



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Equalities, Human Rights and Civil Justice Committee

Tuesday 31 January 2023

Session 6



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**Tuesday 31 January 2023**

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**EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE**

**3<sup>rd</sup> Meeting 2023, 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:**

Martin Brown (Scottish Government)

Lisa Davidson (Scottish Government)

Christina McKelvie (Minister for Equalities and Older People)

Rob Priestley (Scottish Government)

Ben Walsh (Scottish Government)

Elena Whitham (Minister for Community Safety)

**LOCATION**

The James Clerk Maxwell Room (CR4)



## Scottish Parliament

### Equalities, Human Rights and Civil Justice Committee

*Tuesday 31 January 2023*

*[The Convener opened the meeting at 10:02]*

### Decision on Taking Business in Private

**The Convener (Joe FitzPatrick):** Welcome to the third meeting in 2023, in session 6, of the Equalities, Human Rights and Civil Justice Committee. We have received no apologies this morning.

Under agenda item 1, we must decide whether to take in private item 6, which is consideration of today's budget evidence. Do we agree to take that item in private?

**Members indicated agreement.**

## Subordinate Legislation

### First-tier Tribunal for Scotland (Transfer of Functions of the Council Tax Reduction Review Panel) Regulations 2023 [Draft]

10:02

**The Convener:** Our next item of business is consideration of an affirmative instrument. I welcome Elena Whitham, the Minister for Community Safety, and her Scottish Government officials: Lisa Davidson, civil justice senior policy officer, and Martin Brown, solicitor in the legal directorate.

I refer members to paper 1 and invite the minister to speak to the draft instrument.

**The Minister for Community Safety (Elena Whitham):** Thank you, convener, and good morning, members.

The First-tier Tribunal for Scotland (Transfer of Functions of the Council Tax Reduction Review Panel) Regulations 2023 will, if approved, transfer the functions of the council tax reduction review panel to the Scottish tribunals structure that was created by the Tribunals (Scotland) Act 2014. The 2014 act created a new, simplified statutory framework for tribunals in Scotland by establishing the Scottish tribunals. The framework brings together existing tribunal jurisdictions and provides a structure for new jurisdictions.

The functions of the council tax reduction review panel and the valuation appeals committees, as well as certain functions of the Lands Tribunal for Scotland, are to be transferred to the Scottish tribunals on 1 April 2023. The regulations that cover the transfer of the functions of the valuation appeals committees and the Lands Tribunal for Scotland were considered at a previous meeting of the committee.

In relation to the regulations that are before the committee today, the council tax reduction scheme provides lower-income households with a reduction in their council tax liability. An applicant who is unhappy with their local authority's decision on council tax reduction can ask for a review. If they are still unhappy following the review, they can apply to the council tax reduction review panel for a review of the local authority's decision. The regulations transfer the existing functions of the council tax reduction review panel to the First-tier Tribunal for Scotland's local taxation chamber and abolish the council tax reduction review panel.

Going forward, therefore, appeals of local authority decisions in relation to council tax reduction will be heard by the First-tier Tribunal

local taxation chamber. The regulations also make consequential amendments to primary and secondary legislation resulting from the transfer of functions to the Scottish tribunals.

I understand that the Delegated Powers and Law Reform Committee considered the regulations on 10 January 2023. The DPLR Committee identified an incorrect cross-reference in the regulations. Officials have proposed that the instrument is amended prior to signing to correct the erroneous reference. The DPLR Committee noted the proposal for rectifying the error and agreed that the instrument should be drawn to the attention of the Parliament on general reporting grounds.

I am happy to answer any questions.

**The Convener:** Thank you very much. It is always good to see the DPLR Committee doing its work so diligently. These are often very technical matters and it is good that the process works.

**Pam Duncan-Glancy (Glasgow) (Lab):** Good morning. In its submission, the Child Poverty Action Group in Scotland states that it welcomes claimants being able to make challenges through the tribunal system, but it suggests that the social security chamber of the First-tier Tribunal would be a more appropriate place to deal with council tax reduction issues. Has the Government considered that? Why did it not make amendments to the regulations in that regard?

**Elena Whitham:** Thanks for that question. The Government was very aware of CPAG's response during the consultation process.

The United Kingdom Government's Welfare Reform Act 2012 abolished council tax benefit, removing council tax support from the benefit system. In response, the Scottish Government introduced the council tax reduction scheme, which creates a schedule of means-tested reductions to an individual's council tax liability. It is important to point out that council tax reduction is not a benefit and is not administered by Social Security Scotland, which is what the social security chamber deals with. Rather, council tax reduction reduces applicants' liability for council tax. It was a policy decision that all appeals relating to council tax, including council tax reduction, should be heard by the local taxation chamber, as they are issues that relate to local taxation.

In drawing up the regulations, Government officials were mindful of the complexities around council tax reduction and about the people who may be bringing cases to the local taxation chamber. The officials may want to elaborate a little bit on that.

**Martin Brown (Scottish Government):** I am happy to say a few words on that.

The aspects that we took into account included the obligation to treat people coming before the tribunal in accordance with the overriding objectives, which I think are set out in the regulations that the committee will be looking at next. However, there is an overriding objective that requires people to be treated fairly in the course of the tribunal proceedings. That would be the case, whatever chamber they came to.

On council tax reduction in particular, we took steps in the procedures to ensure that, if there was failure to comply with the rules for any reason, that would not be the end of proceedings—it could be forgiven in certain circumstances. To follow up what was just said, we took into account those concerns as we were drafting the instrument. Do you want to add anything to that, Lisa?

**Lisa Davidson (Scottish Government):** Thank you, but I do not think that there is anything else to add.

**Pam Duncan-Glancy:** Thank you—I appreciate that. I am content with that description and answer.

On the basis of taking that approach, what information can the Government set out in terms of the training or support that will be provided to the members of the chamber to which the issue has been allocated so that they understand some of the complexities? Although I appreciate what has been said about social security—this is council tax reduction; it is not a benefit—what specific support have members of the chamber been given so that they understand the complexities that some families may experience?

**Elena Whitham:** Thank you for that further probing question, which requires a good answer.

Several existing members will be transferring to the local taxation chamber and they will carry their really good working knowledge with them. There is a thorough training package in place for any new members of a chamber, regardless of which chamber it might be.

We will ensure that people who are appointed to the chamber understand the very issue that you have raised in relation to dealing with the complexities of such cases, in which an element of discretion and understanding might be needed to ensure that people can access the justice that they are looking for.

**Pam Duncan-Glancy:** Thank you.

**Maggie Chapman (North East Scotland) (Green):** Good morning, minister. Thank you for being here and for your answers so far.

My question is on exactly the same line as Pam Duncan Glancy took. I will make a final point in that regard. I hear what you said about the training and support that the members of the chamber will have. However, if they identify a potential issue, will there be the opportunity for them to signpost people to further support and advice from Social Security Scotland? From the information that they have, they might identify opportunities for the individuals to apply for benefits that they are not claiming, even though they are eligible for them. How do we close the circle by linking what is, as you said, a taxation system with the social security system, which should provide support?

**Elena Whitham:** It is important that we recognise that the chamber will not be dealing with anybody's underlying entitlement to anything. However, the signposting element of anybody's work is really important. I might need to come back to the committee with a fuller answer on that point, but I have definitely heard what you and Pam Duncan-Glancy have said in that regard.

