OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 3 February 2026

Session 6

The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website—
www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 3 February 2026

CONTENTS

	Col.
BUDGET SCRUTINY 2026-27	**1**
SUBORDINATE LEGISLATION	**28**
Criminal Legal Aid and Assistance by Way of Representation (Miscellaneous Amendment) (Scotland) Regulations 2026 [Draft]	28
Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 [Draft]	28
First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure and Composition) (Miscellaneous Amendment) Regulations 2026 [Draft]	34

EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
3rd Meeting 2026, Session 6

CONVENER

*Karen Adam (Banffshire and Buchan Coast) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Pam Gosal (West Scotland) (Con)
*Rhoda Grant (Highlands and Islands) (Lab)
*Paul McLennan (East Lothian) (SNP)
*Marie McNair (Clydebank and Milngavie) (SNP)
*Tess White (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Siobhian Brown (Minister for Victims and Community Safety)
Simon Fuller (Scottish Government)
Rob Priestley (Scottish Government)
Shona Robison (Cabinet Secretary for Finance and Local Government)
Kaukab Stewart (Minister for Equalities)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 3 February 2026

[The Convener opened the meeting at 10:02]

Budget Scrutiny 2026-27

The Convener (Karen Adam): Good morning, and welcome to the third meeting in 2026 of the Equalities, Human Rights and Civil Justice Committee. We have no apologies this morning, but Rhoda Grant and Marie McNair are joining us remotely. This is Rhoda's first meeting back with the committee; we are very pleased to welcome you back, Rhoda.

Our first agenda item is the continuation of our scrutiny of the budget for 2026-27. I refer members to papers 1 and 2. I welcome to the meeting Shona Robison, Cabinet Secretary for Finance and Local Government, and Kaukab Stewart, Minister for Equalities. The cabinet secretary and minister are accompanied by Simon Fuller, deputy director for fiscal strategy and analysis, and Rob Priestley, head of the Scottish Government's mainstreaming unit. You are all very welcome. Thank you for attending.

I invite the cabinet secretary and the minister to give short opening statements before we move on to questions.

The Cabinet Secretary for Finance and Local Government (Shona Robison): Good morning. Thank you for giving me the opportunity to speak to you today.

The budget and the spending review reflect our priorities and values as a Government. I am very proud of the choices that we have made, which have fairness at their heart, to ensure that every pound of public money spent delivers the greatest possible benefit for the people of Scotland. The budget—which is, of course, set against a backdrop of constrained resources and a rising demand for public services—will invest almost £68 billion to secure a fair, healthy, safe, prosperous and green society for the Scottish people.

As we navigate that challenging economic and fiscal environment, we also have a duty to ensure that our decisions advance equality and protect the most vulnerable. Our ambition is to ensure that every policy decision improves lives for those who need it most across Scotland. On 19 January, we published our first strategic integrated impact assessment of the likely impacts of the decisions taken in the budget, the spending review and the infrastructure delivery pipeline on people in Scotland. The new approach brings all impact assessments together in a single process and publication to provide a more holistic and transparent view of fiscal decisions. That new approach has been developed in collaboration with international experts and key stakeholders in Scotland, such as the equality and human rights budget advisory group and the National Advisory Council on Women and Girls.

I am pleased that the Scottish Parliament information centre has acknowledged that the new approach has brought "significant improvements", including a more accessible document, better use of data, stronger links between our aims and our spending, and open recognition of unmet targets. The document does more than any before to address past concerns. Our analysis shows that the Scottish budget redistributes from high-income households to those further down the income distribution scale, through the tax and social security systems and through the delivery of public services. Overall, the decisions taken in the budget, the spending review and the infrastructure delivery pipeline are expected to have a positive or neutral impact across the five statutory duties considered.

This year's publication also improves budget transparency. For the first time, we show the impacts of spending decisions, as well as the implications of constrained or reduced resources, for disadvantaged groups, including the trade-offs involved and the mitigations considered. The report also presents new and emerging findings from enhanced distributional analysis and pilot activity on budget tagging and intersectional analysis. That evidence was actively used throughout all stages of the process to inform decision making, including—for the third year running—in a cross-ministerial pre-budget workshop. I am grateful to the Minister for Equalities for her continued support and challenge in those important meetings. We intend to evaluate the new approach and will publish the results later this year.

To help today's session to run smoothly, I note that there will be a hard stop at 11.30 am, when we will join the Cabinet takeover with disabled people, which is an important engagement that reflects Scotland's leadership in placing lived experience at the heart of decision making. We both look forward to joining that event.

The Minister for Equalities (Kaukab Stewart): Thank you for giving me the opportunity to return to the committee. I value the committee's continued engagement and its scrutiny, which matters because embedding equality, inclusion and human rights in budget decisions and across the Government is core business, not a one-off task. It requires sustained leadership, strong

capability and clear accountability for decisions and outcomes. I believe that we have shown that in this year's budget.

As the Minister for Equalities, I am clear about my responsibility. I am personally accountable for driving the mainstreaming of equality and human rights across the Government. That means providing visible leadership, setting clear expectations and supporting—or, when necessary, challenging—ministerial colleagues to ensure that those considerations are built into decision making from the outset and that they directly influence decisions rather than being added on afterwards.

To strengthen delivery, I have worked collaboratively with the Cabinet Secretary for Finance and Local Government and colleagues across portfolios. Through one-to-one engagement and earlier ministerial involvement in the budget process, we are deliberately changing how we work. The focus is now on up-front assessment of impacts, clearer articulation of the trade-offs and more transparent explanation of decisions. That shift is essential if we want equality and human rights to shape, rather than simply describe, budget decisions.

The recently published equality and human rights mainstreaming action plan is a key enabler of that change. It moves us beyond aspiration by setting out practical, measurable actions to strengthen leadership, improve accountability and transparency, and better align evidence, capability and culture. By bringing the actions together in a simple framework, it will improve consistency across portfolios, sharpen accountability for progress and support earlier, more systematic consideration of impacts so that resources can be targeted where we can make the biggest difference.

We have already made improvements to how evidence informs budget decisions, and we have improved how those decisions are communicated, informed by the equality and human rights budget advisory group and, of course, the committee's recommendations. As the cabinet secretary has already stated, SPICe has acknowledged those improvements and noted that the overall approach shows the clear link between strategic aims and spending that stakeholders have been asking for.

However, I am not complacent; there is absolutely more to do. I remain committed to listening and learning and making continuous improvements, and to working with the committee and stakeholders to strengthen transparency, accountability and outcomes for the people of Scotland.

The Convener: Thank you for those opening statements. We now move to questions. I remind members to be cognisant of the time. In particular, we do not want to curb the takeover of Government by people with lived experience, so please be mindful of the need not to cut into other members' questioning time.

Minister, will you explain the changes to the equality, inclusion and human rights budget?

Kaukab Stewart: As I outlined in my opening remarks, the changes that we have made demonstrate more transparency—that has been recognised. We are spending £72 million to promote equality, tackle discrimination, foster inclusion and embed human rights across the public sector to deliver better outcomes for all of Scotland's people.

There has been some reprofiling of level 4 lines to reflect that restructuring, rather than substantive budget changes. I will give some examples. The refugee and resettlement line has replaced the Ukrainian resettlement line. That now includes the cost of the new Scots strategy, which is being taken forward by the asylum and refugee integration team, which sits alongside the Ukraine team in that division. We have committed more than £12 million to delivery of the new Scots integration strategy. As well as supporting families who have children who have been medically evacuated from Gaza, we are supporting Ukrainians who have sought safety in Scotland.

Similarly, the mainstreaming and inclusion division line has been amended to include the Anti-Racism Observatory for Scotland. The costs for the strategic anti-racism and AROS team were moved from the equality division to sit under mainstreaming and inclusion. In addition, the disability equality plan costs were moved from the equality division to the human rights division, to which the disability team and its work were moved this year. For all those areas, the total operating costs and staffing costs have been recalculated to reflect the new structure.

Maggie Chapman (North East Scotland) (Green): Good morning, and thank you for joining us. To follow up on the convener's question, I am interested in understanding the analysis that you have done on the restructuring that you described. How confident are you about that restructuring? What evidence do you have that it will deliver improved impact?

