Callum Chomczuk would like to come in briefly.

Callum Chomczuk: I absolutely agree with the previous panellists. The real challenge is building the capacity and skills for a human rights budget and for gender budgeting across Scotland. We just need to look, for example, at some of the equality impact assessments that are carried out in our public services. We go through the process, and EQIAs are carried out, but a lot of them do not really impact on the complexity around equalities or actually address the issues. I think that Allan Faulds touched on this earlier, but if we are serious about this, we need to build capacity and skills among leaders in the Scottish Government and across our public services and work with communities where people with lived experience of services understand how they can be improved.

I can give you an example from Fife. When Fife Council carried out an assessment of its domestic abuse services, they were found to be wanting, and it engaged in a community participatory process and worked for two years with victims and survivors of domestic abuse to assess what was wrong with what it was doing. As a result of that, the council was able to set out the outcomes and standards that it wanted and changed the process. These things can work—it just takes time, investment, skill and, ultimately, leadership.

The Convener: I call Pam Duncan-Glancy.

Pam Duncan-Glancy (Glasgow) (Lab): I thank everybody for their contributions so far and for what they have given us in advance, too. The submissions have been really helpful, as always.

First of all, I have a question about the issue of participation, which we have just discussed. Given some of the barriers that we have heard about, how would you characterise your involvement in the budget and the resource spending review? Could Susan McKellar, Allan Faulds, Oonagh Brown and Clare Gallagher answer that briefly?

I know that that is a lot of answerers, but you could be really brief. I am just trying to get a sense of how engaged you guys have been in the budget process or how open it has been to you.

Susan McKellar: We were involved in the economic transformation talks with the finance cabinet secretary Kate Forbes, and we discussed the gender budget, the participatory budget and so on. However, when, at the end of it all, most of the women's organisations involved asked to look at the issue in more depth, they were told no, because the budget had to be done.

We just felt that what we were saying on behalf of the people for whom we were advocating was not fully taken forward. I appreciate that there are time constraints and that stuff has to get done, but if we really value what these people are saying to us—and are asking us to say to the finance department dealing with the budget—we need to look at how we are held accountable for that. We were given instructions on the basis of what women were telling us but we came out of that meeting, feeling as if we were not listened to.

Allan Faulds: I do not think that the ALLIANCE has been involved in the sense of being approached directly, but we have been responding to the public-facing side of things. For example, we have responded to the resource spending review and the consultation on the framework for that as well as to various other consultations and calls for views on budgets and pre-budget scrutiny over the years.

I was going to make this point later, but I think that although budget processes are relatively open to third sector organisations, businesses, campaigning groups and political parties, they are not necessarily very open to individuals with lived experience. As the ALLIANCE, we represent people with lived experience, but involving representatives in the budget process is not entirely the same thing as involving the people with that lived experience. As I have said, the process is open for organisations but less so for individuals.

Oonagh Brown: Like Allan Faulds, aside from submissions that we have made to some calls for views on budgets, we have not had the opportunity to be involved as much as we would have liked or to support people with learning disabilities to be involved. That is something that we would be happy to be involved in as much as possible in the future.

Clare Gallagher: Like Oonagh Brown and Allan Faulds, we have not been involved directly in the budget process so far; instead, we have responded to consultations such as the one for this meeting.

I think that, as Allan Faulds has said, the budget process needs to be able to incorporate and use data collected from participation. Right now, it seems as if we are gathering only quantitative data, simply because we like numbers, and numbers and budgets go hand in hand. However, we also need to think about qualitative data, because numbers do not reflect lived experience and certainly do not capture intersectionality. I think that they are integral to how we engage people in the budget process.

We also have to recognise that budgets can come with a lot of jargon that everyday people do not understand. That is probably doing a disservice to a lot of people, but I certainly struggle with some of it. However, it all comes back to the issue of meaningful participation and the need to build capacity. If you are asking people to participate, you have to make sure that they know what they are talking about. You cannot just ask them to come into a room and say what they think about X, Y and Z if they do not know what X, Y and Z is and what impact those things have on their lives. You need to go out and say, “This is what a budget is, and this is how it impacts on your life”. It would be much like a citizens’ budget, but you would also have to be able to support specific communities in order to do that sort of thing.