**Maggie Chapman:** It is a communication issue; we need to ensure that people are aware of what is out there. Thank you.

**The Convener:** As there are no further questions or comments, we will move to item 3, which is the formal business relating to the regulations.

I invite the minister to move motion S6M-07224.

*Motion moved,*

That the Equalities, Human Rights and Civil Justice Committee recommends that the First-tier Tribunal for Scotland (Transfer of Functions of the Council Tax Reduction Review Panel) Regulations 2023 [draft] be approved.—[*Elena Whitham*]

*Motion agreed to.*

**The Convener:** That concludes consideration of the affirmative Scottish statutory instrument.

Do members agree to the clerks producing a short factual report on our deliberations on the affirmative instrument that we have considered today?

**Members indicated agreement.**

**The Convener:** I thank the minister and her officials for attending.

### **First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure) Regulations 2022 (SSI 2022/364)**

### **Upper Tribunal for Scotland (Local Taxation Rules of Procedure) Regulations 2022 (SSI 2022/365)**

**The Convener:** Under item 4, we will consider two negative SSIs. I refer members to paper 2.

As no members have any comments on the instruments, there will be no reporting on them.

I will suspend the meeting briefly to allow the Minister for Equalities and Older People and her officials to take their places at the table for item 5.

10:13

*Meeting suspended.*

10:15

*On resuming—*

## Budget Scrutiny 2023-24

**The Convener:** Item 5 on our agenda is budget scrutiny 2023-24. I refer members to paper 3. I welcome Christina McKelvie, the Minister for Equalities and Older People. The minister is accompanied by Rob Priestley, head of the mainstreaming and strategy unit in the Scottish Government directorate for equality, inclusion and human rights, and Ben Walsh, head of budget improvement at the Scottish exchequer. I invite the minister to make an opening statement, before we move to questions.

**The Minister for Equalities and Older People (Christina McKelvie):** Good morning, and thank you for inviting me to the committee's second budget scrutiny session. I welcome the opportunity to give further evidence to the committee on one of the most challenging budget rounds since devolution.

The year 2022 was an exceptional year for public finances. Throughout, we focused on analysing the equality implications of budget decisions. In May, we published an equality and fairer Scotland analysis of the resource spending review and, in November, we published an equality and fairness evidence summary, alongside the emergency budget review. In December, we published our "Equality and Fairer Scotland Budget Statement 2022-23" alongside our main budget document. It has been a busy few months.

The "Equality and Fairer Scotland Budget Statement 2022-23" sets out how the Government has assessed the impact that the budget has on equality and fairness and how those considerations influence our budget decisions. It is a vital piece of the budget jigsaw, which is a complicated jigsaw. The statement helps to ensure that we understand the impacts of budget decisions and that we have the relevant analysis to support the difficult decisions that we must take.

Over the past decade, we have worked to continuously refine and improve our processes, remaining committed to embedding in them the principles of transparency, participation and accountability. The improvements have been recognised by our stakeholders, including the Equality and Human Rights Commission and the Scottish Women's Budget Group. Those stakeholders welcomed the inclusion of more detailed analysis by portfolio and protected characteristic.

I welcome stakeholders' continued help in pointing to further areas of improvement. I listened

to some of the committee's meeting last week and took notes on some of the proposals that were made. We will continue to work on those areas, drawing on the expert guidance of the equality and human rights budgetary advisory group and its chair, Professor Angela O'Hagan, who was at the committee last week. I was pleased to note that, in her evidence, she commented on the

"significant improvements in the multiple documents that are part of the suite of budget documents".—[*Official Report, Equalities, Human Rights and Civil Justice Committee, 24 January 2023; c 3.*]

I will meet Professor O'Hagan in February, when we will discuss our forthcoming formal response to the recommendations made by the equality and human rights budgetary advisory group. I will update the committee on that when we get that response.

We remain absolutely committed to advancing equality and human rights through our continued financial support for organisations that work with disadvantaged people throughout Scotland, such as Glasgow Afghan United. Last week, I was at the Burns and Rumi supper night hosted by Glasgow Afghan United. That organisation, which is supported by Scottish Government funding, is one of our partners in delivering the new Scottish strategy. It does incredible work—if members have not seen it, please go and have a look. Most recently, the organisation was a partner in the Afghanistan relocation and resettlement schemes, helping people to relocate to Scotland from Afghanistan.

We are providing up to £1.5 million for the establishment of a race observatory on ethnicity and racial inequalities, which will provide a range of functions in relation to anti-racism. That is a significant step towards bringing about systemic change to help to create equity in Scotland's communities.

That is just one part of our £48.9 million commitment through the equality, inclusion and human rights directorate. I will give the committee a quick list of some of the things that it includes. There is £19 million per year to support more than 100 organisations—I think that it is 112—to eradicate violence against women and girls through our delivering equally safe funding. There is a £971,000 emergency winter funding package to tackle social isolation and loneliness—we announced that just this week. There is £205,000 of funding for Age Scotland to help to keep the doors open for older people's community groups—I know that many MSPs were concerned about the report that Age Scotland published on that at Christmas. There is dedicated funding to ensure that the consultation on the forthcoming human rights bill is as inclusive and wide reaching as

possible, and we are working with many key partners on that.

The money that we are investing will contribute to our short and long-term goals. In the short term, I am focusing on: the implementation of the Hate Crime and Public Order (Scotland) Act 2021; prioritising funding to tackle violence against women and girls; progressing the recommendations of the national advisory council on women and girls; legislating to end conversion practices; implementing the social isolation and homelessness fund; furthering the work of the interim governance group to develop national anti-racist infrastructure; and progressing engagement with our faith and belief groups on our new strategy for that.

We cannot do any of that in isolation, so I also want to implement effective and fair grant funding approaches to our third sector partners, and I am working to increase the pace and effectiveness of mainstreaming—which is why Rob Priestley is with us today—to support the embedding of equality and human rights. Only by working across Government and the public sector can we effect real change.

As I said, we have had to make some difficult budgetary decisions, this year. The Government has a duty to direct our limited funding to where it can have the most positive effect on people, in order to advance equality and human rights. We remain committed to doing so. I will continue to listen to diverse needs. I do not make any decisions on my portfolio without speaking to stakeholders, including the folk who are impacted. I seek to create meaningful and lasting change in this space. I look forward to the year ahead and to continuing to work with the committee on many of the issues that I have on my agenda.

I am happy to take questions.

**The Convener:** Superb. Thanks very much, including for that slightly wider introduction. We might have one or two questions on some of the wider matters. First, however, we want to focus on the budget.

One of the themes that came up in our early pre-budget meetings with stakeholders, and in the meeting yesterday, was the accessibility of the budget—for instance, EasyRead versions. Last week, in particular, we heard just how welcome the document “Your Scotland, Your Finances: 2022-23 Scottish Budget” was. However, there was a little concern that that document, which made the budget much more understandable and accessible to more people, was not available at the same time as the budget was launched. Will you comment on that? Maybe Rob Priestley will give us a flavour of the work that is going on to make sure that, at all times when such budget

decisions are being made, accessibility is at the fore.