Rob Priestley (Scottish Government): The restructuring that the minister referred to is an internal civil service process of realigning reporting lines and the reporting teams that are in place, rather than a change in the delivery methodology or approach. It has ensured that we have aligned some of the work. For example, the minister spoke about realigning AROS and anti-racism within the mainstreaming and inclusion division, which

includes community cohesion. Primarily, it has been an internal process to ensure that we have the right staff and management structures in place.

10:15

Maggie Chapman: Is it fair to say that we might not see any tangible benefits for communities, and that the restructuring was about management, oversight, integration and cross-portfolio or cross-departmental working?

Kaukab Stewart: I assure you that we keep in mind the aim of securing benefits for communities in everything that we do. Sometimes, that means that we have to decide to realign things so that they fit together better and run more smoothly. I am constantly trying to embed communication, integration and mainstreaming.

As Rob Priestley has said, the restructuring was an internal civil service process. Departments were realigned to ensure that my expectations are realised to the best effect and with the greatest efficiency. As always, that process will be evaluated to ensure that it is having the impact that we want it to have. The ultimate aim is to benefit communities.

Maggie Chapman: I will move on to ask about some particular funds and budget lines. For a long time, the equality and human rights fund has provided important support across organisations that work on race, disability, LGBTQIA+, age and a range of other areas that are fundamental to the Government's aim of improving equality and human rights across Scotland.

However, for five years, there has been a flat-cash settlement for that fund, which, in effect, is a 25 per cent cut. The committee has had representations from BEMIS and 27 other organisations that work together to deliver the services that the fund supports. They are concerned about the on-going flat-cash settlement and the fact that, because of the real-terms cut, they will not be able to do the work that they have been doing for the past five years. We will not see the outcomes that you have just mentioned, such as improvements in equality and the fostering of inclusion. Such aims and aspirations will not be realised because those organisations cannot sustain a 25 per cent real-terms cut. How do you answer that challenge?

Kaukab Stewart: I recognise that. I think that we all recognise that we are operating in very difficult financial circumstances. I am sure that the cabinet secretary can develop that further and provide a more detailed and bigger picture.

The equality and human rights fund plays an important role. I absolutely recognise that the organisations that we fund through it deliver vital support. I put on record that we value and appreciate the work that those organisations do. Despite the increasing challenges, our third sector partners continue to provide essential support to communities across Scotland, which I absolutely value.

Scotland's public finances continue to face a challenging fiscal environment, with public services having to meet growing demands despite increasingly challenging settlements. I know that the Government has been consistently clear on the extent of the challenges that are faced, with successive budgets and medium-term financial strategies highlighting the choices and trade-offs that I mentioned in my opening remarks, which are necessary to deliver a balanced and sustainable position.

I do not know whether the cabinet secretary would like to come in at this point.

Shona Robison: In addition to what the minister has said, the committee will be aware that we have attempted to provide certainty to third sector organisations through the fairer funding pilot. Although they are not all part of the pilot, it is an attempt to move away from a quantum approach to the certainty of multiyear funding.

Organisations often say that stability and certainty enable them to hold on to staff and to plan what they are going to do. In an environment of constrained finances, moving to the certainty of multiyear funding represents an attempt by us to recognise some of the issues that have been raised around continuity of service, holding on to staff and so on.

There is a challenge that we continue to put to third sector organisations, which is that we need to move away from what might be seen as a competitive environment for funding towards a more collaborative approach to funding, with third sector organisations coming together to work together and share back-office resources, rather than all competing for the same funding.

Maggie Chapman: I appreciate that, but that is precisely the point. The letter that I know you have had and the correspondence that the committee has received are quite clear. The 27 organisations are working together. They are collaborating—they are not competing with one another. They are quite clear that they do not want one organisation to be played off against another. They are looking for a £2.3 million uplift, which would take the fund from £8 million to £10.3 million. You mentioned the quantum approach. That sum is less than 0.004 per cent of the £68 billion that you mentioned at the start of your opening remarks.

I understand the fiscal challenges, but people are really struggling, whether that is due to the cost

of living, to increased racial tensions on our streets or to not having the services that are required. We know that the third sector goes way over and above what it has the resources to deliver. Surely that £2.3 million is a small price to pay for organisations that deliver such vital work on a collaborative, co-operative basis. If they do not do the work, it will fall to the public sector to pick up the pieces when things go wrong. It will probably be criminal justice that has to do that, and it will have to do so in a way that will be detrimental to communities and individuals.

Shona Robison: I am not unsympathetic to the point that you are making. We have discussions with just about every sector, and my Cabinet colleagues have the same discussions. I take your point about the value of the uplift compared with the overall budget, but you could have those discussions hundreds of times over with the various organisations that work in our communities, particularly our third sector partners.

We have tried to bring as much stability and certainty as we can to those organisations. I recognise the point that you make about how some organisations in the third sector have moved towards working together to share resources and to make the economies of scale and efficiencies that need to be made. However, the bottom line is that we can only provide what we can provide.

We will continue to have those discussions with those organisations, and we will take away a commitment to monitor the position with regard to organisations' ability to deliver within the financial envelope that they have.

Maggie Chapman: I would ask you to take away a slightly expanded commitment to look seriously at the issue. You have talked about the values and priorities of the Scottish Government, one of them being fairness. Given that those organisations are delivering such important community cohesion work—never mind the nuts and bolts of the remit of this committee, which is equalities and human rights—making such a commitment would be very valuable.

I move to my final question on this area. You have talked about the certainty of funding and the importance of multiyear funding. I think that it is good and very positive that we have seen that shift, so thank you for that. That will give a lot of people the security that you talked about.

However, some people still feel quite vulnerable. Perhaps another fund—the investing in communities fund—can help deliver important community cohesion and anti-poverty work as well. On 7 January, I wrote to you about that fund. Last week, Richard Lochhead provided some comfort about it in the chamber, but organisations still do not have the detail. A line in a letter that says, "There will be some funding for some organisations up to the next financial year," is not enough for them to not enter into redundancy conversations with staff. Therefore, can there be clarity, sooner rather than later, on what that means? That would give the certainty that you were talking about, because the fund does not have multiyear security.

Shona Robison: I assure you that discussions are on-going and imminent around the level of detail that is to be provided. I recognise that people want to know what it means and will seek certainty. We aim to provide that information as quickly as we can, because we want to prevent any staff from being lost from those organisations, which provide important support to communities across Scotland. I am happy to ensure that, when the information comes into the public domain, we furnish it to the committee.

Maggie Chapman: That would be helpful.

Tess White (North East Scotland) (Con): Good morning. I will start with the cabinet secretary, then go to the minister and then go back to the cabinet secretary.

Cabinet secretary, what impact has the new strategic integrated impact assessments approach had on the budget process?

Shona Robison: As I said in my opening remarks, the new approach to impact assessments has enabled equalities and human rights evidence to shape decisions earlier and more effectively than before. Rather than directing the analytical effort towards producing a document—which was perceived as somewhat lengthy—at the end of the cycle, the new approach focuses resources on generating insight at the moments when choices can genuinely be influenced and decisions are made. That shift has allowed us to make better-informed decisions for all three fiscal events.

The evidence gathered, including lessons from the pilot activities, was actively used at every stage of the budget process. That included, for example, integrating impact analysis directly into ministerial advice at key decision points, so that ministers would have it in front of them. It also provided a structured briefing for the ministerial workshop in November, which had a particular focus on eradicating child poverty and sustaining high-quality public services. We also ensured that the emerging assessment was shared at critical junctures in the process, including Cabinet discussions, which were really important for sign off. That meant that ministers were able to consider distributional, equalities and rights-based impacts alongside the fiscal, economic and delivery factors when making decisions. We were able to see all that in the round.

The assessments have helped make the budget process more evidence driven, more coherent and better aligned. The approach has been positive.

Tess White: Thank you. I hear you about the importance of transparency, accountability and spend. This is the first document that has brought those things together in one place, which makes it is easier to come back and ask questions.