In this case, though, the response seems to have been, “We want people to engage more with the budget process, we want people’s lived experience and we want this information, but the process does not really allow us to commute and then action it.”

Pam Duncan-Glancy: That was really helpful. I asked the question, because we heard earlier on about the importance of transparency. Obviously, we have already discussed that issue, but I just wanted to get a feel for where we are at so that the committee can understand the scale of the challenge.

My next question is in the same vein and is about minimum core rights and progressive realisation and what we need to measure in that respect. I know that those are big questions, and we have heard a lot about them this morning. I note that Audit Scotland’s submission highlights a gap between the rights that the Government encourages—or the rights that it says that people have or that it wants people to have—and the reality and that Susan McKellar’s submission talks about women being overlooked. Moreover, evidence from others including the Scottish Commission for People with Learning Disabilities—and, indeed, the letter to the British Institute of Human Rights in 2016—have highlighted some of the problems that we have.

We can look at the budget line for, say, social care and say that there might be more money going into that or into social security. However, we heard this morning from people with learning disabilities who are not even able to choose whom they live with. You can argue that the budget going up represents progressive realisation, but the lived reality does not even represent much of a minimum core, I would say. What do we need to measure and what framework can we use to help us get to a point where we can develop a minimum core and then ask sensible questions about the budget?

I throw that question open to anyone who feels that they want to give it a go.

The Convener: We will go to Jillian Matthew first.

Jillian Matthew: There was a lot in that—

Pam Duncan-Glancy: I know—I am sorry.

Jillian Matthew: That is fine. It really is not a simple area, is it? In fact, it is complex and has lots of elements, and a lot of things that have already been mentioned play into it. It all comes back to outcomes and making it clear at the beginning what outcomes that you are trying to reach and how you will get there.

Not only that, but it also comes back to how the budget and the funding relate to all of that. In the various reports that we do, we often find that, although additional investment might be going in, we do not really know what we are getting for that additional money, because it is not linked clearly to outcomes or because the measures are not measuring outcomes. A lot of it relates to outputs rather than outcomes.

Indeed, even if there is data, there will still be a lot of data gaps, which are an issue that comes up in practically every Audit Scotland report. There is quite a lot in our written submission about that, and there are examples in lots of different reports.

An area that we have talked about this morning and which I think is important at the moment—and obviously in future—is social care, on which we published a report earlier this year. Compared with health data, social care has huge data gaps, and it is really difficult to measure what is going on for different groups of people over time. We cannot really tell what the unmet need is; we know that the eligibility criteria has been tightening as a result of tightening budgets, but, because the data is all collected locally and not pulled together nationally, it is really difficult to know.

12:15

There are measures relating to current demand for services that are being delivered, but that is not the same as true demand. We cannot quantify unmet need, because the data is not being collected properly. As a result, we do not really know what is going on. Obviously, a lot of additional investment has been promised for this area, but we do not really know where it will be targeted. I know that there is still a lot of work to be done on the national care service, but the question is: what is it actually trying to achieve?

We have also talked about preventative measures, and something that we have talked about quite a lot, particularly in our health and social care reports, is the need to move towards a more preventative approach. We need to think about investing differently in different types of services and having that longer-term outlook. What are we trying to aim for in 10 to 20 years' time? That is more difficult to measure, to think about and to plan out, but if you are looking at that, the things that you need to get to there will fall into place. At the moment, however, the information is not there for that sort of thing to be measured.

The Convener: Pam, just so that you know, Oonagh, Clare and Allan all want to come in.

Oonagh Brown: For SCLD, key to the question that you have asked is the point that the Scottish Human Rights Commission made in its report on human rights budgeting, which is that human rights budgeting should ensure that support services are acceptable to all and should not be one size fits all. To do that, we must look at where people's rights are most at risk in Scotland and allocate resources based on that.

I point to the work that has been done around the United Nations Convention on the Rights of the Child (incorporation) (Scotland) bill and the children's rights scheme, which said that we had to identify and address any situation in which a child's rights are at risk or significant risk of not being fulfilled. That means that you can allocate budgets more appropriately based on those who are most at risk of not having their rights realised and who do not have the minimum core of rights realisation in Scotland, and then you work towards more progressive realisation as time moves on.

In Scotland at the moment, we see a real struggle with that in regard to learning disabilities. The Fraser of Allander Institute report on Scotland's adult social care system for people with learning disabilities said that, following the financial crisis,

"the ambitions set out in the Scottish Government's strategy, The Keys to Life, have had little chance of being realised."

We have seen the closure of long-stay hospitals, but, despite that, existing systems—even self-directed support—have at times been found to make it hard for people with learning disabilities to access the support that they need. Meanwhile, a lack of support for transitions and housing means that people with learning disabilities are left out from accessing the support that they need. That was all compounded by the Covid-19 pandemic and reduced levels of support, and it is leading to the potential reinstitutionalisation of people with learning disabilities in Scotland. For example, the "Coming Home Implementation" report stated that 705 people with learning disabilities were living in out-of-area placements; 45 per cent of those people had been there for more than 10 years; and 109

people had not chosen their placement and were identified as a priority to return. There were also 79 people placed outside of Scotland, and the main reasons that were detailed for that by health and social care partnerships were a lack of funding, service provision and/or suitable accommodation. It is about how we can put resource in place to address those significant issues.

To do that, it is critical that we have appropriate disability disaggregated data in Scotland. That issue has been on-going for a number of years, despite article 31 of the United Nations Convention on the Rights of Persons with Disabilities, which states that Governments should collect appropriate information, including statistical and research data with data disaggregation, to enable them to formulate and implement policies to give effect to the present convention. It is also despite the United Nations Committee on the Rights of Persons with Disabilities addressing the issue around a lack of statistical data in the UK in relation to data disaggregation on disability, including learning disability.

We have seen the negative impact that a lack of data and disaggregated data has had. For example, during the Covid-19 pandemic, there was an unacceptable delay in understanding how the crisis affected people with learning disabilities. The death rate between January and August 2020 was not published until February 2021, and it was based on census data that had been captured more than 10 years ago. A lack of disability disaggregated data for people with learning disabilities in Scotland makes them invisible in legislation, policy and decision making. That invisibility is felt by people with learning disabilities in Scotland, who often tell us that they feel that they are at the bottom of the pile. The starkest examples of that include Margaret Fleming, who was missing for up to 18 years before anybody noticed.

We need budget decisions that are truly rights respecting and based on evidence, and we need better data collection that looks at what we do not know rather than just collecting what we do know and what is currently easy to get.

Clare Gallagher: I will pick up on what Oonagh Brown and Jillian Matthew have said. Minimum core standards are obviously a pillar in human rights law. There are international standards available in relation to minimum core for housing and budgets but, as a member of the leadership panel for Scotland's national action plan for human rights, we have to work on capacity building, which we have been trying to do. What does minimum core of, for example, a right to housing look like for people in Scotland? Once we have that, how do we ensure that the people in charge—duty bearers and the people who make budget decisions—are aware of what the minimum core is? A lot of the time, that is not in their daily job remit and, therefore, decisions are not made with the minimum core in mind.

I strongly agree with Oonagh Brown about the problem with data. There is a huge issue across Scotland, specifically among public bodies, with the collection of data and high non-disclosure rates. Even when there are good non-disclosure rates, the way that data is disaggregated is not consistent. The data cannot tell us much, so we cannot use it in the way that we want to with regard to outcomes, tracking change and so on. Our outcomes should be dependent on our data benchmark and, if our benchmark data is not accurate, which it is not just now, how can we make rights real for people, especially for the people whose rights are most at risk?

Through our work in the race for human rights programme, we talk a lot about data and the disaggregation of data. There are lots of barriers to participating in the data process, including trust and apathy, which I have talked about before. As we have heard today, with a human rights-based approach to data collection—on which we have developed a guidance document that I am happy to share—we prioritise low-represented groups and ensure that they are the target audience.

The other aspect that we have to be aware of for our outcomes and how we track things is underpinning them with human rights. From a budget point of view, we can use human rights as a golden thread from the start: from generation to allocation, to spending and its impact. We can trace that: your right to social security is about respecting your right to an adequate standard of living.

However, to be able to do that, we need a consistent approach. Over the past year or so, we have seen an array of different types of data collection forms relating to equality, and the problem is that that does not set any benchmark for our demographic. From some local authorities, we have seen data in the ethnicity bracket saying "white British", "non-white British" or "other", so they are not asking the right questions to begin with. That is not specific to one area and it is not specific to local authorities—different directorates of the Scottish Government do not have a consistent view, either. If you are not asking the same questions, you cannot capture the right picture.

Allan Faulds: Pam Duncan-Glancy asked about the minimum core side of things. The ALLIANCE made the point in our response that we generally recognise that investment in social security, health and social care is representative of a commitment to human rights, but that there is

not necessarily the same degree of clarity that that investment is making an impact. I cannot remember exactly which document it was, but one of them contained a list of budget policies that could be pursued and what specific rights those policies aimed to support—for example, the right to the highest attainable standard of health or the right to social security. That is a useful starting point.

What is clear in some of the submissions from other organisations and in the Scottish Parliament information centre briefing is that minimum core has not yet been fully defined. As Pam Duncan-Glancy has said about someone not being able to have the choice of who they live with, if we are talking about rights such as the right to independent living, which is in the UNCRPD, how do you have a right to independent living if you cannot even choose who you live with?

It would be useful to have a definition for what the minimum core specifically looks like in a Scottish context and to then lay out in budget processes not just which rights each of the budget lines are intended to realise but how they will do so and how that will be measured. On Pam Duncan-Glancy's example, again, because it is useful, if we say that a particular investment is to support the right to independent living, that means that people have to be able to choose who they live with. It means that people must have support to be able to live normal lives; to go out and do whatever they want; and to pursue leisure, education or a career and so on. It is about ensuring that there are specific measures—not just saying that a budget line will support a particular right but that it will support that right by achieving particular aims.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I want to ask about data, as I am interested in Clare Gallagher's comments on that topic. What existing mechanisms are in place for non-governmental bodies and civil society to play their part in gathering data and shaping policy?

Clare Gallagher: There are lots of examples of how people gather data. Many of us on the panel are from organisations that have a lot of networks and we try to gather that data. When we are asking for people's opinions and experiences, we try to ensure that we are valuing their time.

The Scottish Human Rights Commission is doing a lot of work about valuing voluntary participants. That is about paying people for their time. People should not be out of pocket for transport costs or whatever. However, if we really are to have a system that values lived experience, we must make it real for people.

Through our consultancy support, which we offer to public sector and third sector organisations, we have developed a document on taking a human rights-based approach to data collection. We use the PANEL principles, which allow you to design your process, your data disaggregation, what you do with the data and how you share it afterwards, to address the barriers of trust and apathy that I have mentioned. That is about being all inclusive.

The accountability section might ask you to do an equality and human rights impact assessment. Including human rights in an assessment takes in the whole picture of that human being, which is key. It takes in their protected characteristics and their social and economic background. It will even take in the area where they live, whether that is a rural location or a city. Furthermore, you take account of all those things by designing a process that is accessible to all.

The other good thing about taking a human rights-based approach to data collection is the legality aspect. A lot of people start with that. In my previous response, I mentioned that everything from indicators to outcomes should be underpinned by human rights. We must know what we are measuring and then track it. I call that the golden thread.

When you go through the legality process, you must address some of the barriers, especially in relation to data collection. We know that we have laws to protect our privacy, such as the general data protection regulation. We ask for data because of the requirements of the Equality Act 2010 and lots of other legislation. However, we need to take account of people's rights.

I have a right to a private and family life, but I might want to know information about a certain person's private and family life, which would interfere with their right. Therefore, if I am to do that, I must ensure that any request is pursuant to a legitimate aim and that it is proportionate.

My legitimate aim might be that I want to take positive action measures to make my workforce more diverse. Undertaking targeted recruitment might be the proportionate way to do that. You need to underpin that with a human rights-based approach and then you can track the outcomes. That creates a more focused system in which it is easier to track what is going on.

We in the third sector have a lot of information, but who wants to know that information? In addition, sometimes, we are asked to give the same information time and time again. Part of the human rights-based process is about empowerment and sharing feedback, which I spoke about earlier.

12:30

Rachael Hamilton: Do you have any interaction with the Scottish Government's equality data improvement programme, which is up and running right now?

Clare Gallagher: No.

Rachael Hamilton: That is interesting.

Jillian Matthew, we heard in the committee's earlier private session that gathering more data would help to support disabled people to gain employment opportunities and housing, and would help to improve their health outcomes. I think that everyone in the room understands that. How is Audit Scotland monitoring the progress of local authorities' involvement in that and their understanding of gathering and capturing data to ensure those services are delivered with dignity?

In that private session, I gave the example of the right to education for disabled people. I mentioned the need to understand that there might not be the public transport available or that there are geographical issues that people face in reaching that education. For example, someone might have to travel 50 miles a day, but the family cannot support that. It is very difficult. Another issue is the support surrounding that individual's needs. Will you give us an overview of where Audit Scotland is in relation to local authorities' progress?

Jillian Matthew: You might be aware that we do an annual overview of local government performance. Last year, we picked up issues around data gaps. Those were not exactly what you have just referred to. The issues were to do with the pandemic and recovery, how councils were looking at that and whether different groups had been impacted equally or whether some groups had been more adversely affected. We are aware that some groups were more adversely affected than others, particularly those who were already vulnerable or who have certain characteristics. We found that councils were struggling with collecting data. We found—this is similar to what Clare Gallagher alluded to—that that is not done consistently.

Individual councils, or perhaps just certain departments, might hold intelligence. However, there is a need to join that up. That way, the measurements can be made meaningful. By using the data properly, councils can understand what improvements need to be made. The struggle is in not being able to link the data together. We quite often see in different topic areas or sectors that local data is not joined up nationally, so you do not get the overall picture that helps feed into the overall budget.

Rachael Hamilton: You are absolutely right. I have heard that some local authorities collect data on waiting times for services for people with an autism spectrum disorder. It is a very difficult situation if local authorities are unable to support an individual who is either waiting for an appointment or who has been diagnosed. Have I understood things clearly? Is it the case that, nationally, things are not always done in a way that would benefit local authorities and that not that everybody is doing everything that they should do, even if those things are on a statutory footing. Would that be fair?

Jillian Matthew: Yes.

Rachael Hamilton: I want to ask Oonagh Brown about the statutory requirements for data gathering. You have given examples of individuals such as disabled people who have been stuck in hospital for many years and who are unable to be discharged. How can the current statutory requirements for data gathering be improved to meet the needs for inclusion and accessibility?

Oonagh Brown: That is an important question. Although we completely understand the basis of the language around disabled people and the social model of disability, a slight issue for us is how the Equality Act 2010 uses that scope and how, therefore, data is collected. Although we get figures on disabled people as a whole population—that is appropriate and helpful—we need to be able to look within those figures so that we can see the numbers of people who have learning disabilities. That is what we mean when we talk about data disaggregation—we need disaggregation to get that level of data.

For example, we know that disabled people as a whole face particular issues with employment. The most recent figures on people with learning disabilities in work was around 4.1 per cent, which is significantly lower than the total number of disabled people.

We need to acknowledge that certain groups with protected characteristics face multiple inequalities and that that is in addition to the unequal treatment and barriers that those groups already face. We need to appreciate and understand that there are groups of people whose rights might be most at risk, and to ask that data be collected around those groups.

Rachael Hamilton: I have one last question around gathering equalities data, which is for Sara Cowan. The First Minister's national advisory council on women and girls has called for the integration of intersectional gender budget analysis into the Scottish budget and for that to be put on a statutory footing. I do not know whether your organisation has any involvement in that.

I noted that the Joseph Rowntree Foundation and the Fraser of Allander Institute have had long-term concerns about—or identified shortcomings in relation to—the gathering of equalities data. I will put to you the same question that I put to Oonagh Brown: what improvements can be made to data gathering? Is that just about engaging people, as Clare Gallagher has mentioned?

Sara Cowan: Perhaps unsurprisingly, we support the national advisory council's recommendation to put gender budgeting on a statutory footing and to look at how to do that within something like the public sector equality duty.

On what improvements can be made in relation to data that is collected on a statutory footing, the Government has a few different reviews under way currently, such as the review of the public sector equality duty and of its mainstreaming strategy. An equality data consultation has just been conducted, too. We think it important that those come together to ensure that we get the best possible data and that the clearest advice is available to all public bodies about the data to collect, to bring that consistency that others have mentioned.

It is also important that the data can be used intersectionally. That is another gap area. In areas where there is data, it is often not used in an intersectional way, so we are unable to step back to look at what the experience is for disabled women or for black women. Such analysis is required once you have the data.

I agree with all the points that have been made about the need to improve data quality and consistency. However, improving the analysis of that data is also crucial and that needs to start now.

Callum Chomczuk mentioned equality impact assessments. There is a widely held view that their quality varies and that they are often on the poor side. Last year, the equality budget advisory group made recommendations about work to improve the consistency of how data is used and how to build capacity so that there is better use of data once we have it.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good afternoon. As we have heard, the Scottish Government has a human rights goal or policy but it is not reflected in what people are finding is happening on the ground. I would like the witnesses to talk about how this committee, the Government and Parliament could perhaps meet some of those challenges.

Secondly, how able are councils to play their role in meeting human rights aspirations set out by the Scottish Government? It might be quite easy to say that the issue is just about funding local government—some people will say that local government is not funded enough and others will say that it is—but I do not want the argument to be about that. I want to discuss how local councils decide, with the funding that they have, what services are cut.

I will give an example that I am dealing with locally that I think makes that point clearly. There is a mobility hub in my constituency that is due to close—the charity that runs it will close it at the end of this week, at short notice. We are fighting that, as the mobility hub serves many people in the local area and allows those with physical disabilities, mainly, and learning disabilities, to access town centre healthcare appointments and so on. I have been round the houses trying to get somebody to stand up and say they will save the service, but everybody—the Scottish Government, the council, the health board and the charity organisation—has just passed it on to somebody else. Nobody wants the service to close and everybody thinks that it is a good service and that disabled people need it but, because of the system that we have, the service is at a real risk of closing this week. I have also noted—something that Susan McKellar said brought this to my mind—that the number of women who use this service is disproportionately high, and some women who have come to ask for it to be saved are carers for men who use it. The issue has a real impact on women as well.

I do not expect the witnesses to reflect on my constituency example—I am dealing with that and I know that members have similar examples around the country. However, it makes the point that we have human rights policies, ideas and goals in this Parliament that we all share across parties, but, sometimes, things happen, and the general public do not understand how certain things can be allowed to happen. Does the panel have any advice on what the committee and the Parliament can do to have a better overview when budget decisions around human rights issues are taking place?

Susan McKellar: It involves the issue of diversity, and who is on the local councils. We were in Barra recently, talking to women about what is happening with their health and social care. They no longer have a doctor because the doctor quit over the way that the health board is being run. There is little diversity on that board—it is maistly white men, and they do not have the diversity to think about the protected characteristics of others because there is no lived experience of that. You need to have people participating on those boards and councils who can look at the decisions that are being made and stand up for the human rights perspective by asking who will the decision affect, how it will

affect them and whether that is what we want to achieve.

It does not always come down to money. With the budgets, we all know that we are being stretched and that whatever is happening south of the border is having a major impact here. However, it comes down to empathy and compassion for your fellow person. We are all human beings. If you are looking at human rights and a human rights approach, that is the way we should see everybody.

We should have people with lived experience on boards and in local council areas to talk about services being closed and the impact that that will have on their communities. I think that, until we have that, we will always have that bounce-back because there is no accountability. You will go to your local authority and the local authority will say you should go to the Scottish Government, so you will go to the Scottish Government and be told that the responsibility lies with the local authority point, so you will go back to the relevant organisation and it will say that there is nothing more that it can do. It is that bounce-back that has caused women, especially, to feel disillusioned with the political system and to feel that they do not want to be part of it because they are not being listened to. Their human rights and the human rights of others we are looking at are not being taken into consideration, so why should they bother? I think that we need to look at that.

The Convener: Fulton MacGregor has asked a very big question, and everybody has indicated that they want to contribute. However, time is against us and I ask everyone to keep their responses tight.

Pam Duncan-Glancy: My apologies, but I need to go because I have another meeting just now. I am sorry, but I am sure that I will hear the feedback.

12:45

Allan Faulds: I am not surprised that many people see the issue as being one of finance, effectively. On the question about the disjoint between policy and experience on the ground, I want to apologise for saying this, but the issue is kind of just about budgets. You cannot deliver human rights with aspirations and best intentions; you deliver them with cold, hard cash. When it comes to local funding in particular, the Health and Social Care Alliance's response makes the point that we do not have a position on the exact rates or forms of taxation that should apply in Scotland—that is beyond our area of expertise—but, when it comes to local services, there is a clear and massive problem with council tax as it is currently formulated. There was a local tax commission in 2014 that issued several recommendations for potential replacements for it. As a tax, it is fundamentally regressive. It has been regressive since it was created and it has become more regressive over time, not least because the property valuations that it is based on come from 1991—I do not want to upset any members of the committee, but I was not even one year old then. It is in desperate need of reform and, because it is such a regressive tax, councils are being put in this catch-22 situation whereby, if they do not increase council tax, services are cut and those people who are most at risk in society or are on the lowest incomes—that is largely women, disabled people, and people from ethnic minority backgrounds—find themselves struggling because they are unable to access those services. However, if they put up council tax by the level that they need to—they can only change band D, and they cannot just put the rise on the higher bands, because of the multipliers—that increase impacts on people on the lowest incomes the most because the burden of council tax falls on people at the lowest level. That, to me, is a key point. We must change how funding is raised. The committee asked whether revenue is raised equitably. It is not, and that is having a real effect on councils and, particularly, their ability to deliver on their human rights obligations.

Callum Chomczuk: Policies often do not have an explicit human rights focus and, indeed, can undermine that human rights. There is a recent example of that in the housing sector. We have had a rent freeze applied to the social and private rented sector, with the best intentions of trying to address affordability concerns around the cost of living. However, we also know that if rent freezes continue into the next financial year, we will see social landlords unable to invest in the quality of stock, unable to build more homes, and unable to build homes of cultural adequacy. That really undermines human rights. Affordability is a part of housing as a human right, but it is not the only part; the issue is much more multifaceted. That policy decision was made with great speed, and, if the policy is continued, it could lead to the undermining of the human rights of present and future tenants. Policies should be considered in the round instead of being rushed, which was the case with the rent control policy. That is CIH's position.

Sara Cowan: To add to what others have said, when decisions are being made about efficiency savings or cuts, which may become more likely in the current economic times, it is vital that the assessment process around that from a human rights perspective looks at the equalities perspective, and authorities need to be able to justify their decision making. In the case of Fulton MacGregor's constituency example, there should

be a justification of that that should be made publicly available. That assessment should include a process that looks at where areas have most need and why the decision was made that one area was able to be cut rather than others, and what data was used within that assessment process. Those pieces of information and assessments that are made when authorities take those decisions should be made publicly available.

Clare Gallagher: One of the big things that we need to address is that, as Fulton MacGregor said, human rights are often in the goals and in our policies but they are not the reality for people. A lot of that comes down to the people in decision-making roles at local councils as well as the rights holders themselves. Do people know what their human rights are? Human rights can seem far removed from people. In our work, that is exactly the feedback that we get from accountable duty bearers. They say, for example, "I don't know what human rights are but I know that we have an obligation to rights holders. I thought that it was for the most extreme of circumstances."

I think that there is a lot of capacity building to be done to ensure that people know what their human rights are, so that they can claim them. In the example that Fulton MacGregor gave, the constituents should be aware that they have certain rights and should be able to use human rights language to advocate and protect those rights.

Allan Faulds touched on a good point that I am not sure we have covered a lot in depth, although we have covered a lot. One of the key standards in human rights law is that it is non-retrogressive, which links to my last point. Do people know that we have that as a standard? When we make policy decisions around cuts, we must realise that we have to balance what we are doing with the international obligations that we have. We cannot go backwards; it must be progressive realisation.

Susan McKellar mentioned diversity in the workforce, which is very important. Susan said that perfectly, so I do not need to discuss that anymore.

By adopting a human rights-based approach and applying the panel principles to things such as service provision—for example, the mobility hub that Fulton MacGregor mentioned—you will go through your accountability principle and have a direct route to redress for when something goes wrong. When something goes really wrong and a service is going to shut, there should be accountable people named, and they are who you should talk to—there should be no jumping about, because it is their responsibility. That accountability is what is missing in a lot of these circumstances.

Oonagh Brown: I agree with a lot of what Clare Gallagher just said, particularly around accountability. I would add that finance is important, as we need money to be able to provide services. However, there is a slight risk of saying that, if there is not additional resource, we cannot begin this journey towards human rights. There are things that people can do now within the existing budget allocation to begin that progressive realisation around human rights.

When we talk to people with learning disabilities, we hear regularly about poor treatment from services, whether that be health services or any service that people access day to day. There is a need for culture change and an embedding of human rights training in public services. Authorities need to work with the third sector and see it as a potential collaborative partner in the delivery of training and so on. The public sector and the third sector may be struggling in relation to budget allocation and how they can use what they have in order to deliver some of that training and embed the culture change that we need to see in Scotland.

Jillian Matthew: I will be brief. On the point about the implementation gap, there are often good intentions in national and local policies, but it is often not clear how those intentions will be achieved, what funding is required to do that and what the outcomes will be. We find that to be the case in quite a lot of our work. We have mentioned the situation around social care, and, earlier this year, we looked at drug and alcohol services, where, again, there is a real focus on making improvements around rights, but it is not clear how that will be achieved, what the outcomes are, what funding will be needed and where it should be targeted. That goes back to the point around prevention.

Clare Gallagher mentioned people's understanding of human rights, and Oonagh Brown mentioned training. I think that, perhaps because of the language that is used, people find human rights scary or difficult to understand. However, but when we break the issue down to the PANEL principles, it is understandable. Internally in Audit Scotland, and around our corporate stuff, we are ensuring that everyone is aware of that, so we can then apply it to our audit work and look at it across the public sector to try to make improvements there and share that understanding of how people can go about it.

The Convener: Thanks very much. Time is against us, unfortunately. I know that all the committee members have further areas that they would like to explore, but there will be other opportunities. The session has been helpful to us, so I thank you all for your time and your contribution today.

That concludes the public part of our meeting. We now move into private session.

12:54

Meeting continued in private until 13:00.

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