**Christina McKelvie:** That is a great question, and it is one of the aspects that we have been working on closely. I remember doing budget scrutiny when I first came into the Parliament. We would do an analysis of how many times women or disabled people were mentioned in a budget. Now, we have much more deep and detailed data to draw on from the improvements that we have made so far.

You might remember that “Your Scotland, Your Finances” has been published alongside the final part of the budget, whereas, this time, we published it at the first point. The budget was published on 22 December and we published “Your Scotland, Your Finances” the very next day. We are always looking at ways to improve our approach. The document will be published alongside the draft budget, in future.

We have taken accessibility into account, including EasyRead and a number of other aspects. We created a lot of infographics but, from consultation with stakeholders, we found that people felt that the approach was not as accessible as it could be, so we now do a plain English EasyRead version of the statement.

We bring in “Your Scotland, Your Finances” at the beginning and not at the end of the process, and we publish an updated edition at the end; I hope that those two measures will enable people to see the distance that we have moved from the beginning of the budget process to its end.

**The Convener:** That is brilliant. Rob Priestley, do you want to add anything about the wider work that is going on?

**Rob Priestley (Scottish Government):** The equality and fairer Scotland budget statement, which I am sure we will explore, gets published alongside the draft budget. As witnesses highlighted last week, that includes extensive analysis but, in addition, it is presented in a short, 30-page summary form, to improve the accessibility of that particular aspect of the budget.

**The Convener:** That is great.

It is languages week and my colleague Pam Gosal wants to probe a little further into that area.

**Pam Gosal (West Scotland) (Con):** Good morning. I welcome languages week.

There are no versions of the equality and fairer Scotland budget statement in other languages, so many communities and individuals will be unable to see for themselves whether the Scottish Government is delivering on priority areas. Have you done any community outreach work, initiatives

or engagement with communities in languages other than English?

**Christina McKelvie:** That is a great question, because we always think that accessibility is about EasyRead, British Sign Language and all those things, but other languages are also a key part of that.

We speak to stakeholders all the time. I am not sure whether we picked up any huge issue about language accessibility during that process, but certainly, we should be communicating in other languages and we will do so. I will go and have a look at what we produce and how we produce it. We tend to use a great organisation, iTranslate, which a lot of grass-roots organisations access, to get good translations of different documents. Because of their technical nature, the budget documents are pretty difficult to translate but, given that we now have the fairer Scotland statement and the “Your Scotland, Your Finances” document, we will have a look at how we can make them much more accessible, as you suggested.

**Pam Gosal:** I would welcome your looking at that because, obviously, Scotland is so diverse, with many people from different countries. Not everybody can speak the English language, and it is important that the Scottish Parliament sets an example of being accessible to all, including those who do not speak English or understand how budget setting is done.

**Christina McKelvie:** Absolutely. We fund a lot of minority ethnic organisations that do some work of their own on translating budgets, consultations and everything else that comes from Government and is of interest to them. The process will be there, and I will make sure that it is as sharp as it can be.

**Pam Duncan-Glancy:** Good morning, minister, and good morning to your officials. Thank you for setting out the Government’s priorities and for sharing the information about the budget.

I want to raise a couple of issues. I take the point about the fairer Scotland budget statement being a huge improvement; we have heard that from witnesses. However, we also heard a witness say that navigating the budget document is still

“a bit of an art form.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee, 24 January 2023; c 6.*]

We heard language such as “vague statements” and “no substance”. We heard that it is hard to find the data in the annexes and that there is “insufficient clarity” on the impact of decisions. If people whose job it is to analyse the budget in terms of equalities are still struggling to navigate it, I worry about accessibility for the wider public.

Do you agree that the information is not quite there yet and that there is still quite a bit of work to do to enable organisations and individuals to follow the budget in a way that provides transparency and accountability?

**Christina McKelvie:** Yes—I heard some of those comments from witnesses last week. I also heard about the positive progress that has been made.

We view all the documents and the processes that we go through as a continuous improvement exercise. It will never be finished, because we want to continually improve. Every time we have a budget round, we learn new things, such as the need to bring out “Your Scotland, Your Finances” at the beginning of the budget process, and then analyse it and publish something at the end of the process that tells people where we are.

We hear a lot about language and jargon. Some budget documents are technical documents and it is really hard to translate them into something that is much more readable and accessible. We have an on-going piece of work on how we link all our pieces of work together to make them easier to navigate.

We publish all level-4 figures in relation to the previous budget and the forthcoming budget, as well as the differences in that regard. I know that some people say that they cannot track the pound through the process, to see where it gets spent, but we are taking lots of measures to enable people to do that.

As I said, it is a continuous improvement project, and we work on that every time we go through a budget round. We learned such a lot last year, because we had a resource spending review, an emergency budget and then a budget process. We learned so much from the equality work that we did. We have a bit more work to do on joining some of that up—you make a fair comment, which I will take on board. However, we have come on in leaps and bounds. There are ways to access budget documents that were never available to people before. The detail is there. Although the summary is 30 pages long, which seems hefty, in the grand scheme of things and given all the budget documents, people have found it really helpful. We are looking at ways in which we can use that document and raise awareness of it much more effectively, to address the issues that you raised.

**Pam Duncan-Glancy:** I appreciate that, minister. We heard consistently from witnesses that it is not easy to follow the money all the way through, so that people can understand what is happening, whether a budget line is going up or down and how that impacts on equality and human rights. In some cases, witnesses, including

Audit Scotland, said that there is a gap between the aspiration and the reality of what is being delivered. What conversations have you had with other Government departments and ministers with different portfolios about the impact of their budget lines on equality and human rights?

10:30

**Christina McKelvie:** From the evidence and last week's debate, you will know that all committees raised issues relating to equality and human rights. That is a huge step forward from when I convened a predecessor committee of this one and other committees would say, "That's not for us to look at." All committees now look at those issues, which gives us an excellent, although complex, picture of what is happening across all Government areas. Rob Priestley is here because he is the head of our mainstreaming team, which works closely with colleagues across the Government.

The equality and fairer Scotland budget statement is a joint piece of work by me and the finance secretary—well, it is the Deputy First Minister at the moment. I am involved in that work at every step, so I pick up a lot of the issues and concerns. Over the past couple of years, in relation to multiple budget evaluations, I have been really gratified to see other officials pick up on the importance of ensuring that budget decisions that have an impact on equality and human rights are made at the earliest stage. They understand the need for that.

We have worked with the Scottish Women's Budget Group to increase the capacity of officials across the whole Government. That is why Ben Walsh, from the Scottish exchequer, is with us today. Last week, we had a cracking round-table event with the national advisory council on women and girls, at which we talked about gender competence and the intersectional competence that we all need in order to read across in relation to what needs to be done. Colleagues in the Scottish exchequer have undertaken all that work.

Previously, what would come in would usually just be plain figures and other budget stuff, but I now see, attached to that, information on the progress that has been made in analysing and understanding the impact of a pound that is spent in one area on another area, and whether that is the impact that we want. There is much better analysis of that. That is why ensuring that we link up all our documents so that people see a pathway through the budget—how a pound that is spent in one area affects another area—really matters. I am supported in doing that by officials from across the Government.

**Pam Duncan-Glancy:** Are you confident that ministers with other portfolios have the information, data and engagement that they need to be able to recognise how their budget can have an impact on equalities?