I want to drill down into one specific line: item 31, on violence against women and girls. I am looking at the sheet in front of me. On violence against women and girls, the work has a score of 1, which is "exceptional". That row has scores that are all exceptional or positive. When I look at that in relation to the performance on equality and human rights for women, I see a disconnect, given the current reality for women and girls in Scotland. Are you saying that you view the fund for the 100 or so organisations that you are giving the money to as exceptional or that the outcomes in terms of tackling violence against women and girls are exceptional? I would like to understand that in more detail.

Shona Robison: Simon Fuller, do you want to come in on that?

10:30

Simon Fuller (Scottish Government): I think that you are referring to the budget tagging Excel files that were published—yes, I see that you have them there. Those files evaluate the impact of multiple level 4 budget lines on people with key characteristics. In that context, what we are saying about the violence against women and girls fund is that it is exceptional in so far as it is seen as a really important budget line and mechanism to deliver a number of our key equalities outcomes. We are very much trying to flag that it is a budget line that we think is particularly important—or exceptional—for meeting those objectives.

Tess White: That is true. However, let us look at the outcomes in relation to violence against women and girls. This committee has had debates on that in the Parliament fairly recently, and we looked at evidence that was compiled by the Women's Rights Network on sexual assaults in hospitals and the lack of single-sex wards, lengthy waits for rape support services, and the wider deterioration of women's safety and rights. It is misleading to say in row 31 of the spreadsheet, on the budget line on violence against women and girls—a topic we have had huge debates and several committee sessions on—that it is all exceptional, exceptional, exceptional. Cabinet secretary, I put it to you that you might want to revisit that when you are looking at the outcomes.

I will go back to what you and the minister said at the start about a "safe, prosperous and green society" and the duty to "protect the most vulnerable". On protections for the most vulnerable, many organisations out there would not score you as exceptional.

Shona Robison: The description of "exceptional" does not mean that we are saying that all the delivery and the outcomes are exceptional but that the budget line is exceptionally important because of its disproportionate impact on and benefit for the priority groups that will be most affected by it. It means that the funding line not being there would have a major impact on those affected. There is a whole debate around societal pressures and issues that impact on the safety of women and girls—from misogyny to social media. The funding in the budget lines will not in itself be able to tackle all those societal challenges. However, the impact of not having those budget lines would be disproportionately negative on those priority groups in particular. For that line of funding, the priority groups are women and girls; for another, the priority group could be those who benefit from employability services. The term is used not to describe the outcomes as exceptional but to describe the importance of the budget line for those groups.

Tess White: I hear you, cabinet secretary. Thank you for that clarification, because when organisations look at this, they just go, "Oh my goodness, the Scottish Government is marking its own homework."

My next question is linked to that budget sheet, which people are looking at in terms of outcomes. One of the criticisms of the equalities fund is that it is very siloed and does not work across the different cabinet secretaries' portfolios. Last week, on 21 January, in a debate that started off in the Education, Children and Young People Committee, a criticism was raised about the Scottish Government funding of LGBT Youth Scotland.

You said that every pound that is spent has to have the greatest possible benefit, and I agree with you on that. Can you confirm whether you are content for the public money that is spent on LGBT Youth Scotland to go to an organisation that helped to draft the "Supporting transgender pupils in schools" guidance, despite professional warnings of safeguarding risks, parental exclusion and legal exposure for schools, and in the light of the fresh safeguarding allegations now facing LGBT Youth Scotland? Is that money well spent, cabinet secretary?

Shona Robison: If I remember rightly, you asked exactly the same question last year, and I think that the minister and I will give the same answer. Organisations—whether it is that

organisation or any other organisation—are funded by the Scottish Government for specific programmes. The minister will be able to outline in more detail what those specific programmes are. Many organisations are funded for specific things around mental health and so on. It is not just general funding for an organisation. That has to be done dispassionately, because otherwise we get into a political bunfight about which organisations we like and which we do not like, given our political views. That is not right. We should look at which organisations provide services to vulnerable people who need them and what those services are, without passing judgment on something that we do not like about a particular organisation.

Kaukab, do you want to talk about the specifics that that organisation provides?

Kaukab Stewart: Absolutely. To reiterate, generally, the funding helps to ensure that all vulnerable groups continue to receive support and that they get information and advocacy, and all of that has to be undertaken within the framework of the law. I make it clear, as I did to the committee previously when I was asked the same question, that third sector organisations are not funded by us to promote the Government's views at all. We fund them specifically to provide services to vulnerable people and communities. All of our grant offer letters specify that funds are not to be used for any party-political reasons or for any other purpose.

Many organisations undertake other work. I will not name any other organisations, because inevitably that leads to pile-ons and brings attention to organisations, as has happened to the particular organisation that Tess White mentioned quite frequently. What that organisation does and how it raises money for other things is a different matter; my concern and the Government's concern is to procure specific things.

I have mentioned previously that I visited LGBT Youth Scotland recently and spoke to the young people and to parents and staff. The advocacy and information that people receive through the services that we specifically pay for—I cannot speak about anything else; only what we pay for—have literally been life saving for some. The services have literally saved lives. For instance, that has included support for folks who might have suicidal ideation or support in getting access to healthcare—all of that kind of stuff is going on. Especially at a time when the trans community, which makes up 0.44 per cent of the population, is under enormous scrutiny, and when there is heightened debate in public discourse and all the rest of it, I would understand if people were asking for increased funding, considering that the demand is increasing because of the increasing vulnerability of and attacks on the trans community. The demand is increasing in that sense.

Tess White: I hear you. Are you doing your own safeguarding and due diligence checks on organisations to which you give funding?

Kaukab Stewart: I always get confused about this: is it "Aspiring"?

Rob Priestley: It is "Inspiring".

Kaukab Stewart: I always get that wrong—forgive me.

Inspiring Scotland is our fund manager, and it undertakes all the proper scrutiny. We follow that due diligence.

Tess White: I am talking about your accountability, minister, and the cabinet secretary's accountability. You cannot delegate accountability for health and safety. Are you satisfied that every pound of Government money—of the taxpayer's money—that you are spending is being spent wisely and properly? Have you done your own safeguarding checks?

Shona Robison: We do not personally go out and do safeguarding checks; that would be impossible for ministers to do.

Tess White: But you oversee it.

Shona Robison: We oversee it through the organisation that the minister has just referred to, which does the work because it is closer to the organisations and has knowledge of the detail. If there were any concerns to be flagged, they would of course be flagged. Organisations have to meet all the criteria that every single organisation is required to meet when receiving public money.

It is possible not to like an organisation for your own reasons, but still to recognise the important work that it carries out in supporting young people who are suicidal and could potentially take their own lives. It is possible to separate out those two issues and to recognise that, without those services, young people would be much more vulnerable and, potentially, at risk. I think it is possible to do that.

Tess White: It is not a question of liking or disliking—I think of the head of Children in Need stepping down, for instance. There were huge concerns in the *Sunday Post* only last week regarding safeguarding at a particular organisation. Significant concerns have been raised in the national press about an organisation that the Scottish Government is funding, but do you have accountability for and responsibility over that spend? What I have heard just now is no—it is delegated to Inspiring Scotland.

Shona Robison: That is not what was said at all. What was said is that any concerns would be

flagged with ministers, and that could put the funding in jeopardy.

Tess White: Thank you.

Shona Robison: We rely on other organisations to give us the information; otherwise, Kaukab Stewart and I would be spending our time, 24/7, visiting organisations personally. We cannot do that.

Tess White: That is fine. We will give you a copy of the *Sunday Post*. Thank you.

Shona Robison: I am sure that we will appreciate that but, as you will be aware, we have very robust mechanisms in place that would flag any concerns about an organisation that would require us to revisit funding, for instance.

Kaukab Stewart: I would just like to clarify this. Ms White, are you referring to historical—

Tess White: No. I have taken up enough time on this. We will send you the *Sunday Post* article and I will write to you separately. I ask you, pending a review and an investigation, if you would consider withdrawing funding. I will leave that question with you and I will pass back to the convener now.

Shona Robison: I do not think that it is fair to ask us during a committee session to review an organisation and potentially withdraw funding from it, so I am not going to commit to that at all.

