



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Equalities, Human Rights and Civil Justice Committee

**Tuesday 1 November 2022**

**Session 6**



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**EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE**  
**27<sup>th</sup> 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 (Etrick, Roxburgh and Berwickshire) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Christina McKelvie (Minister for Equalities and Older People)

**LOCATION**

The James Clerk Maxwell Room (CR4)



# Scottish Parliament

## Equalities, Human Rights and Civil Justice Committee

*Tuesday 1 November 2022*

*[The Convener opened the meeting at 10:00]*

### Pre-budget Scrutiny 2023-24

**The Convener (Joe FitzPatrick):** Good morning, and welcome to the 27th meeting in 2022 of the Equalities, Human Rights and Civil Justice Committee. We have received no apologies for this morning's meeting.

The first item on our agenda is to take evidence from the Minister for Equalities and Older People on our pre-budget scrutiny. I refer members to paper 1. I welcome the Minister for Equalities and Older People, Christina McKelvie, who is supported by two Scottish Government officials: Eileen Flanagan, interim strategic lead for disability, older people, British Sign Language, social isolation and loneliness and LGBTI equality; and Rob Priestley, interim head of the mainstreaming and strategy unit at the directorate for equality, inclusion and human rights. You are all very welcome.

Minister, would you like to make some brief opening remarks before we move to questions?

**The Minister for Equalities and Older People (Christina McKelvie):** Yes, I would. Good morning, everyone. Thank you for inviting me to your pre-budget scrutiny session, during what I think we will all agree is one of the most difficult budget rounds since devolution—certainly in my 15 years of being in this place.

I am sure that the committee shares my frustration that, at this very late stage in terms of preparing our own budget, we are still playing a waiting game with Westminster. It is unnecessarily challenging to undertake business in this way, when the goalposts keep changing. Even the dates for announcements are changing rapidly, and it is sometimes hard to keep up.

The reckless behaviour of successive Prime Ministers has left us in a situation of crippling inflation, which has reduced the Scottish Government budget by around £1.7 billion from when it was published just last December. The forthcoming budget is taking place in a context of impending recession, with record levels of inflation affecting the Scottish budget funding base, decreasing the spending power of the available funds, while the demand for spending increases—you will have seen many of those demands in the

course of your budget scrutiny. That necessitates difficult decisions, so that we do not increase the pain that is felt by those who are most marginalised in our society—including all the folks under my portfolio, for whom I hope we have better outcomes.

I am under no illusion, however, as to the size of the task that lies ahead of us. The cost crisis is of a scale that we have not seen before. I want to make it clear that the Government understands that all budgetary decisions have an impact on equality and human rights, which is why we need to bake it into our processes.

Taking an equality and human rights approach means looking holistically at our available resources and at how we can further the realisation of human rights with what we have available. That is why we continue to focus on support for the most vulnerable. Direct examples include our equality and human rights fund and our delivering equally safe fund. Among a range of projects that are getting more than £4 million to the front line, the equality and human rights fund supported 38,000 people through one-to-one casework and helplines in its first six months alone. We have published both the reports on that, if the committee is interested in reading about it in more detail. That support is increasingly dominated by responding to the cost crisis, such as by helping with benefits, housing and applying for home energy and food bank vouchers.

The delivering equally safe fund, which targets support at eradicating, and supporting survivors of, violence against women and girls, has provided £9.5 million to 121 projects over the course of its first six months. A report on that has been published, too. Those projects give one-to-one emotional and practical support, as well as refuge, legal and financial advice and other services. Many of the organisations also run training and outreach programmes aiming to prevent violence against women and girls, and prevention is one of our key pillars in the equally safe strategy.

I was very moved and inspired by the conversations that I had with women supported by Saoirse project in Blantyre, which I visited recently—although those who are from the area will not forgive me for mispronouncing the town's name just now. I hope that members have seen the project; if not, I suggest that they go and have a look. It is directly supported by the delivering equally safe fund and brings together specialist domestic abuse and substance use services to target the multiple, complex issues that service users face, helping them to rebuild their lives. The women I spoke to were able to tell their story once, at one door, and all the services then clicked into place. That is what Saoirse gave those women, with access and support tailored to the

individual needs of those needing interventions. The women were empowered to shape the decisions about what their support looked like, which was incredibly important.

The project represents a human rights-based approach to recovery, with survivors right at its heart. It is a great example of that and, again, if committee members have not seen what it does, please have a look at it. It is just one of the projects across Scotland that offer lifelines to survivors of violence and abuse and that seek to tackle the root causes of the issue. I can truly say that it was awe inspiring. The women I met that day will be at the front of my mind every time that I make decisions on how we spend the money that we have, so I am incredibly committed to continuing to support such projects and our other third sector partners through these increasingly difficult times.

As well as working with external partners, we continue to work across Government to ensure that equality and human rights are considered in the evidence-based policy making that takes place in all our portfolios. That is why Rob Priestley is here. Mainstreaming is a key part of all that. The Government is demonstrating that it is serious about supporting those who have been, and continue to be, hit hardest by a succession of crises in Brexit, the pandemic and, now, the cost of living.

The committee has asked me about the Government's equality data improvement programme in the past and I can give an update on it today. The programme is building a stronger and more robust equality evidence base. That work is vital to ensuring that we have all the information available to make decisions that will support the needs of the people most impacted by the cost crisis in Scotland. We take an intersectional approach and ensure that we can focus our resources appropriately on the areas where the deepest deprivation or discrimination is.

We are driving forward work on the human rights bill, which will incorporate a number of international treaties into Scots law. Giving justiciability to people's rights is an incredibly important part of the work that I am doing in Government right now. I have met stakeholders across Scotland to hear their views on that. They have been very motivated by that piece of work and all the work that we are doing. The draft budget for this year includes funding to ensure that the bill's consultation is accessible and inclusive—I know that that is of great interest to the committee—so that diverse voices and communities can participate in the legislative process.