**Christina McKelvie:** As you know, the whole budget process is about continuous improvement. We are learning all the time. Last week, we learned key aspects of how we can do things better from members of the national advisory council. The important part is how we work together to do things better.

From the stuff that comes into my inbox, I see that other ministers consult very closely with stakeholders. For example, the DFM met the Women's Budget Group and Engender Scotland to talk about the gendered aspects of the budget. Such collaboration takes place across the board. As I said, I do not make any decisions without stakeholders who are at the table.

**Pam Duncan-Glancy:** Thank you.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Good morning, minister. Last week, Professor O'Hagan said:

"Useful and important research came out alongside the budget".

Most witnesses were complimentary about where we are so far, but they highlighted some gaps, deficiencies and holes. I am sure that you will have looked at that evidence. Professor O'Hagan also said that

"resources are not well used in the Parliament, in Government or externally."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 24 January 2023; c 12.]

Do you have an opinion on how resources could be used better?

I also want to get a better understanding of how the Scottish Government's policy thinking stems from the equality and human rights budget advisory group. How does it draw on recommendations to make improvements in the equalities budget?

**Christina McKelvie:** I heard some of that evidence last week. That has been a perennial problem. The point was made that that applies not just to the Government but to the Parliament and other public authorities. We need to improve that whole process to ensure that resources go to the right places.

A lot of the work that I do on equalities and human rights, in relation to the funding that we provide to stakeholders in order that they can do their work, is outcome driven. What difference is being made for people in their everyday lives? A lot of that, especially in relation to delivering

money as part of the equally safe strategy, involves working in partnership.

A great example of that is the Saoirse project that I visited in Blantyre, which supports women in relation to domestic violence, mental health and addictions. They go through one door, tell their story once, and all of those services click into place. Seeing resources being utilised in a holistic way that has a successful outcome is really powerful. I am not saying that we are perfect—the delivering equally safe fund is only about eight months old and we are still learning from it. We published a six-month report on it, which I commend to you.

You also asked about the equality and human rights budget advisory group—there are so many acronyms now that I cannot remember them all, but you know what I am talking about. One of the first things that I did when I came into Government was to make the chair of that group independent, so that they became a critical friend of Government and are not afraid to tell us what they think—they have never been afraid to tell us anyway, but now they can be more independent with their thoughts on all of this.

We have a number of recommendations from the work that the group has done over the past wee while. It has done a pretty detailed analysis on some international comparators. I am meeting Angela O'Hagan in February in order to pick up on those recommendations, which we are working through.

I tend to look at recommendations and decide what we can achieve quickly, which ones are bit more medium term, what are some of the long-term goals and how we work in partnership to meet them. I will be meeting Angela in February to discuss all of that, and I am happy to give the committee a much more detailed update then. We are not quite finished the work of analysing the recommendations yet, so things might change by the time we get to February.

**Rachael Hamilton:** That is the area that I am really interested in, minister. We heard from Clare Gallagher that the Scottish Government could improve its understanding of the evidence that it gets, particularly the recommendations. The Fraser of Allander Institute gave a statement in a similar vein. It said:

"It is ... not clear the extent to which equalities considerations influence budget decisions."

There is also an issue about how evidence is used and how robust the analysis is. Following on from Pam Duncan-Glancy's question, will you give the committee an insight into how the Scottish Government looks at the evidence and research, what analysis it does and how that is conducted to

understand how the budget will impact on human rights in different portfolios?

**Christina McKelvie:** A huge piece of work goes on in that regard. We use about 10 indicators, which produce hundreds, if not thousands, of pieces of rich data. We use those to analyse the impact of budget decisions, but we are also pushing towards using them to analyse the formulation of budget proposals. We are shifting quite a bit towards that work.

One of the aspects that we picked up on, which many of you have asked about, is the quality of equality evidence and data. We have been working through a major piece of work on equality data improvement plans. The project commissioned each portfolio to come up with an equality data improvement plan, which they are currently in the process of doing. Once we are a bit closer to completion of that work—which should be in the spring; the first quarter of this year—we should be in a position to give you more information about how we have used all of that data to analyse not only the difference that we have made but how we will make decisions in the future.

That work has essentially informed the work that I have done around how grant funding is distributed now. The project that I mentioned is a perfect example of how we can get more for the small amounts of money that we have, and deliver a much better outcome for people.

**Rachael Hamilton:** On the back of that piece of work, will the Scottish Government commit to expanding the equalities statement that sits alongside the publication of the budget, so that there is a better understanding of how the money leads to the outcome?

**Christina McKelvie:** That is what we are working on—that continuous improvement that we want to see and the route map that allows people to read the numerous layers of budget documentation in a way that gets them the information that they want.

There is work to do. I know that the exchequer has been working on some aspects of that. Folk there are looking at what the top lines are and how much we have to spend and I am the person who is pushing to see where we should spend it. Ben Walsh may be able to give you an update on the work that the exchequer is doing on that.

**Ben Walsh (Scottish Government):** We are embedded in the equality and fairer Scotland budget statement process, which informs the budget process from start to finish. Those things work in tandem to ensure that the process is followed through. As part of that work, we have expanded annexe A of the equality and fairer Scotland budget statement, which provides an

overview of how we have embedded equality and human rights analysis in budget decision-making. As the minister said, that is a process of continuous improvement.

We are working on updates in line with both the equality and human rights budget advisory group and the open government partnership, as part of our commitment to fiscal transparency and openness. As part of that, we are looking at what we can do in a more public space to ensure that you can follow the money. We can provide the committee with more detail about that, particularly about the open government partnership, if that would be of use.

**Rachael Hamilton:** That would be very useful; thank you.

**Christina McKelvie:** Rob Priestley will answer your question about analysis.

**Rob Priestley:** I can pick up your point about the analysis that is done at portfolio level. The equality and fairer Scotland budget statement process is not done by a central team. Each individual portfolio conducts initial analysis. That initial analysis is outlined in annexe D, which is the lengthy annexe that witnesses referred to last week. That is done at portfolio level, supported by the central EFSBS team. The process does not start by either the exchequer or the equalities and human rights team doing analysis to portfolios; the initial analysis is done in the portfolios and that is collated into the budget statement.

That leads to some of the points that were made about repetition. The length of the annexe comes from the fact that it pulls together work done by all the different portfolios. It is more transparent to publish that work in full, rather than collating and summarising it. That leads to that slightly difficult, very long and—as Angela O’Hagan said—underused, 200-page resource that is published alongside the budget.

**Rachael Hamilton:** It could perhaps be described as siloed. Thank you; that was interesting.

**The Convener:** Maggie Chapman has some questions.

**Maggie Chapman:** Thank you for what you have said so far, minister. I am interested in exploring a couple of issues of accountability and in making connections between how decisions are made and the evidence that is used to make those decisions. I would like to know how those decisions are both linked to projected outcomes and tracked to ensure that those outcomes are delivered. I am interested in both equalities objectives and rights realisation.

Last week, Angela O’Hagan spoke about the need for greater clarity about the relationships

between allocation, spending and outcomes and for greater clarity about the relationship between equalities objectives and rights realisation. Alison Hosie spoke about the need for evidence in that decision-making process.