If any concerns have been flagged through Inspiring Scotland, they would come to us. That is the proper process around any organisation's funding and service delivery. If we provide funding for a particular service—not for the organisation and all the work that it does—and if there are concerns about that service and the way in which it is provided, or any concerns about young people or anybody else getting the service, that would of course be flagged to ministers.

We have to be fair to organisations. You are referring to an article in a newspaper. Sometimes articles in newspapers do not always tell the whole story about an organisation and the particular services that it provides. If there are concerns about a service that we fund, we would of course take the necessary action.

10:45

Pam Gosal (West Scotland) (Con): Good morning. I have a question following on from what my colleague Tess White has been asking about, but I wish to make an observation and to highlight something that I have highlighted with you before, minister, about LGBT Youth Scotland. I heard you saying that you have spoken to parents. I would like to you come to East Dunbartonshire, if you can, to listen to the concerns of parents there. Watch this space: they will be taken further. You are not paying attention to what is being reported in newspapers, and you and the cabinet secretary are talking about what we dislike. This is nothing to do with what we dislike in relation to an organisation; it is about facts. If you are visiting parents, it would be really good if you could visit East Dunbartonshire. I am quite happy to pass on the details. If you could speak to members of the parents groups who are very concerned with that organisation, it would be much appreciated. You could then hear at first hand where the concerns are—if that okay with you, minister.

Shona Robison: If there are any concerns from anybody about an organisation, we would expect those concerns to be listened to. I am sure that that can be picked up through intermediaries. What you have described is a very vague thing about parents in East Dunbartonshire. Beyond that, I do not know what that refers to—whether they are concerned about a particular service that we fund, or whether it is just a general concern about an organisation.

To reiterate, the funding that we provide is for specific services. Kaukab Stewart mentioned services that are saving the lives of young people who are suicidal. If the parents have a concern about that particular service that we fund for vulnerable young people who are potentially facing suicide, we would of course want to know what those concerns are—as opposed to hearing about a general, unspecified concern about an organisation. Let us hear what it is. If you want to write to us, I am sure that the minister and, potentially, intermediaries could follow up on those concerns. In the absence of knowing what any of that is, we would need to know the specifics.

Pam Gosal: That is fine: I will write to you—although I have already written to the Government. To make it clear, the concern is directly with LGBT Youth Scotland, not any other organisation. I am happy to write to you, cabinet secretary and minister.

Minister and cabinet secretary, you claim that your Government is doing a good job when it comes to the protection of women and girls but, time and again, we have seen the number of domestic abuse incidents rising, with organisations combating domestic abuse and sexual crimes being starved of funding. Today, the Scottish Government will be defending its unlawful prisons policy, which puts the rights of male criminals above those of women. How can you claim, through the strategic integrated impact assessment, that the Scottish Government is committed to making Scotland a leader in equality and human rights?

Shona Robison: Let me first say that this Parliament has a strong tradition, on a cross-party basis, of tackling domestic abuse and taking the most serious action on it. Right from the get-go, from when the Parliament was established in 1999, tackling domestic abuse and tackling violence against women and girls has been of the utmost priority on a cross-party basis. A lot of work has been done, including through legislation, and that continues. There are important pieces of legislation that protect victims of domestic abuse, and that is really important. It is good that that has been taken forward on a cross-party basis.

Regarding funding for violence against women and girls, we have a long tradition of providing funding to front-line organisations to protect women and girls, and that funding is continuing, including as part of the fairer funding pilot, I think—but I will double-check that.

Kaukab Stewart: Yes.

Shona Robison: Thank you.

We recognise that multiyear funding of support to tackle violence against women and girls is really important.

Violence against women and girls is a global scourge that is affecting women and girls all over the world because of misogyny, because of social media and because of the power imbalance. All of those things are huge enablers of misogyny, which every Government is trying to tackle. We, as a Government, are absolutely trying to tackle it.

The exponential rise in the number of cases that are coming through the criminal courts, particularly for sexual offences, suggests that our prosecutors and our police force are active in that space to ensure, for the victims of domestic abuse and sexual violence, that there is more chance that the perpetrators will face the consequences that they should face. Courts are absolutely full of cases because, quite rightly, action is been taken to send an important message. I can tell you that the Lord Advocate is very active in that space.

Are we sitting on our laurels saying that we are complacent and that everything is fine? Absolutely not. As a mother of a daughter, I can tell you that the level of misogyny in our country and beyond our borders absolutely terrifies me. It is pervasive. Our Government takes that very seriously. We are absolutely not complacent.

Kaukab Stewart: No, we are not. We increased the funding for the delivery of our equally safe strategy by £2.4 million, which will bring it up to a total of £21.6 million, subject to the approval of the budget. We recognise the increased need in that area. I confirm that that is part of our commitment to the fairer funding approach. I heard loudly and clearly that people want multiyear funding in order to stabilise their services and their workforce, and all the rest of it.

It is frustrating when we announce uplifts and they are taken away. The uplifts have not had the effect that we would like, because we had an increase in employer national insurance contributions, for example, which is the ultimate frustration.

We currently support 115 projects from 107 organisations that cover every local authority in Scotland.

Shona Robison: More multiyear funding and more services will be provided but, of course, that will happen only if people vote for the budget.

Pam Gosal: Convener, I know that I have been allocated questions later on, but I think that they would fit best under what I have started. Is it possible for me to ask my two questions now, because they fit into what we are talking about?

The Convener: Yes. We will then go to Paul McLennan and Rhoda Grant.

Pam Gosal: First, I welcome multiyear funding; it is a good idea so that organisations can plan better.

The total number of women and children who are experiencing domestic abuse in my area of West Dunbartonshire and who asked for help rose by 7.59 per cent to 1,729 in just one year. West Dunbartonshire local authority has the second most instances of domestic abuse per 10,000 people. Once again, there has been a lack of sustainable funding for services that address violence against women and girls, meaning that many vulnerable lives are being put at risk.

The First Minister and his colleagues keep banging on about the supposed great work that the SNP Government is doing, and you have done that in the meeting, but the figures show a different picture. I have heard that you are funding the equally safe programme, but the cabinet secretary and the minister cannot possibly sit there and say that it is a good thing that figures are rising. I have talked about the overall figures for domestic abuse rising year after year and I have noted that the figures are rising in my area. It would be good to hear whether you think that you are failing my constituents and the whole of Scotland with the rise of domestic abuse incidents that are being reported.

Shona Robison: Nobody said that it was a good thing that domestic abuse cases were rising. Domestic abuse is a scourge on our society and has been for many years, and the reason that cases are rising is that misogyny is rising and men think that it is okay to be violent towards women and girls. That is a global phenomenon—it is not

happening only in Scotland—and it should deeply concern us. The rise in domestic abuse cases is a symptom of that.

There are also more women coming forward. Back in my day, when I was growing up, women did not come forward because they were scared to do so, there was no support and their issues were not taken seriously by law enforcement. Thankfully, that has changed.

The reason that I referred earlier to the number of cases coming through the courts—there has been a huge exponential growth in cases of domestic violence and sexual assault—is that more cases are coming forward and are being prosecuted by the authorities. As I said earlier, the Lord Advocate has been very active in this area. That in itself sends out a message to women that they should come forward. We also have a range of support organisations that, back in the day, were just not there.

On the funding that we provide, there is—as the minister said—more funding to support those organisations to support women. Even with all the improvements that have been made to the reporting and court processes, that experience can still be very challenging for women. The organisations that provide that absolutely critical support now have more funding, and multiyear funding through the fairer Scotland fund.

Is there more to do? Absolutely. I started my answer to this area of questioning by saying that the Parliament has done a lot of very good work, on a cross-party basis, to ensure that the law has changed. Just recently, there has been support for women who are fleeing domestic violence. That has turned on its head the attitude that meant that women were the ones who had to leave the home. There has been a sea change in attitudes to all that.

At the same time, however, we see a rise in misogyny, through all the ways that we fully understand. I am proud that we have a Parliament that has taken the issue of domestic abuse so seriously. The money that we provide is important, but it is only one part of the answer. As I said, this is one of the very important areas of the budget that has been given more money. The organisations that provide support have been given the certainty of multiyear funding and, as a result, they are able to plan more effectively for the work that they do.