We are working with the Scottish Commission for People with Learning Disabilities, which has

done a fantastic presentation on the incorporation of rights. If you have not had a chance to see that, have a look at it and the outcomes from the decisions that we take.

I repeat my commitment to taking an equality and human rights-based approach to the budget. If we do not take seriously the prerequisite for detailed needs analysis and do not listen to the views of the most vulnerable in our society, we will not address the crisis affecting our most vulnerable citizens. I am committed to continuing to do that and look forward to hearing from the committee.

**The Convener:** Thank you, minister. When the committee considered the budget process last year, we decided that, for this session of the Parliament, we would have a focus on human rights budgeting. We knew that we were at the start of the process and that the committee, Parliament and Government were all leading the way on that work. It would be good to see what that means for you. One thing that we did last year was to ask other committees to recognise that human rights are not just for this committee. I am pleased that a couple of the other parliamentary committees have specifically considered human rights within their remits as part of their budget process.

One of the first things that we did as part of the budget process this year was to hear directly from a number of organisations in a public round-table session last week. No doubt you have seen a note of that. We also heard directly from People First in private. It was important for us to hear people's lived experience of what budgeting means for them. We heard from People First and the wider panel of witnesses that, for people to be part of the budget process, they need to be able to understand and see it.

Transparency and participation came through as themes last week, so some of the committee members will focus on those issues. One clear point concerned people being able to access the budget documentation. There was a call for all documentation, particularly the explainers—the parts of the budget documentation that say what something means for someone as an individual or for a particular group—to be in EasyRead format and other formats, such as British Sign Language. What progress is the Government making on making not just the main budget documents but the accompanying documents available in formats that allow people to participate?

**Christina McKelvie:** I heard those comments from People First last week, and I was pleased to see that we are making real progress in that area. We recognise that accessibility is an important part of ensuring that key stakeholders have their say and see themselves in the work that we do.

Members will know that we have accessible communications legislation in place. As we move forward with our human rights bill, there will be a right in it for people to have access to documents in formats that they want. However, we currently do quite a lot of that in publishing many of our high-level documents.

I suspect that People First and others are looking for the more detailed on-going work on that. We are currently exploring all the options on how to do that in not just EasyRead but other accessible formats. We have committed to producing documents in plain text format, and we are now doing so. We have had direct feedback from stakeholders on how important that has been and why it has made documents much more accessible.

I do not take any decisions at all in my portfolio work without ensuring that I have worked very closely with stakeholders. That means publishing what we produce in a format that is their preferred method of communication. We do a lot of that already.

As far as the deeper budget documents and the ask from People First are concerned, we are currently exploring how we can do more of that. I can give members that commitment and update them when the review is completed.

**The Convener:** It would be really appreciated if we could get an update on that as that work progresses.

**Maggie Chapman (North East Scotland) (Green):** Good morning. Thank you for joining us, minister, and thank you for your opening words.

I hear very strongly the commitment to human rights and equalities budgeting and to embedding and mainstreaming that across all processes. The holistic approach that you talk about is, of course, important if we are going to see genuine action in the prevention agenda across the elements that you have highlighted.

I am interested in how we make connections between the equality impact assessments that are done once budgets are determined and the outcomes. Often with equality impact assessments, it seems that a desktop process is gone through. That has meaning, but it always looks back the way. What is your assessment of how we are doing in doing that as a continuous thing? As we start to talk about the budget that we will agree in the next few months, how are assessments around equalities and inclusion, for example, being done now so that we do not have to look back at things when everything is done in February?

**Christina McKelvie:** There are a number of legislative and non-legislative ways in which we do

that. Obviously, there is the fairer Scotland duty, we have our processes, and there is equality impact assessment development. The work that I have been doing over the past few years has included looking at EQIAs to find the gold standards and ensure that they are used all the way through Government. That is a big part of the mainstreaming team's work. We have offered a number of opportunities to other colleagues across Government to take part in training and experience the way to do EQIAs that details the outcomes that we want to see. That is the important part. It is not just about completing the document; it is about what that does and how we can measure progress against it.

The most effective place for EQIAs is throughout the cycle of the development. They should not be done at the end of the process or just at the beginning of it. The document has to be a living document, so it always has to go through all the processes. That is done so that it informs our decision making as we go a step at a time, whether we are talking about annual budget allocations, the help that we give to people or outcomes.

I mentioned the Saoirse project. There are a number of other projects. I have a list of them at the back of a folder, and I will give members information on some of them shortly.

We measure against our national performance framework. What have we committed to making progress on in that? How does that map across to what we are doing with an EQIA and what that EQIA does to inform policy making and create better outcomes? We go all the way through that.

We have committed to doing work around the emergency budget, and we have done work around the resource spending review. These are pretty exceptional times in which to do that. The fairer Scotland budget statement comes along with that.

Among all of that is Angela O'Hagan and her team. I have extended the remit of the group and extended Angela's contract with us to chair it. The group has been renamed; it used to be called the equality budget advisory group—EBAG—but it is now called the equality and human rights budget advisory group, although EHRBAG does not really sound right, so we are not calling it that.

10:15

We have extended the group's influence, and we have reviewed many ways of improving the processes. We have done some draft work, which we have given to Angela and asked whether we are on the right track. It is good to have a critical friend in an organisation that sits there and scrutinises and analyses our work but also gives

us recommendations on how to do it. The group is very motivated and has given us a bigger piece of work to do, and we have drafted a response to that. I will give the committee updates when Angela comes back to us. We have regular catch-ups and I am meeting her again soon.

The issue is about having judicial processes—things that we have to do under the fairer Scotland duty—and other processes around what we must do to ensure that decisions are made effectively and create outcomes. We work with stakeholders and external organisations, which provide that critical eye and give us guidance, support and recommendations on how we move the work forward.

That is the process, and then we see projects such as the Saoirse project, where we are taking an intersectional approach to the challenges that are faced by women who are victims of domestic violence—who might also have substance abuse or addiction issues—to get them the right support in a one-stop shop. When it comes down to it, what makes the difference is seeing the outcomes for those women.

**Maggie Chapman:** Thank you; that is really helpful. Part of my question is motivated by comments that have been made by service providers that are funded through different strands of Scottish Government funding around the resource spending review. They are looking at some of the directions of travel that were laid out in the review. I know that matters have moved on—sometimes in the wrong direction, for the reasons that you outlined—in the intervening six months; however, there is concern around decisions being taken without an understanding of the consequences in terms of material outcomes. Other members might want to pick upon that.

You mentioned the national performance framework. Linking that to where we consider we should be, how do you see the national performance framework giving us the outcomes that we want? Pam Duncan-Glancy will come in later to talk about the issue of minimum core outcomes when we are dealing with such questions, but it seems to me that we do not always understand the consequences of the decisions that we take here. I am curious to know whether you think that we are moving in the right direction, because I do not think that we have everything in place yet.

Where do you see the pressure points, and where we need a bit more intervention to better understand the consequences of financial decisions?

**Christina McKelvie:** Thank you; that is a good point. Pam Duncan-Glancy was looking at you as if to say, “Don’t steal my thunder”.

**Maggie Chapman:** Sorry, Pam.

**Pam Duncan-Glancy (Glasgow) (Lab):** I am not frightened to say so.

**Christina McKelvie:** I am sure that you would.

In my earlier comments, I said that I do not make any decisions without having the people for whom I want to effect change at the forefront of my mind. That is why we use panels of people with lived experience and have stakeholder events. There are many other organisations that put on a fantastic array of events, and we attempt to work with them all. We take feedback, which is the important factor here.

Our two reports on the delivering equally safe fund and the equality and human rights fund are peppered throughout with feedback both from people who have benefited and others who found challenges, as well as those who provided resolutions, because they had ideas about how to fix some of the challenges. Therefore, we can see who has been impacted, who is accessing the services, what they think of the services and how we take that forward.

We also get that information from the fund managers who work with us. The monitoring and auditing processes have been developed over the past wee while, from perhaps a straight monitoring of financial aspects that involved looking at the money that had been spent and the outcomes, to a deeper and softer approach. There is benchmarking, such that outcomes are now caught that would not have been caught by taking that more formal approach.

Having conversations and injecting those thoughts, feelings and experiences into all that work has allowed us to see what we have done. We have done the six-month reviews because we wanted to look at the difference that the funding has made, which we can see very clearly.

A few months ago, at the beginning of the cost of living crisis, Jo Ozga from Scottish Women’s Aid sent us an email with a two-page document on how bad the crisis is for women. We were able to use that piece of work in our work with colleagues in Government and across the teams of officials in my team and in finance and the exchequer, to respond to that in a way that gave that sector some stability. It is only for six months, but there is some stability now, and I felt that that was important. That is a perfect example of how the experiences of stakeholders can be injected straight into the decisions that we need to make, which means that those decisions give the outcome that people want to see.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Last week, the Scottish Women’s Convention suggested that women and

girls were being overlooked in the current budgeting arrangement. The First Minister's national advisory council on women and girls wants intersectional gender budget analysis to be integrated into the Scottish budget process and for that to be put on a statutory footing. I wonder what your opinions are on the current arrangements for gathering disaggregated data. Do you agree that putting intersectional gender budgeting on a statutory footing would support policy making in relation to how women and girls are funded in terms of, for example, childcare or social care?

**Christina McKelvie:** I absolutely accept the principle of integrating intersectional gender analysis in all our policy making. I am an intersectional feminist and always have been. I have never looked at just my characteristic of being a woman; we are all different and we have a set of characteristics that bring us together. Where those characteristics cross over at intersections for some women is where the deepest areas of deprivation, discrimination or lack of access to better outcomes manifest themselves. The pandemic exposed that in a really stark way.

That is why we are very keen to make sure that the process of integrating an intersectional budget process will allow us to take forward some of the work that we do in the wider area of equality and human rights budgeting. I return to the point that I made about always going back to stakeholders. We work very closely with all the women's organisations that are stakeholders in the work that we do.

We also work with the Scottish Women's Budget Group; you will have seen some of the work that it does. It has been working with officials in our Government to train us in a number of these areas, and we have been attending training delivered by that organisation, which, basically, is to grow our competence on gender in this area. We often hear, "Where are women in this?", "Where are minority ethnic people in this?" or "Where are Gypsy Travellers in this?". It is about being able to pull all of that out and having it there.

We recognise that the impact of the crisis will not be felt equally by all people, and certainly not by women. There will be a disproportionate impact on certain households and groups, including women. In 90-odd per cent of single-parent households in Scotland, the head of the household is a woman. In lots of those families, the woman is a carer, because there is a disabled person in the family as well. We take all that into account and we recognise that those are the people who will be affected the most.

We are also exploring whether the public sector equality duty and the Scottish-specific duties could be appropriate vehicles to put an intersectional budget process on a statutory footing. I am not

saying no to putting it on a statutory footing, but we are still investigating whether that is the right way to go. There are different opinions in the sector around that. We have asked for stakeholder views specifically on the practicality and feasibility of placing a duty on listed authorities to do it and are awaiting that work coming back.

The Scottish child payment is a perfect example of how we support those families. Bridging payments have been doubled, and the child payment has been doubled and is now paid up to the age of 16. That is a perfect example of how we understand where this impacts women and families, so we know where to inject resources to address those inequalities to a point where people are not being discriminated against or marginalised because of their status in society. They are valued, and the work that they do as mums and carers is valued, too.

**Rachael Hamilton:** You are absolutely right. There are challenges to do with the gathering of disaggregated data, as has been highlighted by the Fraser of Allander Institute and the Joseph Rowntree Foundation.

Last week, we heard that there were issues to do with non-disclosure—the general data protection regulation—and working within the parameters of the Equality Act 2010 to ensure that all data on people with protected characteristics is not only gathered but disaggregated, which does not necessarily happen. Therefore, it will be interesting to see how the Scottish Government takes that forward.

Audit Scotland has highlighted that there are data gaps in social care that are much wider than in healthcare. Those data gaps are contributing to problems in social care, which is causing a huge challenge. We need to consider how the Scottish Government works with local authorities and how those bodies understand the national picture so that they can work together. Do you have any opinions on how the Scottish Government could improve that relationship? National data gathering is not necessarily being done, even though it is on a statutory footing, and data is not being shared with local authorities. That does not allow local authorities to provide the social care that they need to provide.

**Christina McKelvie:** I am just double checking something.

We are doing a huge piece of work in the Government right now on data collection and the disaggregation and quality of the data that we collect. Since my first outing to a committee in the Parliament, which was 15 years ago, we have been looking at how we collect, use, disaggregate and share data in order for us to obtain better outcomes. A big piece of work is on-going right

now in the equality data improvement project. Over the summer, the chief statistician consulted on equality data improvement plans, which cut right across the whole Government. The Convention of Scottish Local Authorities has its own approach, so it might be worth the committee taking evidence from COSLA. It has a new committee chair, with whom I am working very closely. I will be meeting her in the next few days to discuss some of this work, in among all the other things in which there is crossover in our jobs.

The public sector equality duty is in place right now, but you have made the point that, despite the statutory footing, data is not being collected. Public sector bodies might argue that data is being collected, but perhaps we do not see in it what we need, which is where we need to improve what we are doing.

The next equality evidence strategy, which will cover 2023 to 2025, will be published in spring 2023. At that point, I will come back to the committee and will let you know what that looks like. That will mark the conclusion of the first stage of the equality data improvement project—EDIP. In autumn 2021, an internal network of lead analysts covered all ministerial portfolios. You picked up on the point about data gaps in social care and across other parts of Government. It is not for me to respond on behalf of those Government ministers, but that mainstreaming work is being done right across the whole Government. An audit was done of equality data that had been collected and published in key data sets and of how that was then used to produce official and national statistics and update the national performance framework—because it is all linked to those indicators—and to inform significant ministerial decision making.

Another piece of work is on-going. We are reviewing the public sector equality duty and undertaking the equality data improvement project and the mainstreaming work: those all work together to make all the changes that we need to see.

In my info folder, which is usually about things that are happening across Government, I can see that there is much more of a gender, human rights and equality budgeting focus. That is beginning to emerge through other parts of Government. I am happy to take the issue of social care back to the minister who is responsible for that and get you some answers.

As I said, we carried out a public consultation in the summer. People who think that data collection and how we use and disaggregate data are pretty dry subjects should have been at the event at the DataKirk that I was at yesterday, where the chief statistician gave a presentation on data. I could see people thinking, “Oh my goodness, this is

going to be dry,” but it was not uninteresting at all; it was incredibly interesting. He talked about how the data is collected for the Scottish index of multiple deprivation and how we then use that data.

10:30

We are working on how we collect data with regards to hate crime. I am leading on the equality evidence strategy, which ties into all parts of Government. Alongside the consultation on the strategy, we have carried out a series of stakeholder engagement events, in order to go back to the people who are asking for changes. There is an incredible interest in Government data, and in how we commission and use it. The aim was to help us to understand the practical steps, and what data people need so that they make the right decisions. It is not just about Government making decisions; it is about organisations that deliver services looking at the data and perhaps seeing an intersection that they had not picked up, and so deciding to focus resources on that. Alternatively, they might see that they have made some progress and decide to highlight that as an example. There is all of that as well.

Part of addressing the barriers to collecting data is about systems and how we develop them. They are developing rapidly all the time, and we use all the advances in technology. For example, we are looking at using drop-down menus and other simple ways of collecting as much data as possible. One criticism that I heard from people who were at the DataKirk event yesterday—it was a black talent summit event—was that people from mainly African heritage communities are just denoted as African, yet there are so many more ways in which they could be identified in the data set.

During the pandemic, the expert reference group on Covid-19 and ethnicity picked up that issue. We were able to analyse that with National Records of Scotland to look at what we needed and how to use that in making decisions that could be life-changing for people on issues such as access to vaccines and providing information that allowed people to access vaccines and the support that they needed during that time. That is another example of how we can use good data to make a difference immediately.

We are of the belief that the data needs to be improved all the time. It is another living document that we need to keep working on and improving all the time, and we are doing that.

**Rachael Hamilton:** That was a generous contribution, minister. There are things that we can do right now and not in the future. You have probably looked at the evidence that we heard last

week from people with lived experience, but if you have not, I urge you to do so, because it was fantastic.

**Pam Duncan-Glancy:** Good morning to the minister and her officials. Thank you for joining us.

Some of my questions follow on from what we have heard so far. I want to touch on some of the issues that we heard last week from people with learning disabilities. One thing that they asked was for the data to be disaggregated for learning disabilities. When we collect data in the household survey, there is a question on disability, but that is not necessarily disaggregated, and we heard from learning disabled people that that is problematic. What are your intentions on data collection and the household survey, specifically in relation to learning disabled people?

In the same vein, I note what you said about a commitment to inclusive communication and your points about the human rights legislation, but those things are a bit further down the line. Are you prepared to ask the Government to publish an EasyRead version of the budget at this point?

**Christina McKelvie:** I will answer the final point first, because it is the easiest one. We are currently considering how we do that. We produce a number of documents in different formats, including XXL, Moon and EasyRead, and usually the team at the Scottish Commission for People with Learning Disabilities helps us with that. We are looking at ways to do that in an EasyRead version. I will come back to you on that, because we heard that point raised last week and we initially thought, “We produce the documents in those formats,” but when we realised that people were looking for the deeper documents that help them to understand what the budget means, we thought that we would go away and consider it. We are doing that now, so we can come back to you on that point.

On the minimum core outcomes that we want, we realise that, for everyone in society who experiences disadvantage and inequality and who lacks power, which is usually the case when people have to challenge, the human rights route is a difficult way to go.

If we think of folk from the Gypsy Traveller community, people impacted by disability, people from minority ethnic communities and those from LGBTI communities, it is clear that there are areas of policy development in which they lack influence and power. I gave an example from Jo Ozga’s paper about how that can influence what we do.

A few weeks ago, I met the members of the learning disabilities sector lived experience panel for the human rights bill. They did a superb presentation on what the treaties mean for them and what it means to see that realised. I

understand that that will happen a wee bit in the future but we also need to consider what we can do now to ensure that people are engaged.

The social renewal advisory board had all those organisations around the table, as will the advisory board to the human rights bill. We involve lived experience panels in all the social security work that we do. Hearing those voices and making the time to hear them is important.

I said to that group, “You tell me what you need me to do and I will be there”. They told me that they wanted me to listen to a presentation and then they wanted to quiz me on those points. I do a lot of that. I do not make any decisions in my portfolio without having those folks at the front of my mind.

My background is in learning disabilities and I used to run a project called promoting independence—it was absolutely nothing to do with politics but was all about the independence of adults with learning disabilities. I have that professional understanding, but I also understand how impenetrable Government and public authorities can be, especially if someone has a learning disability and their ways of communicating are not mainstream. It is not for those folks to fit in with us but for us to change our approach. That is why I take an intersectional approach.

I worry about some of the groups that are impacted the worst in all this, such as Gypsy Travellers, folk who have had a universal credit cut, and folk who care for someone in their household, have a disability or are part of the learning disabled community in Scotland. They are at the front of my mind when I make decisions, and they are in the room so that I can hear what they need and use that information to make those decisions. That is the way that I do it, but I know that other ministers do it that way, too.

There are always ideas about how we can do it better, and I am always open to those and to how we can help people to see themselves in the policy that is being developed and see their influence on that policy. That is particularly the case for the budget. We tend to find that those families and individuals are the ones who are most reliant on services. If those services are not there, do not work or are not flexible enough, people cannot realise their independence and their rights. If you have any ideas about that, Pam—I sure that you do, because you always have ideas that are really helpful—I am keen to hear them.

There are lots of events along the way to underpin and reinforce all that with legislation. In the meantime, we need to consider how we ensure that those folks are in the room. I do that to

the best of my ability but there are always ways to do it better and I am happy to take those on board.

**Pam Duncan-Glancy:** I appreciate that and I thank the minister for her commitment to the EasyRead publications—or at least to come back to the committee to explain her approach to that.

One issue that comes up a lot is the interplay between the minister who has responsibility for equalities and the rest of the Government. You have outlined the way in which you do your business, which is commendable. However, I worry that other areas of Government are not doing the same thing. Last week, People First told us:

“For a long time people with a learning disability have been considered last, if we are considered at all.

That is true when it comes to budgeting decisions.

It is true for pretty much any decisions.

We are not seen as important, and our human rights are not protected as they are for other citizens.

We are not expected or supported to live our life like other citizens.”

I found that evidence and some of the other evidence from People First last week quite stark.

My colleague Rachael Hamilton also made a point about the Scottish Women’s Convention and women feeling that they have been overlooked in budgets.

What are the minister’s expectations of the Cabinet Secretary for Finance and the Economy and other cabinet secretaries and ministers in relation to involving disabled people and others? How should they consider such issues as they develop budget proposals?

**Christina McKelvie:** It is probably not for me to set out what cabinet secretaries and other ministers will want to do in that area. However, it is certainly for me and the mainstreaming team to ensure that such ideas, proposals and resolutions to challenges are injected into the whole process, and that is what we are doing. I will bring in Rob Priestley in a minute to give an update on where we are with the mainstreaming strategy and how that ties into the work that we are talking about.

I am disappointed to hear that organisations, especially learning disability organisations, felt that they were not listened to or were the last to be listened to. I will take that on board and deal with it. A big piece of work that we did just before the pandemic—we know that the pandemic had a disproportionate impact on some folks and that people with learning disabilities were very badly affected because they lost lots of their services—involved developing, jointly with COSLA, a programme called the keys to life, which the committee probably knows about. On the back of

the comments that Pam Duncan-Glancy has just articulated, I want to speak to the minister responsible to see whether we should be looking at that issue to ensure that organisations and, more important, the people they represent—the stakeholders in those organisations—get to hear their voice in all this. I take that point on board and will take it away.

I ask Rob Priestley to give an update on mainstreaming, which is a fast-moving feast at the moment. There was been work right across the Government. That has included our response to the emergency budget and the resource spending review, and it will include our response to a normal budget if we ever get a normal budget round.

**Rob Priestley (Scottish Government):** It is important to highlight that mainstreaming, as has been said, cuts across Government and relates to how we make the right decisions across Government. We are developing an equality and human rights mainstreaming strategy, which will cut across the Scottish Government and the wider public sector. Our initial work on that has involved conducting a number of deep dives with stakeholders. Areas that have been discussed include levers, culture and competence. We are carrying out further engagement just now.

The themes that are coming out, which are likely to form the backbone of the strategy, are entirely relevant to the points that have been made. There are key themes around leadership and accountability. How do we ensure appropriate leadership and accountability in relation to equality and human rights? In relation to culture and competence, there is a question about ensuring that everybody who works in Government and in the wider public sector, not just equality and human rights specialists, has the appropriate level of competence in order to embed mainstreaming. The final theme relates to policy coherence. How do we align policy decisions so that they meet in this area? That relates to some of the points that have been made today. How do we connect the public sector equality duty and our current review? How do we connect that with future work on the human rights bill? How do we connect policy more generally with equality and human rights?

**Pam Duncan-Glancy:** I appreciate that answer. I will—

**The Convener:** I will bring in Pam Gosal in the interests of time, but I will come back to you if I can.

**Pam Gosal (West Scotland) (Con):** Good morning, minister. In your opening statement, you spoke about reaching out in order to address violence against women and girls. How do you reach communities that are hard to reach, such as black, Asian and ethnic minority communities?

Last week, we heard that some communities are hesitant about letting people in, answering questions and giving their details, because, sometimes, they feel that they are not heard or they do not know why they should give the information. It would be good to know how the Government is reaching out to those communities. Do you provide any feedback to people after taking information from them?

**Christina McKelvie:** You will not be surprised to hear me say something similar to what I have already said. Policy development and policy outcomes are incredibly important and must be informed by lived experience. If we take an intersectional approach to the issue, we see that those are the very women and folks who emerge as facing multiple layers of discrimination and equality issues.

10:45

The work that we do with stakeholders across our portfolio is incredibly important. As a privileged white woman, I would not speak for the women in Scotland's diverse minority ethnic communities, so stakeholder engagement is incredibly important. During the summer, I spent a good amount of time meeting stakeholders from organisations such as Amina—the Muslim Women's Resource Centre and Shakti Women's Aid; I spent almost a full day at Shakti in Edinburgh. We spoke about disaggregated data. A number of women were there, but there were also a number of women from the Chinese community who had experienced different forms of domestic abuse, and there were women from different cultural backgrounds who had experienced honour-based violence, female genital mutilation and other female-orientated issues.

I sat with my mouth shut and my ears open to hear those stories and learn about the issues that those women had, and I did the same during my visit to the Saoirse project. There were women who came from areas of multiple deprivation and who were also carers or victims of domestic violence or who had addictions. We see the deepest inequality at those intersections, so that is where we focus our work; partnership and intersectionality are criteria for organisations to receive money from the delivering equally safe fund. Organisations such as Shakti, Saheliya, Waverley Care and a number of others allowed me—as someone who does not have first-hand experience—to understand what happens, how it happens and how we can use those experiences to inform and improve our approaches.

A lot of those organisations train people across a number of sectors, by which I mean that they embed intersectional approaches across many sectors so that, if an individual who has different

characteristics from those that they deal with walks through their door, they know how to tackle that and who the experts in the field are to help them. Shakti, Saheliya and others might say that it is them, and that that person should come and work with them. That is why the delivering equally safe fund had partnership as a key element, because, with the best will in the world, a person could walk through the doors of an organisation that does not reflect them. Going through those doors is a big step, so if a person can step through the doors of one organisation and be signposted to an organisation that is more culturally or religiously appropriate—or whatever that person needs—that is the way to do it. The Saoirse project gave great examples of that.

That is how I do it. When we are mainstreaming across Government, we are looking at how money is spent to tackle these issues. You will not be surprised to know that I work very closely with justice colleagues and colleagues in other parts of Government in relation to our equally safe strategy. I work with health and education on access to services and justice when a victim or witness is going through the justice system. We have worked with many organisations to do that, and we continue to work with them. Hopefully, they will say that we provide feedback, but you have sparked an idea in my head: we should consider how we can create some feedback loops.

An example of that is our draft proposals in response to the EHRBAG's recommendations. We gave it the draft proposals to ask whether we are on the right track. We go back to stakeholders to say where we think something will work and ask them whether it works for them. It is about testing that and ensuring that it works when it comes to final publication, so that the person who walks through the door of an organisation—whether they are minority ethnic or have other protected characteristics—gets the service that they need and deserve.

**Pam Gosal:** I thank the minister for being honest. We need to use all the organisations and partnerships out there to ensure that we reach out.

The good news is that my mother came back to me to ask about one of the groups. It was to do with an exercise that you are doing out there through one of the organisations. She said, "Should I go to this with my friends?" I said that she certainly should. That is the first time that the Government has reached out to my mum—in that many years, it has never reached out before, and she is quite heavily involved with the community.

That is good news. However, although it is fantastic that those organisations—I talk to all the organisations that you mentioned—are doing a great job, could the Government sometimes do more to get out there and reach people, maybe in

religious settings? The congregations in religious settings are massive. The Government could reach out in that way to raise awareness first, rather than just going in and collecting data. Sometimes people need to know who you are and what you are doing—it is about making an introduction, rather than going straight into using an organisation. That approach can be helpful.

Sometimes people are missed. As I said, my mother found out about that organisation only because somebody spoke about it in the temple, which is where she is all the time. I was very pleased to hear that the Government is reaching out in that way. What are your views on that, minister?

**Christina McKelvie:** I totally agree—please tell your mum to engage with that group. I think that I have an idea of which one it is, but I am going to find out about that, and see how we did it, so that we can replicate that approach across the board.

You make a really good point about faith communities. Since the change in portfolios after the election last year, faith communities now come under my portfolio, so I have spent the past six months or so building relationships with them. Just a few weeks ago, I met all the faith leaders. It was interesting to see that there were few women around the table; we need a few more women there. However, the interaction with all those leaders was incredibly positive. That particular meeting was on hate crime, but a few other issues were brought up at the same time.

Over the summer, I took part in a number of events, including with Shabir Beg and the Ahlul Bayt Society. I also attended the Interfaith Scotland event at the Baha'i temple in Edinburgh at the end of June; the focus there was on women and gender inequality. I was able to take part in that event and answer questions in that format.

The most recent piece of work by the National Advisory Council on Women and Girls focused on minority ethnic women and the work that they do, and you make a good point about faith communities in that regard. Over the past six months, I have been getting up to speed with that area, because it did not previously sit in my portfolio; it sat in the communities portfolio. I have been doing a lot of work to build those relationships—when we do that, we get good, frank and honest feedback because we build an element of trust.

The project in which your mum will—I hope—get involved is just one example of the many ways in which we do that. I will go back and have a wee look at how we did that and ensure that we replicate that approach across the board.

**Pam Gosal:** I thank the minister for that answer.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I will follow on from your discussion with Pam Gosal about outreach work, minister. We find that those who are most marginalised in society are also those who feel most disenfranchised, so I am glad to hear that on-going outreach processes are in place.

What can we do to ensure that outreach does not take place only at the end of the budgetary process and that there is a system by which people can provide input all the way through, from beginning to end?

**Christina McKelvie:** That was an ask from a number of forums and organisations, and it was one of the recommendations from the National Advisory Council on Women and Girls. There was also a call for better policy coherence, in relation to not only the budget process but how different parts of policy work together to produce better outcomes.

With regard to the equality and fairer Scotland budget statement, work is being done to reverse the process a bit, so that outreach is done not at the end of the process but at the beginning. Budget scrutiny in the Parliament is an example. Pre-budget scrutiny includes all the questions that members have asked me today about the process and how people can engage with it, and being much better at ensuring that stakeholders' voices are heard.

A number of the recommendations from the previous iteration of Angela O'Hagan's EHRBAG centred on how we improve those processes. There are a number of recommendations, and we are carefully considering them all. As I said, we have produced a draft response that has gone back to that group to ensure that we are on the right path. As soon as we have that feedback and come to conclusions on it, I can give that information to the committee for your consideration in the process. Much of what we are doing is around ensuring that we take a participation, accountability, non-discrimination and equality, empowerment and legality—PANEL—principles approach at the beginning of every policy development. Every policy development will have a financial impact, so not looking at the budget at that point would seem to be a bit myopic.

When I first came to the Scottish Parliament, I was on the Education, Culture and Sport Committee, and we did a piece of work around trying to track £1 from the Government to the front line. We found that that was impossible—it was especially tricky when it started to go through COSLA agreements and so on. What we produce now gives us a clear understanding of how equality and human rights considerations can make budget processes and the outcomes much

fairer and more able to tackle endemic and systemic inequality. The approach is much better, but I am not saying that it is perfect, because it is not. That is why we are considering the recommendations from the EHRBAG.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Good morning. I had a few questions about accountability, but a lot of the issues have been covered, so I will ask a question on the back of what Karen Adam asked about. It involves an area that you always highlight, minister, and is a difficult one from the public's point of view.

Generally, the Scottish Government and the Scottish Parliament have a range of policies with human rights at their core. However, when the policies are implemented by local government or other public sector bodies, the human rights element does not always seem to be present on the ground. Could you comment on that? In your response to Karen Adam, you talked about how difficult it is to follow the money to see whether it is being implemented in that way. Is there something that we can do to ensure that all bodies are working together to implement policies in a way that has human rights at their core?

Last week, I raised an issue concerning a mobility hub in my constituency. I was not looking for an intervention on that issue, but I can inform the committee that, following that discussion—about an hour and a half after the end of the meeting—I received an email advising me that the campaign to save the service had been successful. I do not know whether someone somewhere was watching the committee meeting, but I thought that the committee might be interested in what happened, and I want to put on the record my thanks to the committee for allowing me to raise the issue, as it is plausible that that discussion played a part in saving the service.

My question is not about the mobility hub, which has now been saved; it is more about the general idea of how the Parliament's good human rights policies can be implemented across the board. I know that there are difficulties with funding and so on.

**Christina McKelvie:** I am glad to hear about the project in your constituency. It is always good when such a campaign is successful, but you have to ask why a campaign was needed in the first place, because good decisions should be made at the earliest stage.

We do a number of things in relation to the point that you raise. Obviously, the equality and human rights budget that accompanies budgets is an important tool that can be used to understand, to mainstream and to influence things. The fairer Scotland duty and the public sector equality duty

are other elements that focus in on the issue. We are reviewing those duties alongside our work on mainstreaming and on the new human rights legislation in order to ensure that they all work well with one another.

As part of the public sector equality review, we have had a lot of responses from stakeholders asking us to go further and deeper. In the summer, many organisations in the race equality area contacted us to ask us to do more, so we decided to spend a bit more time with stakeholders in order to enable them to influence and focus that process in a way that would meet their needs. That includes working with our colleagues in COSLA on its work. The new boards are just getting off the ground. I have met Councillor Chalmers, who is the new chair of the community wellbeing board. Much of the work sits in the wellbeing portfolio. I have met her to discuss a few issues—it was a general session to get to know her and to ask what the focus of the committee will be over the next few years. We also looked at the work on which we can collaborate. That includes work relating to public sector equality duties, the fairer Scotland duty and local authorities' general core duties.

11:00

I am meeting Councillor Chalmers in the next few weeks to discuss our work on women, domestic abuse, gender discrimination and inequality. I am also meeting her to discuss a specific point to do with our new human rights bill. We are working with local authorities and other folk in the public sector to look at how we can improve processes, and the PSED review is now under way.

The equality data improvement programme demands plans. If we are to strengthen public sector equality duties, the data that is collected, disaggregated and used will be incredibly important. That ties into that work, too. How we use all that to influence things is incredibly important.

In the new Scottish human rights legislation, we will incorporate four United Nations treaties. As there are no UN treaties on older people or LGBTI people, we are looking at how we incorporate in the legislation sections on equality for those people so that those have the same effect in law as the UN treaties.

Part of the issue is to do with people not having their human rights and inequality issues realised by public authorities. Legislation is a tough tool to use. I would rather public authorities uphold the fairer Scotland duty and their public sector equality duties in a way that people do not feel that their rights are being disrespected and that they have to

seek judicial remedies. The legislation will give us another tool in the box to effect societal, organisational and institutional change. We know that that needs to happen—we have been working towards that for many years. We are seeing progress now, but there is more to do, and I am always open to hearing ideas about how we do that.

I will give one example of where we spend money and how that makes a difference. JustRight Scotland is one of the organisations that we fund, and it is included in our six-monthly report. It has launched a free and confidential second-tier discrimination advice helpline, which is directly aimed at advisers and other front-line workers who support members of the public. The line helps to ensure that the people who offer such services are trained in a way that responds to an individual's needs, should someone pick up the phone and say that something is not working for them and that they need support. The line gives people the support and the opportunity to tackle and challenge that.

That is just one example of the organisations that we fund to do front-line work. Those organisations are much better placed to understand the needs, wishes and challenges that people in Scotland have, especially when their rights are not being realised.

**Fulton MacGregor:** I really appreciate that response. I am conscious of the time, so I will hand back to you, convener.

**The Convener:** Thank you. I said that Pam Duncan-Glancy could come back in briefly.

**Pam Duncan-Glancy:** I will move on to the issue of minimum core standards. We have heard concerns from the Scottish Women's Budget Group not only in this committee but in other committees that cuts to employability could remove poverty-prevention measures and take targeted support away from disabled people, single parents and women. What conversations are you having with the Deputy First Minister on that?

**Christina McKelvie:** I have mentioned my for-info folder. There are lots of documents for my interest in that folder in which those conversations are taking place and in which actions on those issues are referred to.

When I sit down and talk to finance officials or other ministers, they use the language of the PANEL principles approach. It is really reassuring to hear that, but we then need to ensure that that is reflected in the work that they do.

A joint ministerial group on the public sector meets every few weeks. There will not have been a time when I have not spoken up on behalf of the

organisations, groups, stakeholders and individuals who have spoken to me over the weeks previous to those meetings. I am always injecting such issues into those meetings.

I referred to the work that Jo Ozga did on the effect on women. There is the same impact on unpaid carers and family carers. I am able to feed back some of what people are experiencing, and what I am hearing is about the adult disability payment and the child disability payment and how different the application processes are. I just heard from a family who had fought for personal independence payment for years and got adult disability payment without having to go through all the assessments that they had had to go through for PIP.

I inject such examples into the discussion, because that puts a real human face on a policy, and when I feed that back to the Deputy First Minister and other colleagues, that clearly demonstrates the impact that the right decisions can have on people's lives. I will continue to do that, and I am always open to hearing about ways that we can do that better. I will use all the avenues that I have to raise such issues as many times as I can.

**Pam Duncan-Glancy:** I appreciate that. However, specifically on the employability scheme cuts, have you made any representations to the Deputy First Minister about the timescales, given that a human rights-based approach would require a reduction in funding to be time limited?

**Christina McKelvie:** You have asked some questions on that in the past few weeks, and work is being done by the responsible minister, so I will take that question away and say that, again, you have pushed us on getting a response on that. I know how important that employability work is. We have managed to support about 9,000 parents, because some of that fits into the child poverty action plan—"Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026"—in relation to how parents can be supported to lift families out of poverty.

We see the value in that work. We must always review whether approaches are working, but we are in a difficult situation with our budget. In some areas, it is incredibly difficult because we have to make decisions to cut things that we know are valuable, but how else can we fund some of the other things that we need to do to ensure that people do not fall deeper into poverty? These things are always up for review. We make difficult decisions, and I do not envy the minister who had to make that decision. I have also had to make decisions to ensure that money is focused on the people for whom, and places where, it is most needed, but the budget process has not been

easy. It is the worst situation that I have ever experienced in that regard.

**Pam Duncan-Glancy:** I appreciate that, and thanks for those comments. In your portfolio, a lot of the difference that will be made to people's lives with regard to equality and human rights will come from spending in other portfolios. Therefore, I have not been reassured by the Deputy First Minister, and I have not heard from you about specific processes that you have been through with other ministers to demonstrate that you have made clear representations to them about the impact that cuts to their budgets could have on equalities. Is there anything that you could do to make that clearer for them? I worry about some of those funding areas.

Health and social care is another example. Last week, the committee heard from People First representatives, who said that, because of cuts to their packages, people are having to choose whether to go shopping for essential food, get help with their bills or shower. Can you give a sense of the importance and urgency of making those representations and of the processes that you are putting in place to ensure that budget decisions in other portfolios take account of equalities and human rights?

**Christina McKelvie:** The equality and human rights budget advisory group helps us to understand some of that. Also, the equality and fairer Scotland budget statement—there are so many acronyms in my head; I try to remember them all but I try not to use them because I do not like them—becomes incredibly important with regard to how we do what we do and how we ensure that the processes are transparent enough for people to understand them and see themselves in them.

I will take your comments back. I cannot comment on how the Minister for Mental Wellbeing and Social Care is working on that, but I give you a commitment to look at that and come back with a more detailed response. I will look for that across the whole Government.

The work that we are doing with the mainstreaming team is important in ensuring that those processes are done in a way that means that people's lives are reflected and real human stories are carried through those decision-making processes, so that we do not have the issues that stakeholders commented on in the committee's previous meeting. We take all that very seriously, and I inject that into the work that I do. I am not silent on any of that, as you can imagine, and neither are other ministers. The Government is committed to doing that better, so we will come back to you with a more detailed response. I hope that that is helpful.

**Pam Duncan-Glancy:** Yes, it is. Thank you.

**The Convener:** Time is against us. I give huge thanks to the minister and her officials for attending and giving evidence. We will now move into private session.

11:09

*Meeting continued in private until 12:12.*



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