Can you give us more detail about both the pre-budget phase and during the budget? I know that budgeting is a constant process, although there are points in the year when we publish certain papers and documents. How do you ensure that we get consistency and acknowledgement across the different areas? Where, in your view, are we not doing as well as we should be?

That is just a little question for you. Sorry.

**Christina McKelvie:** As always, Maggie; thank you.

The equality and fairer Scotland budget statement is our primary tool. There are national outcomes, the national performance framework and many other regulatory things that fit into that process and there are implications for public authorities if they do not uphold that.

10:45

We have included more detail than ever in the equality and fairer Scotland budget statement, but Angela O’Hagan said at committee last week that that 200-page document is underused, which made me think about why it is underused. I am thinking about how we encourage more use of it.

Ben Walsh and Rob Priestley made points about how we use the detailed analysis of what we have committed to, whether we have delivered outcomes, how we make decisions and how we work across other parts of Government and public authorities to realise those outcomes.

The human rights bill will address that gap by bringing about a much clearer understanding of what Government, Parliament and other public authorities’ responsibilities are in ensuring that equality and human rights outcomes are the best that they possibly can be. On areas where we spend money, I know that Maggie Chapman will be pleased to hear about the funding that is going to Clinterty in Aberdeenshire from the Gypsy Traveller accommodation fund. Something as basic as accommodation has an impact on all the equality and human rights outcomes of the Gypsy Traveller community in Scotland.

To go and see the finished product of that funding is important to me. It is important that those people realise their rights and understand that they have rights, because people in that community felt as though they did not have any rights. We are working in a very tough position, so seeing that money go from this place to that place is incredibly important.

When we do all the analysis, create all the documents and have all the links that we want, it still concerns me that people say that the document is underused and is not usable. I want somebody to read that document and realise the outcome for Clinterty or a disabled people's organisation or whatever. I want them to be able to see that, but we still have work to do on that. I say that there is work to do, rather than that there are gaps. We are cognisant and mindful of what we need to do to get there.

**Maggie Chapman:** I appreciate that. You have shown clear intent to make those connections, which was clear from last week's evidence session. There was a question about the ability to know what a figure in a column means for people on the ground. Everything in between is important, but it is the outcome that matters.

Following on from that, you talked about meaningful and lasting change. We need to track the figure on the spreadsheet to the outcome on the ground, but we also need to make sure that everybody who needs to be involved in those decision-making processes is involved.

Rachael Hamilton mentioned siloing, and Rob Priestley talked about portfolio analysis. I understand why analysis is done in portfolios; you have to choose some way to chunk it up, tease it apart and make sense of it, but how do we ensure that we guard against the right hand not knowing what the left is doing in relation to decision making that leads to outcomes?

**Christina McKelvie:** There are two things there, Maggie. The homogenisation of protected characteristics was raised with us at the national advisory council on women and girls. You may sit in a protected characteristic, but we all know that a person usually does not have only one protected characteristic but a combination of them. Rob Priestley made the point about how we do that portfolio-by-portfolio analysis, and if you read it that way, that looks like siloing; however, when we draw on all the analysis, it becomes much more joined up and deals with that issue.

We tend not to do this, but if it looks as though there is homogenisation of protected characteristics and we are missing out on aspects of characteristics, we do a lot of work across Government to mitigate that, especially in departments such as the exchequer that would not ordinarily be involved in the issue.

However, with regard to how we develop capacity and competence—whether that relates to gender, disability or equalities and human rights—we now have experts across the board in this work, and that can only grow and become much better. That addresses the point about ensuring that we take an intersectional approach to

everything that we do. Although the national advisory council on women and girls deals with women and girls, it also deals with disability, race, LGBTI issues and so on.

Therefore, when we take an intersectional view, we are taking a human rights and equalities approach. It is just about ensuring that we have the infrastructure, the capacity and the competence in our team to address that, pick out the issues, identify the gaps and then come up with the plans to fix them. That is what the continuous improvement vein is all about.

**Maggie Chapman:** Thanks—that is helpful. You will be aware of conversations that we have had in this committee around the need to identify the minimum core obligations and what we actually mean by the universal rights that we want to enshrine in Scots law. That is a question with regard to the work that you and your officials are doing. As we do some of the work around the minimum core obligations, what points will it be necessary or important to bear in mind, particularly as we think about how that work can link to budget scrutiny, ensuring that we get that accountability connection with the minimum basic level of rights, whether those rights are being delivered and whether the resources exist to deliver those?

**Christina McKelvie:** I think that we are quite world leading in some of that work and with regard to the proposals for our human rights bill and a lot of the work that we have been doing with stakeholders. We have funded a number of stakeholder organisations to look at the bill, the accessibility of the consultation, what it means, how to put it in plain language and how to make rights real for people. We are looking at all of that with regard to core obligations. A lot of the feedback is about what people expect to be the minimum, such as housing, food, a job, or the right to education—whatever it is—and those organisations are coming back to us with some of that detail.

I hope that the consultation will open soon, and I will be hoping that the many people who will be looking at that particular aspect, if not all of it, will come back with some of the ideas and resolutions that we need. We have some of that in train—I think that we know where we are going with it all—but I want to hear quite conclusively from stakeholders what they expect and whether we can meet that expectation. Sometimes, that is the tough part—the aspiration is there and the expectation is there, but whether we can make those align is sometimes the toughest part of it all.

Be assured that it is stakeholders who are the drivers for change in this and who are working with us to ensure that those core obligations that we can put into our act will deliver what it says on the tin. We should be proud of the committee's work

on making rights real in the previous parliamentary session, and we should be proud as a Parliament of how we work together to realise those rights.

**Karen Adam (Banffshire and Buchan Coast) (SNP):** Good morning, minister, and thank you for the evidence thus far. I have often thought that fiscal management can be a bit dry and boring, but this is really not boring. It is quite exciting to be able to discuss how we follow the money and ensure that, when we do that, the outcomes that we see are embedded with regard to equalities and human rights. It is a really exciting time. As you say, we are quite world leading in a lot of this work.

You hit the nail on the head when we were talking about the fact that it is almost an eternal progression. There probably never will be an end point. Nothing can really be set in stone as the world moves and as we realise people's needs and understand their human rights, particularly as we move towards a wellbeing economy, which we are focusing on in Scotland. It is crucial work, and it is particularly interesting in this committee, of course.

Last week, we discussed the duty and accountability of public bodies—local authorities—and the need to ensure that their equalities duties are not just an afterthought. In a previous life, before I was an MSP, I was a councillor. In my work, I often found that equalities duties were at the end of documents. Whether that was the same in practice, I do not know, but that is where they sat in documents. It seemed that certain things were just ticked off. How do we ensure that public bodies take into account core values and that equalities issues run through everything that they do, like a thread?

**Christina McKelvie:** That is a great question. Human rights budgeting is a tool that the Government will use to realise some of that, and the wellbeing indicators in the national performance framework are another example of such a tool.

I recognise completely your characterisation of equalities and human rights as being a bolt-on at the end of a project or as a box that gets ticked at the end—"Aye, we've done that so let's move on". That is not how we see it now. We are undertaking work around the public sector equality duty, which we consulted on last year. We had very strong evidence from our stakeholders, and I will meet them again soon to discuss some of the stronger proposals that they made in relation to what we proposed in the consultation. Again, meeting expectations about realisation is important.