Pam Gosal: It is absolutely clear that incidents are rising and they are being reported, so there is a system failure somewhere in the Government. Things are not working—

Shona Robison: What do you mean by that?

Pam Gosal: What I am saying is that incidents are rising year after year—

Shona Robison: Yes.

Pam Gosal: You are talking about providing certain funds for certain areas, but there are organisations that are not being funded, and even local authorities that are not getting the money to give out. As you probably know, that is the case in West Dunbartonshire, where Clydebank Women's Aid has ceased operating. There is an issue in that these organisations are not being funded, and that is why the system is failing. We know the incidents are going up year after year, whether it is in my local area or nationally.

I will give you an example of another such organisation; I hope that you can shed some light on how you are working with it. Glasgow and Clyde Rape Crisis is Scotland's largest rape crisis centre, serving six local authority areas and making contact with at least 40,000 rape and sexual violence victims each year. However, it received only an eighth of the funding that was allocated to Rape Crisis Scotland. Inadequate funding puts the service at risk of closure, putting thousands of women at risk.

Cabinet secretary and minister, those are some of the vulnerable women in our society, who are scarred for life by these horrendous crimes. If Glasgow and Clyde Rape Crisis were to cease operating, would the Scottish Government accept the blame?

11:00

Shona Robison: First, as I said earlier, cases of domestic abuse and sexual crimes are rising not because of the money that the Government gives or does not give to an organisation. They are rising across most countries in the world because of the rise in misogyny; we can see an exponential growth in that.

In addition, our law enforcement and our prosecutors have got better at ensuring that these cases come forward and go through the courts. That, in turn, encourages more women to come forward. As I described, that was not the case back in the day, but now more women are coming forward and we are seeing—thankfully—more successful prosecutions.

With regard to support to Glasgow and Clyde Rape Crisis, we would expect the funding that we provide to Rape Crisis Scotland to be distributed through that organisation. We will have a look at the amount that goes to Glasgow and Clyde Rape Crisis as a proportion of the overall funding.

However, I make this point. Every single pound that goes to rape crisis or women's aid services, or

to other services on the front line, that comes from the increased funding that we provide—we are providing not less, but more funding in this area—can get to those organisations only if the budget is passed and members support it. I will leave that thought there: if members do not vote for a budget that provides additional funding for tackling violence against women, that puts at risk the funding for all those organisations.

We will look at what the proportion of funding is. I do not know whether Kaukab Stewart is aware of the distribution of the Rape Crisis Scotland funding.

Kaukab Stewart: I do not have a breakdown of the figures, because there are many rape crisis centres around the country. However, I can reassure Pam Gosal that there is increased funding, and there is multi-year funding. The need for more sustainable funding has been the biggest issue that rape crisis centres have raised with me, and we are acting on that.

I reiterate some of the cabinet secretary's views. Ms Gosal, you mention the word "failure", along with an increase in reporting. I would have thought that having mechanisms that have increased reporting is some sign of success—it means that women are able to come forward and report, and that they have faith in a system that is more responsive.

There are many elements to the issue of domestic abuse, and we must not, in a bid to apportion blame, forget where the blame actually lies. It lies in deep-rooted misogynistic behaviours, and that is what we need to be looking at. The rise in domestic violence around the world is absolutely appalling, and it is not Governments that are to blame—the blame lies in the misogynistic, abusive behaviour and coercive control that is demonstrated by men. We must remember that.

Pam Gosal: Can I come back on that, convener?

The Convener: I am cognisant of the time, and I did say that we have to be mindful of other members—

Pam Gosal: I just want to clarify something—

The Convener: We have to go to Paul McLennan, and then we will move on to Rhoda Grant.

Pam Gosal: Can I clarify something first?

The Convener: We need to move on to Paul McLennan with other questions, because we have a hard stop at 11.30.

Pam Gosal: You know that this is a big issue, convener, and I wanted to speak more about it. I have had a response like that, and I am not able to come back on it. However, if there is no time, that is fine.

The Convener: Thank you. I call Paul McLennan.

Paul McLennan (East Lothian) (SNP): I am cognisant of time—I will ask a question, but I cannot let the previous two questions pass without comment. Domestic abuse is an important issue for me. When I was Minister for Housing, I talked about the fund to leave and the issues around domestic abuse in relation to the Housing (Scotland) Bill that I took forward. In my time as an MSP, I have taken part in various cross-party round-table discussions and spoken on the 16 days of activism against gender-based violence.

The minister and the cabinet secretary are quite right in what they are saying. This is about misogyny and about men's behaviour—full stop. It is a cultural thing as well. We have to recognise that. Government is doing what it needs to do, but there is a problem around the world because of increased misogyny. That is a problem for men—it impacts on women, of course, but it is a problem about men's behaviour. I could not let the previous comments pass without saying something about that.

Pam Gosal: I cannot say if that is policy, so I do not know why you are asking me.

Paul McLennan: No, but I wanted to make the point—

Pam Gosal: I do not think that it is me that you should be speaking to about that.

Paul McLennan: Right. The question that I want to ask is about a review of the strategic integrated impact assessment. The assessment is a new approach, and I would like to know when it is going to be reviewed, and how we expect a review to be done for every budget round. What does a review of the new approach look like for this budget round and for the next budget round?

Shona Robison: On the timing of the review as set out in the equalities and human rights mainstreaming action plan, we remain committed to publishing a full process evaluation of the new approaches early this year, and the work to evaluate both the strategic integrated impact assessment and the tagging pilots is already well under way.

As part of the evaluation, we will engage with stakeholders on the improvements made and their priorities for future iterations of the new strategic integrated impact assessment, and the findings from that evaluation will directly inform and strengthen our approach for the 2027-28 budget. The plans for publication are, I think, to be confirmed post the election, so it will be there for

the new Government coming in and in good time for the next budget cycle.

Paul McLennan: I have one very brief supplementary, if that is okay, convener. Will information on what the review will actually look like be fed back to the committee? After all, that will be useful for our successor committee.

Shona Robison: Yes, we will take that away and make sure that that happens.

Paul McLennan: Thank you.

The Convener: I call Rhoda Grant. [*Interruption*.] I apologise—is it Marie McNair? Oh, I cannot hear—I thought Rhoda had indicated that she wanted to come in. [*Interruption*.] No, there is no sound. Marie, can we try to bring you in? Is your sound working?

Rhoda Grant (Highlands and Islands) (Lab): My sound is working.

The Convener: Oh, Rhoda—we have you now.

Rhoda Grant: Apologies—I could not unmute, and the host disallowed me. Obviously someone was snoozing somewhere.

Will the assessments have any impact at all? I have been closely watching island communities impact assessments, which are being rolled up into the new system, and I cannot think of one thing that looks as if it has changed as a result of them. Therefore, it would be really good to have an example of any practical changes in the way that things are funded under the new system.

Shona Robison: I will bring in officials to give you a little bit more detail, but, as I said earlier, the thing that has changed is ensuring that, at decision-making points, ministers have information on the impacts and the tagging in front of them so that they can influence the decisions that are being made before they are made. It is a fair point, though, and I guess that we have to ensure that we can record where ministers might have made one decision, and then make another on the basis of evidence that is now part of their decision-making process but which was not there before. After all, the decision is not going to be changed after the event—it will be changed during the decision-making process.

Simon, are we capturing that sort of thing? Are there examples of ministers making decisions based on what is in front of them?

Simon Fuller: As the cabinet secretary has said, we have published an assessment of the draft budget and the decisions therein, and, as part of that, we have looked at the final decisions that were made and their impact. Obviously, throughout the process, there have been intermediate staging posts where we have provided assessments and advice to ministers on the implications of some of our changes or choices and what they might mean for different groups, whether they be island communities or other groups.

We have not included in the final assessment a summary of the choices and decisions that have been made as part of that allocative process, but that is the sort of thing that we will be capturing in a review—that is, the wider issues that users and stakeholders might find most useful. That is something that we could look to embed in the process going forward.

Shona Robison: We will certainly take that away. Kaukab, did you want to comment?

Kaukab Stewart: I just want to highlight a wee example that might help. The child poverty tagging pilot study found that high-impact lines span multiple portfolios, as has been said, and cluster around a small number of primary child poverty drivers, including social security, household income support, income from employment and parental employability, and early learning and childcare. That gives an indication of how you can start to track things across portfolios.

Something else that we should remember about budget tagging is that, although we absolutely want to follow the money, we need to ensure that we prioritise the areas where we can have the biggest impact. I mentioned child poverty, because tackling that is one of the Government's key drivers, and we need to ensure that we consider the tagging and the evidence in that respect quite deeply and scrutinise it rigorously so that we can have a better outcome and can evidence that outcome in a better way. My concern is that we are asked to budget tag everything, because I think that the effect would be diluted.

Rhoda Grant: Thank you.

The Convener: We now move on to questions from Marie McNair.

Marie McNair (Clydebank and Milngavie) (SNP): My questions were about strategic integrated impact assessments, convener, so they have been covered already.

The Convener: Okay, thank you. Pam Gosal has some questions on the Commission Advocating Rights for Minorities.

Pam Gosal: There are 800,000 working-age people in Scotland who are economically inactive. That figure is up 20,000 from the previous year and accounts for 22 per cent of the population. We have even heard of people refusing pay rises and promotions because accepting them would mean that they would no longer be able to receive benefits. Benefits are supposed to be a temporary

solution, helping people back into work, but it seems that this Government is encouraging people to stay out of work. Instead of making people reliant on benefits, should the Government not be prioritising helping these people to enter and remain in the workplace?

Shona Robison: Of course, work is the best way out of poverty, and the supports that are provided through Social Security Scotland are there to support people. Of course, many people in work get the supports, too, because they are all about lifting children out of poverty. Had we not put in place the Scottish child payment and the other family supports that children receive, we would not be the only part of the United Kingdom to see falling child poverty rates.

That has not happened by accident; it has happened because we have put funding into measures such as the Scottish child payment and the other family benefits that are actively supporting families and helping to put food on the family table. If we took those benefits away, we would not be heading towards meeting our child poverty statutory targets, which we need to do by 2030—something, of course, that the whole Parliament signed up to. The Scottish child payment is an absolutely key part of that.

We also provide funding to employability services for the very reason that we want to get parents back into work. The draft budget, which will pass only if people vote for it, protects the Government's investment in employability services at £90 million for 2026-27. That will enable local employability partnerships to continue to support people who are experiencing barriers to employment and it will support up to 7,500 people, including parents, into work, as well as supporting many more to achieve positive outcomes. According to our analysis, the £270 million of employability funding available over the course of the spending review period is expected to help more than 22,000 people into work and to support many more to progress towards employment.

In addition, we have a new £8 million fund that colleges in Scotland bid for to support parents who need such support to get back into the labour market. After all, colleges are good places that do not have certain barriers associated with them, and they provide a non-threatening and supportive environment in which parents can access skills and training in order to get back into work.

We also have the no one left behind plan, which provides a range of employability support to 8,532 parents, including single parents, who are predominantly women. We therefore have a good track record of supporting people into employment, and members will be able to support those resources at the budget process.

11:15

Kaukab Stewart: We know that disabled people face significant structural barriers to employment and that we need to do more to support those individuals to enter and remain in sustainable employment.

With regard to our programme for government commitment and our commitment to halve the disability employment gap, specialist employability support for disabled people is now in place across all 32 local authorities, to ensure that more disabled people and those with long-term conditions can access fair and sustainable work. The cabinet secretary mentioned the no one left behind plan, and we have seen progress with the disabled people's aspects of that.

In the local employability partnerships, in 2023-24, 27 per cent of participants reported being disabled and 40 per cent reported at least one long-term health condition. By 2024-25, those figures had risen to 33 per cent and 46 per cent, respectively. There has therefore been an improvement in participation, but I accept that there is more to do. I hope that that gives an indication that the trends are showing real progress in reaching and supporting disabled people.

Pam Gosal: Although I agree that the benefits are there and they are important for those people who need them, it is in the public domain that people have refused pay rises because their benefits would be impacted. I want to understand from the minister and the cabinet secretary what their thinking is about that, because it is so important that we get those people who can work off benefits. The benefits bill is not sustainable, so it is important that we get those who can work off benefits and into work.

I would like to understand from both of you how you see that working. You have said that you have put money into certain funds, but how do you see it working, and how do you follow that money to see that these people are coming off benefits?

I said earlier that there was a 20,000 rise on the previous year of 800,000 working-age people who are economically inactive. That is 22 per cent of the population, which is quite a lot. How do you see that? We are talking about the budget again, but how do you see the difference? Can you say that the difference will be made, that the figures will go down and that, while those who need benefits will definitely get them, those who do not need them and can work will be in work?

Shona Robison: I have just outlined the programmes and the funding that we have put in place to support 22,000 people into work. There is good evidence that the employability programmes are working to support people. Of course,

wraparound childcare, extending the school day and all the other elements in the budget that members can vote for are there to make sure that parents are supported to be able to take on employment or, indeed, additional hours because of the supports around the school day.

The examples that are being quoted are from a report that contains the anecdotal examples that Pam Gosal has just repeated. I will write to the committee to confirm my understanding that that report did not find evidence that social security supports are systematic barriers to people going into work. Although the report contained some anecdotal examples, its overall conclusions did not support the contention that Pam Gosal is making, that there is a systematic problem in that, because people are getting the Scottish child payment, they are not going into work. Many people who get the Scottish child payment are already in work, and we should remember that.

We do not eradicate child poverty and lift children out of poverty by making it more difficult for them to access supports and by putting in place a two-child cap, which I know Pam Gosal supports. The evidence shows that that would turn around our success in reducing child poverty—we are the only part of the UK to do so—and that we would see increasing levels of child poverty. That is the complete opposite of what our Government wants to see. At the end of the day, we are talking about supporting kids, and that is the most important thing.

Pam Gosal: I have said what I wanted to say, convener.

Maggie Chapman: I want to come back in on some of the work that the committee did with the Commission Advocating Rights for Minorities. I come at this from the point of view that social security is there for us all, because poverty damages everyone, not just those it directly affects, and that individuals' worth should not be measured by their ability to contribute economically to society.

There is a little bit of a disjoint here. Cabinet secretary, the members of CARM whom we engaged with on employability specifically did not recognise either the excellent tagging of employability services or the positive outcomes that you have identified. I appreciate that some people have received those positive outcomes, but CARM members have not, and they feel that there is no evidence that the Scottish Government is meeting its minimum core obligations. I am not so interested in that point for now, but, given the case study approach work that the committee has done and the on-going engagement on employability that we have had with CARM and its members, it does not seem to have featured in the Government's approach to the budget this year. Could you say more about how the work that the committee has done with CARM has had an impact on decisions that have been made or on some of the restructuring that we were talking about earlier? Where is the throughput of the evidence that the committee gathered?

Kaukab Stewart: The recommendations that you are referring to relate to the employability case study, which provided detailed recommendations in specific areas. In my letter of 19 January to the committee, I responded to the committee's pre-budget report and laid out my detailed answer to those specific recommendations. However, I have the opportunity to highlight a few key points from that letter.

First, we now have a national customer charter that has been co-designed with people with lived experience of employability support, and that sets consistent service expectations across all 32 LEPs. Secondly, the refreshed local employability partnership framework has made it clear that those LEPs are required to undertake the design of services with the involvement of people with lived experience, in line with our wider commitment, through employability policy, to embed the Scottish approach to service design.

Finally, our employability strategic plan for 2024 to 2027 sets out our commitment to develop a national evaluation plan and effective ways to ensure that the voice of lived experience informs continuous improvement at national and local levels. As part of that, we have recently commissioned independent research to explore the experiences of people who have accessed services that are funded through the no one left behind fund. That project, which is scheduled to be completed during summer 2026, will help to shape policy on the development and delivery of employability services.

The principle of participation is really important to us. We are just about to head off to an important participatory process—the takeover of Cabinet by disabled people's organisations—which will build on the previous takeover of Cabinet by children and young people, who were able to directly express their views early enough in a process in order to influence decision making.