The public sector equality duty, our mainstreaming strategy, the national performance framework and the equality budget statement all

have a key role to play in realising that—perhaps the public sector equality duty more so, and part of the criticism about the duty is how vague some of that is, so we need more clarity. Those things will obviously need to work with the human rights bill work that we are doing. We are thinking of them in tandem with the bill and not as two separate pieces; they are all part of the jigsaw, which is the characterisation that I used earlier.

It is important for us to be able to use the jigsaw to put in stronger duties for public authorities so that they live up to our expectations, and it is important to make the duties clearer. Given that it is taking some years to do that through the public sector equality duty and the bill, we need to work with public authorities and say, "This is what we want to achieve and how we will achieve it, and this is the way that you can achieve it". However, the criticism from them is that it is vague and that they do not understand it. We are working now to provide much more clarity on what a public sector equality duty is and what a Scotland-specific duty is and how public authorities can use those tools to create better outcomes for the work that they do in their organisations.

**Karen Adam:** That is really helpful to know. It is perhaps helpful that they have been forthcoming in saying that it has not been clear enough for them. After all, we can provide as many tools as we want but they need to know how to use them. How do we ensure that the core priorities of local authorities are what we really want to see nationwide, without overstepping our mark into their autonomy?

**Christina McKelvie:** Angela O'Hagan has done amazing work over the years in speaking to local authorities and others on human rights budgeting and gendered budgeting. She has been working away doing that, as have a number of organisations such as Making Rights Real.

We had a human rights bill advisory board meeting last week—we meet frequently right now, and I chair those meetings. Last week, we met Councillor Maureen Chalmers, who is the new chair of the wellbeing board, because we realised pretty quickly that local authorities are a huge and key partner for us in this work, as is the Convention of Scottish Local Authorities through the work that it does. The human rights bill will cut across many committees at COSLA level, and Maureen is taking the lead on the work that we are doing around the bill. COSLA and local authority leaders are involved in it at the early development stages both to realise what will be their duty under the bill and to understand why the duty is important and the reason why we need it to be there, which is that we need better outcomes for people who are affected by the deepest systemic structural inequalities that we know about.

As I said, Maureen Chalmers was along at our meeting last week. I asked her how she thought that it went and she said, “Oh, my goodness, there is so much work here, but it will be incredibly important for all the COSLA committees”. I am working on how we facilitate that with those committees so that we bring people in at the design stage. I hope that it will mean that local authorities understand what they need to be doing as they move forward. I am sure that they will.

11:00

**Pam Duncan-Glancy:** To take the local authority funding issue a bit further, we know that cuts to local authority budgets have squeezed council resources and exacerbated inequality across Scotland, particularly in housing, education, social care and community development—areas that are important for equality and human rights. The same is true of the third sector.

I was struck by your comments about a commitment to fair grant funding. Last week, at the Social Justice and Social Security Committee, when I asked the Cabinet Secretary for Social Justice, Housing and Local Government about what she would do to support third sector organisations in relation to fair funding, I was disappointed that she basically said that they would have to look at their assets and resources. In effect, that meant that there would be no additional funding to help them to meet their requirements in that regard. How does that square with your ambition to ensure that they can continue to deliver for equality and human rights?

**Christina McKelvie:** There are a couple of issues in that question. The cabinet secretary was absolutely right that it is up to local authorities how they spend their money. If we started to tell them how to spend their money, we would get criticism, and if we did not tell them how to do it, we would get the same criticism.

**Pam Duncan-Glancy:** My question was about the third sector, not local authorities. I will come back to local authorities.

**Christina McKelvie:** Okay, but you mentioned local authority budgets and the impact on the third sector.

One thing that we have considered in our portfolio, which is now being considered across many portfolios, is the provision of multiyear funding to give sustainability. We are doing a full review of the violence against women sector to consider how we can make it much more sustainable. We see local authorities taking decisions that have an impact on those services—and maybe not for the better, in some cases. We are considering all that, so we are mindful of some

of those issues and how we ensure fairer funding outcomes.

Another issue is how responsive we can be. I announced just short of £1 million for a winter package on social isolation and loneliness. Some of that money—£200,000—is, as you heard, going to Age Scotland, which produced the “Keeping the Doors Open” report before Christmas. That work is about small, grass-roots organisations that would get bits of funding from different places, including local authorities, and how they found it a tight squeeze because of the cost of living crisis. We have been able to respond to that.

Fairer funding is about not just long-term sustainability but whether you can react. That is becoming much tougher; it was incredibly tough to do that in the current budget round. We had to think really carefully about how we funded things, but we felt that it was important to fund Age Scotland to do that piece of work to ensure that organisations on the ground could keep going.

Of course, our argument would be that local government has more money this year than it has had, although we all realise that the budget situation is very tight. We have a finite budget within which we have to work, and that is really tough. If a local authority, a third sector organisation or the Government makes decisions based on tackling the deepest and most challenging inequalities, it makes the best decisions for those outcomes. That becomes tough when money starts to be squeezed very tightly indeed.

**Pam Duncan-Glancy:** Are you confident that local authorities have done that?

**Christina McKelvie:** To be honest, I could not speak for local authorities and would not want to do so. It would not be fair. Certainly, in my continuing work with the new COSLA chairs, particularly the chair of the community wellbeing board, I see superb work being done at local authority level, notwithstanding the challenges that everybody faces on budgets, the inflationary squeeze and the cost of living. Those impact on everybody and every penny that they have to spend. We mostly do the best.

**Pam Duncan-Glancy:** The social care and education budgets are really squeezed. We hear of disabled people struggling. We heard from People First that the people it works with are having to choose whether to pay a bill, get the shopping or have a bath or a shower. Such choices do not result in equality and human rights being realised.

Yesterday, I met organisations that work in autism and heard about some of the experiences that they are having in the education sector. It is really difficult to find support for people when they

transition out of school, because the services do not exist or the money is not available for them.

What conversations have you had with the Minister for Mental Wellbeing and Social Care, the Cabinet Secretary for Education and Skills and COSLA about the implications of some of those settlements for local authorities and the impact on equality and human rights? Ultimately, the issue is about specifics in those areas, as opposed to the broader £48 million that is going into the structural inequality funding.

**Christina McKelvie:** It is for other ministers to respond on the specifics, and we can get your responses on all of those.

On your wider point about the £48 million that I have to spend, I will be as creative as I possibly can be with that so that it makes a difference, particularly for disabled people's organisations such as the one that you mentioned. You will know about the Glasgow Disability Alliance and about the power of Tressa Burke and how influential and insistent she is, and rightly so, because she tackles such decisions every single day. The cabinet secretary attended the GDA conference last week and heard at first hand about all the challenges that you have talked about, with heating or eating, nutritious foods and so on. There was some positivity around some of the support that we have put in place and given to organisations that support people and get them the right advice.

On the back of that conference, we have had a deeper discussion about the particular challenge of the cost of being a disabled person in the UK right now and the additional costs that disabled people face, compared with a family or household. It is a really challenging situation, and we are working on how we can help them to cope.

The GDA produced a report that said that we are all in the same storm but we are not in the same boat, which contained some really powerful stuff. Again, we are looking at what more we can do. A big part of the issue is the reserved benefits situation and where we are with that. Hopefully, some of those issues will be alleviated as people transfer over to the adult disability payment, the child disability payment, the warmer homes discount and the rest of that package. I am now doing a bit of work to look at all that.

That work runs in tandem with the development of our new disability strategy, which we are working on with stakeholders. I will get you updates on your specific points from the relevant cabinet secretaries, and I will come back to you on the wider question about where we have got to on developing the new strategy, while taking into account the real impact of today's cost of living on disabled people.

The points that you made about autism and transitions in the education system are not lost on us at all. You are doing great work in that area. In the past week, I read the analysis of your consultation. We recognise that Government can do more, and we are looking at how we can work together on that.

**Pam Duncan-Glancy:** Thank you—I appreciate that. I have one further question, if that is okay. You mentioned the cost of living and the extra costs that are associated with being a disabled person. Has the Government considered whether it could update the research on the extra costs of being a disabled person? The most recent research was done by Scope in 2018. It might be the time to look at what those extra costs are in Scotland.

**Christina McKelvie:** I believe that it is doing that, but I will double-check that and get back to you with a more substantive answer. The work that we are doing to develop the new strategy is being done with stakeholders, and some of the questions are about up-to-date analysis. Some of that work was done before the pandemic and the cost of living crisis, but we are in a different environment now. Part of the issue is about getting quick answers and resolutions. I will go back and look at all that to ensure that we are updating that data.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Good morning. It is good to have you here, and I have appreciated your responses so far.

You have covered participation in your opening statement and in your answers to other questions, so there will be quite a lot of overlap here. What is the Government doing to improve capacity around participation? What I mean by that is helping people to understand exactly what impact spending decisions will have on their lives.

**Christina McKelvie:** You will have seen from the equality and human rights budget advisory group's recommendations that public participation is key. As I have said a few times, I do not make many decisions in my portfolio without having stakeholder and public participation at the heart of them. It is important for the Government to integrate the thoughts, experiences and understanding of those with lived experience.

We recognise that there is more work to be done in that area. For example, we should look at how we use lived experience boards in Social Security Scotland. We now use lived experience boards in panels and advisory groups across the Government, which allows us to have people with lived experience at the heart of what we do. The challenge is to communicate that experience; some of my work is around using networks to get

that information out. Organisations such as CEMVO Scotland, which was at the committee last week, BEMIS and the Glasgow Disability Alliance have huge networks; the older people's strategic action forum has a massive network. We need to feed information out to people through those groups.

Recently, we have been criticised, because some of the people who are involved in those organisations have had consultation overload, so we have had to think about how we time consultations for specific groups in order to get the maximum participation. It is always a case of continuous improvement—we are always asking people, “Right, you've just taken part in this piece of work to tell us your experience and we've used it in this way. What could we have done to make it better?” We are working on all of that as we move forward.

Participation is a key aspect, whether that relates to local budgeting decisions or something else—I have a great local group in my constituency that does a participatory budget and awards micro-grants. It has been able to make a big difference in local communities with those grants, because the folk who live in the local streets, villages and towns are saying, “This is what we need. This is how much we need to do it. This is the difference we can make with it,” which is extremely important. How we track how the pounds are spent is also important. It is not just a question of saying, “You're at the table. Thanks very much for your comments—goodbye.” The process should involve an on-going relationship that allows us to understand what the next steps are.

In relation to legislation that I am currently working on, we are working with, for example, the ending conversion practices advisory group and the interim governance group on tackling racism. We are going back and forth all the time and checking to make sure that, when it comes to participation, we are not just paying lip service, but there is an actual commitment to make sure that those voices and people are at the heart of the process.

**Fulton MacGregor:** I do not think that your commitment in this area could ever be doubted, if you do not mind my saying so. I was on the committee with you when you were its convener, and I know that the subject is one that you have always been very passionate about.

I will move on from that to address participation. I want to touch on a point that Pam Duncan-Glancy made. Last week, Angela O'Hagan told the committee:

“both the Scottish Parliament and the Scottish Government could do a lot more to raise public awareness of Scotland's

finances.”—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 24 January 2023; c 10.]

That issue has been on my mind and I want to ask about it. It also came out a wee bit in the exchange between you and Pam Duncan-Glancy.

When you are involved in politics, what you think about the state of finances in Scotland or the UK depends on what political party you follow, but many people do not follow politics. They might vote, but they do not follow politicians or political parties on social media and so on, so how can we work together to raise people's awareness of our finances? You can express figures either way and turn them around—there is always an element of that. How can we all work together, not just in the Scottish Government, but with political parties across the Parliament, to make sure that the public understand the current situation, how that affects the decisions that are made about the budget and how it impacts on people's lives? Do you understand what I am saying?

**Christina McKelvie:** Yes.

**Fulton MacGregor:** We need to work together and almost have a collective responsibility to do that. Sometimes in the chamber, a particular narrative is given—I suppose that we are all guilty of that.

**Christina McKelvie:** That is a great point. The committee has done a lot of work to advance that. Making the Parliament a human rights guarantor is a key aspect of that, because it is a people's Parliament, and it is important that the Parliament speaks with one voice about guaranteeing people's human rights. The Government takes that view as well.

11:15

You might have picked up my comments about recognising that all the committees—12, I think—raised issues to do with human rights and the equalities budget in their work, which is a huge shift from where we were before. The committees were very silent on that before. That shows that the Parliament and its committees are doing that work.

You made a really key point. One thing that always sticks in my head is the Eleanor Roosevelt quote that human rights are for people

“In small places, close to home”.

When something has an impact on an individual, that is perhaps when they realise where the decision is made or the process that they went through to get there, and they almost reverse engineer from their perspective back to asking who takes the key decisions on that, how much money was spent on it and why they were not recognised in that process.

We are doing work to create an environment in which we make the budget process—and, indeed, any parliamentary process—as plain and accessible as possible. Lots of folk do not understand the steps that are taken to get to a decision, although many do. Given the amount of engagement work that I do, I am always blown away by the competence, confidence and understanding of the general population around what they see as a good outcome. That is about where their council tax money, their tax money or other money is spent and how we articulate that.

We all have a job to do to articulate the positive side of that, but also to recognise the challenges and take those on board. That is why the point about the participation of stakeholders is incredibly important. That gives us a two-way street in order to share information out and to get information back. We hope that that will address the issue of what is important to an individual in their community—in a small place, close to home.

**Pam Gosal:** I welcome the work involving women that the Scottish Government is doing and that the minister has mentioned. However, we cannot ignore the issues that we have heard in evidence in this committee. In the pre-budget scrutiny last year, we learned from Susan McKellar that women's organisations had asked to be involved in the budget process in more depth but were told "No" because of time constraints around the budget. We then learned from Professor Angela O'Hagan in the budget scrutiny session just last week that women were not heard in the budget-setting process. After hearing that evidence in the committee, from last year and this year, I am extremely worried. Is the Scottish Government ignoring women?

**Christina McKelvie:** I am, of course, going to say no, Pam. You might not have picked up the point that I made earlier about the Deputy First Minister meeting the women's budget working group and Engender as part of the budget process. Women's voices were there. If you get a chance—even five minutes—to spend any time with the national advisory council on women and girls, you will see that they are not silent and that they and the work that they do have both influence and impact on the Government.

The NACWG is just about to produce its next set of recommendations, many of which are about where women are seen and where and how they are consulted. In many ways, that is the work that we are improving, as well. We are absolutely clear that women's voices are at the heart of it. We have a gender-balanced Cabinet, so there are women's voices around that table and those women are not shy about raising their voices when they need to.

I do not see that characterisation. I see a progress from it—absolutely—but I do not see the

characterisation that women's voices were not heard, because they absolutely were. I give you that commitment, and I certainly have the evidence to justify that position.

**Pam Gosal:** Thank you for that response, minister. Obviously, the committee listens to the evidence that comes before us, and that evidence was given to us last year. You know that I am a big supporter of women, just as many people in the Parliament are, so I probed Angela O'Hagan just last week on that issue, which was brought up last year, and she made it very clear. If you get a chance to listen to her response, you will hear that it was very articulate and quite detailed. I hope that the minister welcomes that and will speak to Angela O'Hagan and Susan McKellar to see what the issues are.

Even though I said at the beginning of this session that I welcome the work that you are doing, if those people are voicing concerns in committee and if we are the people's Parliament, as you said, we really need to listen to them and consider why they think that women have not been listened to.

**Christina McKelvie:** I would say that we are listening. I will meet with Angela O'Hagan in February, and I will pick up that point with her. I will also arrange to meet with Susan McKellar, to pick up the point with her as well.

Angela O'Hagan is an amazing champion for women's rights, and she will always try to push the Parliament and the Government to go much further than where we currently are. We welcome that. It is a good challenge to take on, although it is not easy in some respects. That is why Angela is in the position that she is in. I am grateful to her and was glad to offer her an extension in her position as chair of the equality and human rights budget advisory group. She uses the independence of that role to great effect. I am always in awe of her and the work that she does.

I will meet Angela O'Hagan in February and pick up those points, and I will also pick up the points with Susan McKellar. I pay tribute to Angela and her undiminished push to make the Government work better. I welcome that with a smile.

**Pam Gosal:** I have one more question, which is on a different topic.

I was contacted by a black, Asian and minority ethnic women's organisation—I will not mention the name. As you know, a lot of work is being done and there are a lot of issues around domestic violence, which you talked about earlier. The group contacted me to say that funding has been cut and that not all organisations get fair funding. Some of those organisations deliver in areas that the Government cannot reach. I have

seen that myself in going out to those communities.

Is there anything that you can highlight in that regard? I will have a meeting with that organisation and come back to you, but is there any issue that you are aware of? Last week, funding from the Government for some BAME communities was suddenly cut and that organisation now has funding issues.

**Christina McKelvie:** I do not have open funding rounds just now, so I do not know whether that was from my portfolio. If you give me the details, I will—

**Pam Gosal:** It is to do with violence and equality.

**Christina McKelvie:** Yes. It might have come from a different part of Government. If you give me the details, I will look at that. I have visited Shakti Women's Aid and I speak to Saheliya and other women's organisations quite often. I completely understand the issues about multiple characteristics. If you send me the details, I will look at that issue. I will not try to say something off the top of my head. Once I know the details, we can address the issue head on.

**The Convener:** We have concluded the budget part of our meeting, but there are one or two issues that you have covered that we want to follow up on.

In answer to Fulton MacGregor, you mentioned the conversion practices working group. Obviously, the committee takes a close interest in that area. When we produced our report on the matter, we were clear that we need the work to move forward at pace. It would be good to get an update on the timings, just to confirm that we are still expecting a bill on the issue by the end of this year.

The committee was also clear that the legislation in Scotland needs to be inclusive of all—in particular, trans inclusive—and we have seen a shift in the United Kingdom Government towards that position. It would be good to hear your comment on that.

We were also clear that there should be no loopholes and that it is not possible to consent to what is, in effect, torture. It looks as though there is still a disparity between the Scottish position and the UK Government's position in that regard. Are there any discussions with the UK Government on that? Might the UK Government be moving in that area as well, to be more aligned with the views that the committee and the Scottish Parliament have expressed?

**Christina McKelvie:** First up, I welcome the proposed UK bill on the matter and the fact that it is to cover all areas. I am in discussions about the

fact that the Scottish Government's bill might look different from the UK Government's. Our officials are working with UK Government officials on our approaches, and it is important to do that. I welcome the UK Government's commitment to consult on the principles of the bill, which we will look at with interest.

As we know, it is a tricky area. In the same way as the committee has done, we are looking at what has been done in other parts of the world. We are looking at how to create a bill that covers, as much as possible, everything that we want it to cover.

We are on target to meet the deadline of introducing the bill by the end of 2023. I will receive an update this afternoon on where we are. We are at the drafting point of the consultation and we are working through what that means now. I have committed to give the committee regular updates on that, and I will do that once we have moved on from the next step. We decided to have a good look at what the UK Government is proposing, so we are taking a bit of time to do that and we will come back to you after that.

We are on target and it is looking good.

**The Convener:** I am looking around to see whether any members are keen to come in.

**Maggie Chapman:** I apologise if I missed you talking about this, minister, but can you give us an update on the regulations to introduce our own public sector equality duty, which the Scottish Government has been talking about? How do you see that work progressing over the next two years? We want the regulations in operation in 2025.

**Christina McKelvie:** You will know that the consultation closed around the autumn—I am trying to remember all the timelines—and we had a really helpful, if not challenging, letter from a number of organisations that said that they did not think that the proposal went far enough. We are consulting with them on that to inform the next steps.

The timetable for that is on schedule as well. I will see whether I can share the schedule with you. We are analysing the consultation results and the challenge from civil society organisations, which want us to be stronger and go further.

**Pam Duncan-Glancy:** Thank you for both of those updates, which are very helpful.

You will be aware that the UK Government was due to publish its report on the International Convention on the Elimination of All Forms of Racial Discrimination in 2020, as part of the universal periodic review, but that that was delayed. I think that the most recent update from the UK Government on that report was in 2022.

How involved have you been with that report? Has the Scottish Government engaged in that process?

**Christina McKelvie:** We have had our own piece of work going on involving the expert reference group on Covid-19 and ethnicity and now the interim governance group to develop national anti-racist infrastructure, and work is taking place on the observatory. We were already on that pathway.

On the UPR, in particular, you will know that the United Nations issued its recommendations in November. We are currently in the process of working through the recommendations that impact us and we are working with the UK Government on how we inform the report. Of course, there is a word limit on what we can contribute to that, so we always try to make it as concise as possible. We are preparing that right now.

What we also tend to do, which we will do in this case, is publish our own Scotland-specific statement, which gives much more detail about the areas of the UPR recommendations that we are working on. We were a bit further ahead than England and Wales on some of the recommendations, so we want to highlight some of that. However, we are working closely with our colleagues at Westminster, to mutually support one another's work and to ensure that Scotland's voice is heard when the report goes back to the Human Rights Council in the spring.

**Pam Duncan-Glancy:** That is helpful. When will the Scottish Government start to engage with organisations on that report? Are you already doing that?

**Christina McKelvie:** We are doing some of that. I will get you more info on how we are doing that engagement on the UPR.

**Pam Duncan-Glancy:** Thank you.

**The Convener:** No other member has indicated that they wish to ask a question, so that brings us to the end of the session. I thank the minister and her officials for attending.

11:29

*Meeting continued in private until 11:54.*



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