Maggie Chapman: I appreciate everything that you have said, but the evidence that we collected from CARM members suggests that there has not been the positive outcome that you have described. You said that you have commissioned more research, which is to be completed by the summer, but there is already lots of evidence and information out there, including the evidence that the committee has gathered over the past four and a half years in relation to our approach to equalities

and human rights budgeting. There is a degree of frustration about the Government gathering more research instead of getting on with changing things for the better, particularly by joining things up. We can have the best employability service in the world but, if someone cannot afford the bus to get there, it is no good to them.

Lots of different things go into this, and I appreciate that it is a work in progress, but I think that the committee should, in the future, hear from the Government about the direct read-through of the project that we have undertaken with CARM and how that has a material impact on the Government's decision making.

Kaukab Stewart: I totally understand that frustration. That is why I think that it has been a massive step to have Cabinet takeovers, with the people who are responsible for every portfolio in a room at the same time, given the example of the crossover that you gave about bus services and employability services. As I have said to the committee previously, and as the cabinet secretary has mentioned, part of my equalities role involves ensuring that people come out of their silos and get the best information possible, so that they know the impact of one budget line on another.

Shona Robison: The whole family wellbeing funding, some of which will be announced as part of the tackling child poverty delivery plan, has been brought together in recognition of exactly that point: what are the barriers to someone getting into work? The barriers sometimes relate to skills, training or confidence, but they sometimes relate to bus fares or childcare not being flexible enough. We are attempting to wrap services around the person, the family or the parent in order to address the barriers. If the barrier relates to the bus fare, could a bus pass be provided for the first year, for example? That work involves practical considerations about such barriers.

Let me reassure you that we reflect on all the work, including the work with CARM, not just our own research. If improvements can be made in the light of these evidence sessions, we want to reflect on that.

For example, I am already reflecting on our use of the word "exceptional", because that might sound as though we are marking our own homework and think that all the services are exceptional when, in fact, the budget line is being described as having an exceptional impact. We might need to be a bit clearer about that, because I can see why people might say, "Well, that's not my experience." We will take away that point about language, because we want to be clear that we are talking about budget lines rather than outcomes for everyone. Everyone will have a different experience, with some having better outcomes than others, so I give the assurance that we will reflect on our language.

Maggie Chapman: Thank you.

The Convener: That brings our budget evidence session to a close. I thank everyone for their attendance. There will be a brief suspension to allow for a change of witnesses.

11:24

Meeting suspended.

11:34

On resuming—

Subordinate Legislation

Criminal Legal Aid and Assistance by Way of Representation (Miscellaneous Amendment) (Scotland) Regulations 2026 [Draft]

Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 [Draft]

The Convener: Welcome back. Our next item of business is consideration of two draft affirmative instruments.

I welcome to the meeting Siobhian Brown, Minister for Victims and Community Safety, who is accompanied by the following Scottish Government officials: Ciaran McDonald, legal aid reform team leader; Connor Duffy, legal aid reform manager; and Martin Brown, lawyer, legal directorate. I thank them for attending this morning.

I refer members to papers 3 and 4 and invite the minister to speak to the two draft instruments.

The Minister for Victims and Community Safety (Siobhian Brown): Good morning, members, and thank you, convener.

These Scottish statutory instruments form part of the Scottish Government's programme of legal aid reform, which aims to strengthen access to justice and ensure that the system remains fair and sustainable for those who need it most. They were developed in partnership with the Scottish Legal Aid Board, and I would like to express my thanks for its valuable contribution.

I also extend my gratitude to the profession for its thoughtful and constructive engagement throughout the consultation. The Law Society of Scotland and the Scottish Solicitors Bar Association have expressed broad support for the regulations.

Access to justice is a fundamental right, and we want to ensure that people get the help that they need and that there are solicitors available to provide it. That is why we have embarked on these changes to Scotland's legal aid system—changes that will make a real difference to people's lives, while ensuring that the system works better for legal professionals.

The Criminal Legal Aid and Assistance by Way of Representation (Miscellaneous Amendment) (Scotland) Regulations 2026 will improve access to justice in criminal cases by simplifying legal aid processes, standardising eligibility, and ensuring fair and sustainable remuneration for solicitors. For solemn cases that are resolved by a plea of guilty at any diet prior to trial, the regulations provide that the preparation fee payable will be the same as for cases disposed of under section 76 of the Criminal Procedure (Scotland) Act 1995. This means that the fee will be the same in all circumstances when an accused person has a plea of guilty accepted at a diet prior to trial, recognising the preparation and negotiation work done to resolve the case without full trial proceedings. It incentivises early resolution where appropriate and maintains fairness in payment structures for solicitors.

For summary criminal cases, the regulations will remove the provision of assistance by way of representation and establish summary criminal legal aid as the default form of legal aid. This will be available in any case, regardless of the plea tended by an accused at the first calling of the case in court, thus removing administrative hurdles and ensuring timely access to representation for those most in need. The regulations will also remove the payment differential between remuneration for duty solicitors and the wider fixed payment regime so that the fee structure supports fair payment, no matter who is acting for the accused.

The Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 will strengthen support for children within the children's hearings system. Children's Hearings Scotland, the Scottish Children's Reporter Administration and Citizens Advice Scotland have expressed broad support for the regulations.

Children applying for assistance by way of representation—or ABWOR—will no longer need to pass income or merit tests to be eligible for support; it will be available automatically. A grant of ABWOR will also be extended to last from an instigation hearing until a full compulsory supervision order is made or the hearing is discharged.

The initial authorised expenditure limit for solicitors will rise substantially, from £135 to £550, so reducing the number of applications that solicitors need to submit and thus improving efficiencies. An important aspect is that care leavers in receipt of the £2,000 care leaver payment will not have it counted as income or capital when assessing their eligibility, thereby reducing the financial barriers that care leavers might face. Overall, the changes will reduce administrative work for the Scottish Legal Aid Board and solicitors, provide greater certainty of representation for children and lessen the need to reassess their financial circumstances, and they are expected to have a direct positive impact on trauma-informed service delivery.

Although reforms proposing block fees in cases affecting adults with incapacity were considered, we will not progress those changes at this time. It was clear from the consultation that more work with stakeholders is needed to find the correct balance when applying block fees for those cases. The Scottish Government acknowledges those concerns, as well as the committee's recommendations from the recent inquiry into civil legal aid, and is committed to ensuring that any amendments align with forthcoming legislative reform in the area to enhance their effectiveness and sustainability. Further engagement will be key to achieving that, and it is important that any changes are taken forward in a coherent and comprehensive way.

In summary, these changes reaffirm our commitment to modernising legal aid, driving forward public efficiency and ensuring that every pound of public funding delivers maximum impact in providing access to justice for everyone in Scotland.

I am happy to take any questions that the committee might have.

The Convener: Thank you, minister. We have some questions from members.

Tess White: Good morning, minister. Thank you for acknowledging that the committee's recommendations have not been included, as that was what my first question was going to be about. The committee notes that the changes to civil legal aid that we proposed have not been taken forward. You have given a short explanation as to why our recommendations were not progressed, by saying that you need to do more work. Do you acknowledge the significant and serious concerns that exist, notably from Govan Law Centre and from one of the leading law firms in my area the bulk of whose work relates to adults with incapacity? Those concerns were about the rates being too low and about the very poor consultation from the Scottish Legal Aid Board.

Admittedly, we have less than two months to go in this session of Parliament, but will you look at

the issue before the end of the session, or are you going to kick the can down the road into the next parliamentary session? Do you accept the points that we made about the rates being too low and the levels of bureaucracy being too high, and about the Scottish Legal Aid Board's poor consultation with key stakeholders?

Siobhian Brown: Members will be aware that it was not possible to progress the legal aid reform legislation in this parliamentary session. Just over a year ago, I made a commitment that I would do everything that I could in the next 18 months before this session of Parliament finished to introduce the secondary legislation, and that is what is being brought forward today.

On adults with incapacity, after engagement with stakeholders, opinion was divided, which is why we are not taking those proposals forward at the moment. I have had conversations with leading solicitors who take on that work and have listened to their concerns. That is why we have taken the decision to pause that aspect. That work will not be done in the next six weeks, and it will have to go forward into the next parliamentary session.

Tess White: Did you hear the feedback that the rates are too low and that the work is becoming a loss leader for law firms? Those firms are in crisis mode, and the most vulnerable people in our society—adults with incapacity—feel that they are being left behind.

Siobhian Brown: Yes, I heard that. I might bring in my officials on this but, in the responses to the consultation, opinion was divided 50:50. Half of the respondents thought that they would get more money and half felt that they would not make enough. That is why we have to pause and do more consultation. I have met solicitors who do that type of work, and I have taken all those points on board. It is just unfortunate that we are not able to progress things because of the timeframe.

Tess White: During the debate on the issue in the chamber, there was huge criticism of the way in which the Scottish Legal Aid Board operates and its poor consultation. Has that been heard as well?

Siobhian Brown: That has been heard. I regularly meet representatives of the board, and I see work on that happening in the next parliamentary session, when we will explore legal aid reform. It is a big picture, and lots of work has been done in the past 12 months, which I might be able to touch on in answering other questions. However, I see reform of the Scottish Legal Aid Board having to happen in the next parliamentary session, and the board is open to that, too.

Tess White: Thank you.

11:45

Rhoda Grant: I have an overarching question on all the instruments. In rural areas, including the Highlands and Islands, which I represent, there are legal aid deserts, and for all sorts of cases people have to go to Glasgow, for example, to get a solicitor to represent them.

Will any of the proposed changes take account of geography, the additional costs of travel and the like in order to make it easier for local solicitors to take on that work and represent folk more locally?

Siobhian Brown: Ms Grant has raised the availability of solicitors with me several times, and it is an issue that concerns me. That is why the work that we are discussing is vital, and the simplified process that I am proposing today has been arrived at through engagement with solicitors on how to make legal aid work more attractive to the profession.

I recognise that there are challenges geographically, and I know that work is being done on that. I do not know whether Rhoda Grant is aware that, as of last week or the week before, there has been an agreement for a 13 per cent uplift in legal aid fees, which will come into force in September this year. I have also set up a fee mechanism review group, which will annually review legal aid increases. Further, we are looking at funding 40 traineeship places as well as information technology support.

We are doing everything that we can to work with the profession to enable it to be more lucrative and to encourage solicitors to take on legal aid work, which we hope will help the situation in our rural areas.

Rhoda Grant: Would you consider rural proofing future policy in this area, which would involve looking through a rural lens at areas where it is really difficult to get access to legal representation?

Siobhian Brown: I am sorry—I did not pick up the first thing that you said. What did you say about looking at things?

Rhoda Grant: I asked about rural proofing policy.

Siobhian Brown: I think that that could be taken on board, but that would have to be done at the same time as moving forward with legal aid reform.

Maggie Chapman: Good morning, minister. Thanks for joining us this morning. My question is not on the detail of the instruments before us but on the consequences. Given what you said in response to Tess White and Rhoda Grant, and given that everyone would have liked us to have made more comprehensive progress on legal aid reform during this parliamentary term, it would be

useful if, before the end of this session, the Government could set out what is happening and what remains to be done. We know that we will need legislation, but there are other things that will not require legislation that we perhaps could be getting on with, some of which we are getting on with already. It would be valuable to have all of that brought together.

What you have just said about the fee review group and the trainee places is positive news, but I am concerned about the possibility that, because we do not have a chunk of time to spend on this as we would in a bill process, the piecemeal bits might not all end up fitting together effectively.

I would like an initial response from you on that, but I am really just making a request for the Government to set out what is happening, what remains to be done and how everything will pull together.

Siobhian Brown: That makes sense. A lot of work has been done in the past 12 months and we are now moving into the last six weeks of this session of Parliament. We know that any legal aid reform bill will take time—nothing happens quickly. I am happy to speak to officials about your suggestion and to see whether we could provide the committee with a timeline of what we have done and a summary of what could be done in the next session through secondary legislation, because there is work that can be accelerated without legislation, and then present a look at the bigger picture of legal aid reform legislation in the next session. I will write to the committee on that.

Maggie Chapman: Thank you; I appreciate that.

The Convener: Our next agenda item is consideration of the motions for approval of the affirmative instruments. I invite the minister to move the motions.

Motions moved,

That the Equalities, Human Rights and Civil Justice Committee recommends that the Criminal Legal Aid and Assistance by Way of Representation (Miscellaneous Amendment) (Scotland) Regulations 2026 [draft] be approved

That the Equalities, Human Rights and Civil Justice Committee recommends that the Legal Aid and Advice and Assistance (Miscellaneous Amendment) (Scotland) Regulations 2026 [draft] be approved.—[*Siobhian Brown*]

Motions agreed to.

The Convener: We will now suspend briefly for a change of officials before we consider a third draft affirmative instrument.

11:50

Meeting suspended.

11:51

On resuming—

First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure and Composition) (Miscellaneous Amendment) Regulations 2026 [Draft]

The Convener: Welcome back. Our next agenda item is consideration of our third and final draft affirmative instrument, which is on the First-tier Tribunal for Scotland local taxation chamber. I welcome back Siobhian Brown, the Minister for Victims and Community Safety, who is accompanied by Scottish Government officials Mandy Williams, unit head of tribunals and judicial policy, and Rachel Nicholson, who is a lawyer in the legal directorate.

I invite the minister to speak to the draft instrument.

Siobhian Brown: Thank you, convener. Following on from the two sets of regulations on legal aid that we have just discussed, I would now like to speak to the committee about the draft First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure and Composition) (Miscellaneous Amendment) Regulations 2026.

For context, the Scottish tribunals structure was created by the Tribunals (Scotland) Act 2014, which introduced a new and simplified statutory framework for tribunals in Scotland. The Scottish tribunals consist of the First-tier Tribunal and the Upper Tribunal. The First-tier Tribunal is organised into a series of chambers that have specialist jurisdictions. There are currently six chambers: the general regulatory chamber; the tax chamber; the housing and property chamber; the local taxation chamber; the health and education chamber; and the social security chamber.

The purpose of the draft amending instrument is to make technical amendments to the procedure and composition rules that are applicable to the local taxation chamber. The LTC considers various appeals relating to non-domestic rates, water charges, civil penalties and council tax matters. The purpose of the amendments to the procedure rules is to insert reference to the Valuation (Proposals Procedure) (Scotland) Regulations 2025, which will come into force on 1 April 2026, and to make provision as to the making of proposals by proprietors, tenants and occupiers of lands and heritage for alteration of entries in the valuation roll for non-domestic rates. In addition, the draft instrument will allow an appellant to withdraw an appeal without first being required to make a withdrawal request to the LTC.

The amendments to the composition rules seek to provide a non-exhaustive list of procedural or incidental matters that can be considered by a

single legal member, a judicial member or the chamber president of the LTC sitting alone.

I consulted the president of the Scottish tribunals on the draft amending instrument, in line with the requirements of the Tribunals (Scotland) Act 2014. Further to that engagement, the draft amending instrument has been adjusted.

I understand that the Delegated Powers and Law Reform Committee considered the regulations on 13 January and raised no points on the instrument.

I appreciate that the regulations are very technical in detail, but I will be happy to try to answer any questions. If I am not able to do so, I will bring in my officials.

The Convener: As members have no comments or questions on the instrument, we will move on to agenda item 5, which is formal consideration of the motion on the instrument. I invite the minister to move motion S6M-20225.

Motion moved,

That the Equalities, Human Rights and Civil Justice Committee recommends that the First-tier Tribunal for Scotland Local Taxation Chamber (Rules of Procedure and Composition) (Miscellaneous Amendment) Regulations 2026 [draft] be approved.—[*Siobhian Brown*]

Motion agreed to.

The Convener: Do members agree to delegate to me responsibility for approving the publication of a short factual report on our deliberations on the affirmative instruments that we have considered today?

Members *indicated agreement*.

The Convener: That concludes our formal business in public. I thank the minister and her officials for joining us. We now move into private session to discuss the remaining items on our agenda.

11:56

Meeting continued in private until 12:26.

This is the final edition of the Official Report of this meeting. It is part of the Scottish Parliament Official Report archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba