OFFICIAL REPORT
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DRAFT

Equalities, Human Rights and Civil Justice Committee

Tuesday 24 February 2026

The Scottish Parliament
Pàrlamaid na h-Alba

Session 6

Tuesday 24 February 2026

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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
6th 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:

Tom Arthur (Minister for Social Care and Mental Wellbeing)
Siobhian Brown (Minister for Victims and Community Safety)
Georgia de Courcy Wheeler (Scottish Government)
Elli Kontorravdis (Scottish Government)
Ciaran McDonald (Scottish Government)
Kevin McGowan (Scottish Government)
Robby Steel (Scottish Government)
Kaukab Stewart (Minister for Equalities)
Emma Thomson (Scottish Government)

CLERK TO THE COMMITTEE

Euan Donald

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 24 February 2026

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (Karen Adam): Good morning, and welcome to the sixth meeting in 2026, in session 6, of the Equalities, Human Rights and Civil Justice Committee. We have received apologies from Pam Gosal, and Maggie Chapman and Paul McLennan are joining us remotely.

Our first agenda item is a decision on taking business in private. Do members agree to take in private agenda item 10, which is consideration of our on-going work on the non-implementation of legislation?

Members *indicated agreement.*

Subordinate Legislation

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

09:30

The Convener: Our second agenda item is consideration of a draft affirmative instrument. 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, and Emma Thomson, lawyer, legal directorate. Thank you for attending this morning.

I refer members to papers 1 and 2, and I invite the minister to speak to the draft instrument.

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

I welcome the opportunity to speak to the draft Legal Aid and Advice and Assistance (Fees) (Miscellaneous Amendment) (Scotland) Regulations 2026. This Scottish statutory instrument forms 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.

The instrument will increase solicitors' fees and fixed payments for criminal, civil and children's legal aid and advice and assistance by 13 per cent, commencing on 1 September 2026. Additionally, it makes further changes to legal aid, amending regulations laid last December, and meets a commitment given to the Delegated Powers and Law Reform Committee to make corrections and minor drafting and clarification changes to the Civil Legal Aid (Scotland) Regulations 2002 and the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003.

The SSI has been developed in close collaboration with the Law Society of Scotland and the Scottish Solicitors Bar Association, and I want to express my thanks for their valuable contributions to the negotiations. I would also like to extend my gratitude to the Scottish Legal Aid Board for its input on the technical and operational aspects of the fee increase.

The SSI provides a significant increase to solicitors' fees, ensuring that legal aid professionals are better remunerated and supported and allowing them to continue to make a real difference to people's lives. The 13 per cent increase in fees addresses the profession's concerns and contributes positively to the retention of legal aid solicitors as it decreases the potential risk of their stopping legal aid work. That would have a detrimental impact on access to justice and solicitor availability, as the committee heard in evidence to its recent inquiry on civil legal assistance. Indeed, the Law Society of Scotland has publicly welcomed the increase, calling it

“a lifeline for access to justice”.

The SSI forms part of a broader package of reform that includes the establishment of an independent fee review mechanism group, which will help shape the future of legal aid by creating a robust, evidence-based process for reviewing and agreeing legal aid fees. The package also includes further secondary legislation that will come into force on 1 April, 1 June and 14 December this year, as approved by the committee on 3 February.

Additionally, funding for 40 traineeships with digital support for new trainees will be provided as part of the fee uplift package of reforms to further support access to justice. The package demonstrates the Scottish Government’s commitment to a long-term investment in the talent pipeline into the legal aid profession.

In summary, convener, the fee uplift reaffirms our commitment to continuing to provide a robust legal aid system and supporting solicitors to provide crucial legal aid services, which, in turn, allow people access to justice whenever they might need it. We aim to ensure that people get the help that they need and that the solicitors are there to provide it.

I am happy to take questions.

The Convener: Thank you. We will move on to questions from Maggie Chapman.

Maggie Chapman (North East Scotland) (Green): Good morning, minister. I am sorry that I cannot join you in person, but I thank you for that update. The 13 per cent uplift is welcome news. I have a couple of questions about that and on-going work.

I am interested in the 13 per cent figure that was arrived at. It was about 15 months ago that we discussed court fees for individuals to pay. There were some much higher increases in those fees, and one of the arguments was about full cost recovery. One of the things that came through clearly in our legal aid inquiry was that legal aid was not paying its way for solicitors. What assurances can the minister give that the 13 per cent increase will be enough to allow legal aid solicitors to cover their costs fully and to ensure that it is fair compensation for the vital work that they do?

Siobhian Brown: There has been a long period of negotiations with the Law Society and the Scottish Solicitors Bar Association about this uplift during the past 12 months, and that is how we came to the 13 per cent figure. As you know, action was being undertaken, which ceased in December. That is the figure that we have negotiated and, as I said in my opening speech, the Law Society said that it will be a lifeline for the profession.

On top of that, the fee review mechanism group that was established had its first meeting in December last year. That is an important group that had been asked for for many years, and it means that fees can now be reviewed annually, which was important to the profession. With the 13 per cent increase and the fee review mechanism group having been set up, I am confident that we are on a stable footing moving forward.

Maggie Chapman: Thank you. That is helpful. Given the conversations that can happen and the annual reviews, I am curious about why the 13 per cent increase will apply from September this year and how it will impact on potential future increases, given the work of the fee review mechanism group.

Siobhian Brown: Through some of the reform that we have been doing in secondary legislation, uplifts will be coming in on 1 April, 1 June and 14 December. The 1 September date for the introduction of the 13 per cent uplift has been negotiated with the profession. SLAB and the profession will have operational aspects to put in place, so it is not something that can be done overnight. We have had discussions with the profession and it is happy for the uplift to be introduced on 1 September.

Maggie Chapman: Last night, we received the updated timeline for the different activities in legal aid reform, and I put my thanks for that on the record. I know that a lot of work is being done in this space and, although we do not yet have the legislation for legal aid reform, it is helpful to see the other elements that are going on laid out in your correspondence.

I will leave it there, convener. Thank you.

The Convener: We now have questions from Paul McLennan.

Paul McLennan (East Lothian) (SNP): It is great to hear about the progress of the discussions as we look towards the next parliamentary session. The committee made some recommendations on civil legal assistance and you have also talked about that in the chamber, minister. Does anything else need to be done in what we have left of the current parliamentary session? What do you see as the medium and longer-term objectives when the Parliament comes back in the new session?

Siobhian Brown: I apologise for my letter coming late last night. It has a lot of detail in it and I am not aware of whether all the committee members have been able to go through it. I have been able to outline some of the work that I have been doing to get secondary legislation through during the current parliamentary session and, as we look ahead to the next parliamentary session, it will be up to the next Government to take that work forward. I think that it will include developing new primary legislation to modernise the legal aid framework, with the aim of introducing a clearer and more flexible system and supporting longer-term reform.

On top of that—I can guarantee that this will happen, because it was introduced by this Scottish Government—we have the implementation of the provisions of the Regulation of Legal Services (Scotland) Bill, which was passed last year. That will include the phased commencement of licensed provider provisions, which will support the delivery of the legal aid traineeship fund by the Law Society of Scotland to support long-term workforce resilience alongside on-going evaluation to strengthen legal aid.

Paul McLennan: I have a supplementary question. The minister will remember that I have asked this in the chamber as well. It is about accessibility in more remote areas. Will you touch on that? You gave me an answer in the chamber, but it would be useful for the committee if you could say a little more about equality of accessibility for those in remote areas.

Siobhian Brown: Absolutely. As we move into the next parliamentary session and consider primary legislation for legal aid reform, it is really important that all the recommendations from the committee's civil legal aid report are taken into account for the next Scottish Government to move forward.

Paul McLennan: Thank you.

Tess White (North East Scotland) (Con): Before I ask my main question, I want to ask the minister about the 40 traineeships that she mentioned. Those are definitely to be welcomed, so thank you for that. Will you require any of the trainees who have qualified to give back X number of years, so that, once they are qualified, they focus on legal aid rather than going into other types of law?

Siobhian Brown: Originally, it was to be 20 traineeships, which as a result of the negotiations has now gone up to 40 traineeships along with the digital support package. We are continuing to discuss with the Law Society the terms and conditions of that.

I will bring in Ciaran McDonald to talk about whether that point has been raised by the profession.

Ciaran McDonald (Scottish Government): We are still negotiating and talking about it, so we will be looking into the detail of that, and we will be able to share that with you in due course.

Tess White: So, that is Government funded, and there might be some requirement that those people spend time on legal aid cases.

Siobhian Brown: Yes.

Tess White: My next question is on something that my colleague Paul McLennan touched on, which is longer-term legal aid reform. It is difficult to say, because this is for the next parliamentary session, but have you stressed the point that reform is long overdue and needs to be looked at quickly?

Siobhian Brown: Yes. We went through that when we discussed the issue in a previous meeting. The work that I have been doing in the past 18 months is outlined in the letter that was sent to committee members yesterday. A lot of work has been done. Moving forward, there will be primary legislation from the next Scottish Government although, as we know, that does not happen quickly. However, in the meantime, I am still having discussions with the Scottish Legal Aid Board about priorities for things that can be done through secondary legislation in the next parliamentary session. Those conversations are on-going and aim to maximise the reform that we can do before we do the primary legislation. I hope that that gives you some comfort.

Tess White: When we had the debate on legal aid in the chamber, we discussed the issue of women fleeing domestic abuse and the recommendation that the financial thresholds be removed. On the Scottish Legal Aid Board—or SLAB, which is an unfortunate word—there was heavy criticism of it and the bureaucracy involved. Have you addressed that issue with SLAB since we raised it in our debate?

Siobhian Brown: Yes. I have on-going conversations with SLAB—I met with it last week. We must be clear that the work that SLAB does is vital. We have a legal aid budget of £170 million and SLAB plays a huge role in legal aid reform. As I said in the previous committee session when we discussed the issue, there is an acknowledgement that, when we are doing legal aid reform, it will include parts of SLAB, and it is totally open to that.

Tess White: Perfect—thank you.

Rhoda Grant (Highlands and Islands) (Lab): What other things are happening to help to provide legal advice in rural areas? Obviously, increases in fees help, but there are many other issues, such as the distance travelled and how people access the advice. Are you looking at any other measures?

Siobhian Brown: The negotiations that we have been having for the past couple of months have primarily been on fee uplifts, to ensure that solicitors get the fees that come in in September. We hope that that will attract more people into doing legal aid work across Scotland, which of course will be beneficial for and impact on rural areas. In that previous committee meeting, you referred to perhaps having a group to focus on rural legal aid in the next parliamentary session. If I am the minister, I would be happy to pursue that and consider how we can make improvements to legal aid in rural areas.

Rhoda Grant: Thank you.

09:45

The Convener: We move to agenda item 3, which is the formal consideration of motion S6M-20605. I invite the minister to move the motion.

Motion moved,

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

Motion agreed to.

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

Members *indicated agreement*.

The Convener: That concludes this agenda item. I thank the minister and officials for their attendance.

Upper Tribunal for Scotland (Procedure Rules) (Miscellaneous Amendment) Regulations 2026 (SSI 2026/33)

First-tier Tribunal for Scotland (Procedure Rules) (Miscellaneous Amendment) Regulations 2026 (SSI 2026/34)

Mental Health Tribunal for Scotland (Practice and Procedure) (No 2) Amendment Rules 2026 (SSI 2026/35)

The Convener: Our next item of business is consideration of three negative Scottish statutory instruments. As no member has indicated that they have comments, are members content not to make any comments to the Parliament on any of the instruments?

Members *indicated agreement*.

The Convener: That concludes consideration of the instruments. We will suspend briefly to set up for our next agenda item.

09:47

Meeting suspended.

09:57

On resuming—

International Covenant on Economic, Social and Cultural Rights

The Convener: Welcome back. Our fourth agenda item is to take evidence on Scotland-specific issues raised in the concluding observations and recommendations of the United Nations Committee on Economic, Social and Cultural Rights. The Scottish Government published its high-level action plan in November 2025, setting out how it intends to respond to those recommendations.

I welcome Kaukab Stewart, Minister for Equalities, who is accompanied by Elli Kontorravdis, head of human rights implementation and international policy, and Kevin McGowan, unit head of the equality division, both from the Scottish Government. They are all very welcome and I thank them for attending today.

I refer members to papers 4 and 5 and invite the minister to make an opening statement.

The Minister for Equalities (Kaukab Stewart): I am grateful for the opportunity to provide an update on the steps that this Government has taken to respond to the concluding observations that were made in February by the United Nations Committee on Economic, Social and Cultural Rights. I last appeared before the committee on this topic in May 2025 and corresponded with you in November, when I was able to provide you with further detail.

In November, the Scottish Government published a high-level action plan that directly responds to each of the UN committee's recommendations relating to devolved matters. Civil society and expert voices shaped our approach, which moves away from earlier narrative position statements and now focuses squarely on the actions that we are taking across a wide range of economic, social and cultural rights. The high-level action plan reaffirms our commitment to more deeply embedding treaty obligations in our policy and practice, and provides a practical framework to support collaboration, accountability, and scrutiny.

10:00

It is important to remember that, since the last state party review in 2016, we have faced major global and domestic challenges, including our European Union exit, the Covid-19 pandemic, the on-going impacts of the war in Ukraine, a rising cost of living and increasingly divisive rhetoric affecting community cohesion. Those pressures have underscored the need to place human rights—especially economic, social and cultural rights—at the centre of policy and practice. Scotland's most recent programme for government reflects that, as it sets out our ambitious actions to advance our four priorities: eradicating child poverty, growing the economy, tackling the climate emergency and delivering high-quality, sustainable public services.

In its evidence session in February 2025, the UN committee welcomed Scotland's distinct approach to human rights, particularly our proposal for a human rights bill that incorporates ICESCR into domestic law within devolved competence, which will build on the Parliament's leadership in the incorporation of the UN Convention on the Rights of the Child. The UN committee also recognised our public health-led strategy on alcohol and drug harms, which the Office of the United Nations High Commissioner for Human Rights has acknowledged as the first of its kind in the world.

However, we know that we must do more. Therefore, our high-level action plan sets out what we are doing and will do across a wide range of devolved areas, including fair work, social security, child poverty, housing, education and cultural rights. That work sits within our wider ambition to foster a rights-respecting culture in Scotland and increasingly embed human rights across the Government through our national performance framework, which is supported by Scotland's second national human rights action plan and the recently published equality and human rights mainstreaming strategy, toolkit and action plan.

The publication of that high-level action plan marks a significant milestone in our wider programme to strengthen the implementation of international treaty body recommendations as part of a wider approach to human rights in Scotland. As I updated you in May, another important element of that work is the development of a new human rights tracker. The tracker will consolidate treaty body recommendations into a single, accessible online platform. It will support us all to identify and act on international recommendations in a strategic and co-ordinated way, which will help to enhance our rights implementation efforts in devolved areas.

The first phase of the work will provide a centralised and transparent record of the recommendations that arise from the seven core UN treaties to which the UK is a signatory. In time, and subject to the outcome of the Scottish Parliament elections, I intend to continue to work with stakeholders to develop a methodology to clearly and consistently report on actions that are taken and on outcomes. The tool, which was a key SNAP2 recommendation, aims to support an increasingly systematic monitoring of progress, to help identify any gaps and areas for improvement and to strengthen accountability for action on devolved matters. That was a key SNAP2 recommendation and I look forward to seeing it launched in this parliamentary session.

I am pleased to now confirm that the first phase of the tracker will go live on 12 March and I have extended an invitation to you via the committee clerks for the launch event and demonstration. I am grateful to them for their time as members of the tracker design group in recognition that such tools can support greater parliamentary scrutiny.

In parallel with our domestic implementation agenda, I have also had the pleasure of showcasing our distinct approach to human rights in various engagements with international human rights specialists over the past couple of months. In November, the Cabinet Secretary for Social Justice and I met Michael O’Flaherty, the Commissioner for Human Rights at the Council of Europe. We used the opportunity to highlight our human rights approach to social security and the action that we are taking to eradicate child poverty, as well as reaffirming Scotland’s support for the European convention on human rights. The commissioner recognised the value of our work on the incorporation of international human rights treaties and we expect to see a memo following his visit later.

Also in November, at the 30th United Nations climate change conference of the parties—COP30—the Scottish Government announced a grant of £150,000 in support of the mandate of the UN special rapporteur on human rights and climate change. Through the grant, Scotland is not only contributing to global discourse but helping to enable inclusive rights-based responses to the climate crisis.

Last month, at an event hosted by the organisation Art27 Scotland, the Parliament welcomed to Scotland Alexandra Xanthaki—forgive my pronunciation of her name—who is the UN special rapporteur on cultural rights. As the former Minister for Culture, Europe and International Development, I was particularly pleased to have the opportunity to emphasise that cultural rights are not just a nice-to-have; they are inherent rights that we want to give greater protection to through our proposals for a human rights bill.

I understand that today’s evidence session will focus specifically on the high-level action plan in response to the UN committee’s recommendations, and I welcome this opportunity. I remain committed to working together to strengthen good practice in implementation, reporting and follow-up to international human rights treaty bodies.

The Convener: We move to questions from members, and I will kick us off. What specific progress has been made on the human rights bill?

Kaukab Stewart: We continue to make good progress on further developing and refining our human rights bill proposals. Our goal is to introduce an ambitious and effective bill that brings positive change. In July last year, we were pleased to publish the detailed discussion paper on our proposals for the bill. That paper consolidates the extensive work that has been undertaken to date, and we are supporting further engagement with stakeholders.

We continue to test and refine the proposals and to work through the implications for further incorporation legislation, building on lessons from the Human Rights Act 1998 and the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. As the committee is aware, the UK Supreme Court 2021 judgment on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and the European Charter of Local Self-Government (Incorporation) (Scotland) Bill has implications for the potential scope of the proposed duties under the human rights bill, and we continue to use this time to chart a way forward on that. The committee has been kept informed on the work that we have undertaken to develop the proposals, and we will continue to provide updates to the relevant committees following the 2026 election.

It is worth noting that, when the Cabinet Secretary for Social Justice and I met the Council of Europe’s Commissioner on Human Rights, the commissioner described our incorporation agenda as an impressive body of work that will also be of interest to the Office of the United Nations High Commissioner for Human Rights.

The Convener: Rhoda Grant has a supplementary question.

Rhoda Grant: What are the specific non-devolved and devolved issues that are causing concern, and how do you expect to overcome them?

Kaukab Stewart: I will bring in Elli Kontorravdis on that. First, as an overview, I note that, in bringing so many treaties together—some of them for the first time—we are leading the way and being ambitious. They sit together with all the different reserved and devolved powers, as well as the European convention on human rights, and we are navigating all those spaces that have different rules, regulations and scopes. To bring those all together, we have to work systemically and systematically to ensure that whatever we have actually has an impact on people's lives. I always try to remember that that is the bigger aim. It is not a paperwork exercise or a challenge in that sense; the challenge is how effective the system will be and whether all the legislation sits together. Perhaps I can bring in Elli on further details of the compatibilities.

Elli Kontorravdis (Scottish Government): As the minister noted, we are continuing to engage with the UK Government on the challenges that have resulted from the interpretation of the Supreme Court judgment. I welcome the recent publication from the University of Glasgow's centre for public policy that reports on the issue, which makes clear that cross-Government co-operation and collaboration will be required to resolve it.

In her chairing of the human rights: incorporation and implementation oversight board, the minister has noted that the legislation is complex. We are working with stakeholders to work through that complexity and make sure that the bill is able to be delivered and is effective and impactful on the ground.

In addition to the matter of the scope of the UNCRC, another area of consideration is the group protection treaties. It is about making sure that the duties that are applied will be workable and consistent with the Equality Act 2010.

Rhoda Grant: What does that mean in practice? Where are the difficulties, and how easy are they to overcome? Do we need to be granted devolved responsibility in some areas, or are there areas of the bill that should be cut out because they will infringe on non-devolved issues? Where does all that fall?

Kaukab Stewart: I can give an example that is based on what we are already doing. We are listening carefully to feedback relating to the challenges that resulted from the UNCRC compatibility duty and the concerns that were raised about the exemption to the compatibility duty during the recent parliamentary passage of the Children (Withdrawal from Religious Education and Amendment of UNCRC Compatibility Duty) (Scotland) Bill. That feedback will inform our consideration of the scope of the proposed duties in the human rights bill.

The bill will provide us with an opportunity to consider the alternative options that—as you suggested—may be available to ensure the best possible breadth of duties while still meeting the central aim of having a clear, accessible and navigable framework within devolved competence.

I hope that that answer is helpful. The issue is complex, and there is no easy answer. I wish that I could give you a one-line answer, but there is not one to give, because this issue demonstrates the complexities of how everything sits together. However, I can give you the assurance that all that work is being worked through at a detailed level with extensive engagement with stakeholders and experts in this space.

Rhoda Grant: Thank you.

Maggie Chapman: Good morning, minister. Thank you for joining us and for what you have said so far. I have a couple of questions on how you intend to use the high-level action plan. I recognise that the plan is high level from the get-go. However, some significant and problematic areas of concern, including food security and a housing crisis that is denying people access to safe, affordable and adequate housing, were raised in the Scottish Human Rights Commission's "State of the Nation" report, which was published last year. Given those areas of concern, how will the high-level action plan help you to deliver the outcomes that you were talking about and make things better for people across Scotland?

There is a concern that, although there are a lot of fine words in the action plan, it is not clear how they will be translated into action on the ground. I am particularly interested in housing and homelessness, but there are issues across the board that relate to poverty and food inequality. I would be interested to hear your comments on that.

Kaukab Stewart: Thank you for acknowledging the complexities and how wide ranging the issue is, given that it is cross-portfolio, cross-Governmental and cross-legislation.

The high-level action plan is the first of its kind in the UK. I draw your attention to the word "action" and I acknowledge that nobody just wants warm words, which is why I emphasise that word. The plan sets out systematically what we are doing to strengthen the implementation of rights in the areas that were raised by the UN committee, including some of those that you have mentioned, as well as fair work, social security, child poverty, educational and cultural rights and, of course, housing.

10:15

We acknowledge that human rights are interrelated and interdependent. The high-level action plan presents the strategic and co-ordinated actions that we will take across economic, social and cultural rights, although we will need to unpack that further in the relevant strategies and deliverable plans that are associated with those issues.

There are many areas to consider, but as Ms Chapman has raised housing, I can give a bit more detail on that, if it will be helpful. On housing access and affordability, the plan states a rights-based housing commitment that includes an expansion of the affordable housing supply, with the intention of setting up a new housing agency with a focus on simplicity, scale and speed to enable the delivery of housing of all types. It also includes the prevention and reduction of homelessness through on-going investment to prevent homelessness and rough sleeping, including £15 billion in 2025-26 for councils to support a range of services, including homelessness prevention, and targeted support to address housing inequalities for priority groups, including the coming home programme, for example, and improved outcomes for Gypsy Traveller communities through the Gypsy Traveller accommodation fund.

I can go into other areas if Ms Chapman wishes it.

Maggie Chapman: No, but thank you, that is helpful. We could go into a lot of areas in quite a lot of detail. You talked about the need for cross-governmental support, and we are talking not just about the Scottish Government but about local government and the whole Scotland picture. The committee has already had a conversation about the concern that has been raised about the other agencies that will be required to be able to act to support, whether that is in housing and homelessness prevention or preventing child poverty wherever we look. I am curious about your thinking around the on-going sustainability of funds such as the equalities and human rights fund that provide crucial support to organisations that work and are embedded in communities across Scotland and that see phenomenal returns on investment, but are seeing the pot dwindle. I suppose that is easiest way of putting it.

Kaukab Stewart: I understand what you are asking. That exemplifies how wide ranging the plan is and that so many people are involved in its delivery, which supports our view that we need to take time to work through it so that we end up with something that will make sure that people can realise their rights. People can have rights but, as the committee has said previously, they must be able to realise those rights.

That is where we need extensive engagement. We have to take people with us not only through awareness raising but through the capacity and capability building that has been going on throughout. I have talked to the committee previously about embedding a human rights approach in everything that we do.

One example is the mainstreaming toolkit, and we must ensure that, in undertaking this work, we do not take away from that culture of embedding human rights in the first place. Of course, that is not a new concept, and we are all working towards the same goal in that respect.

Your question went further than that, I suppose, in recognising the third sector’s essential and valued work in delivering that support to people and communities. I assure you that it plays a very strategic role in enabling that transformation and the delivery of person-centred services.

On the issue of funding, it was announced in the draft budget for 2026-27 that the Scottish Government will invest £14.2 million in third sector infrastructure and development. Latest estimates indicate that, across Government, we invested over £1 billion in the sector in 2023.

If Ms Chapman is asking me about the sustainability of that as we progress our work on human rights, I would just say that multiyear funding is always asked for, and we recognise that longer-term planning allows for sustainability and security of development. Therefore, we are delivering against our commitment to develop a fairer funding approach by providing more multiyear funding to third sector organisations that deliver those front-line services and are tackling child poverty. Indeed, in the 2025-26 programme for government, we committed to delivering a fairer funding pilot to provide more of that multiyear funding to third sector organisations, prioritising those that, as I have said, deliver front-line services and which tackle child poverty. That pilot consists of 51 Government grants for third sector organisations totalling over £130 million over the period from 2025-26 to 2026-27.

I hope that that helps.

Maggie Chapman: That was helpful, but certain questions are being raised with us as we talk about this issue. There are groups or organisations that are working in communities across Scotland and have built relationships in those communities; indeed, what they do might well be trusted more than local authority or national Government projects or programmes.

One challenge is understanding that, just because something has been around for a long time, that does not mean that it needs to be replaced with something innovative, and another is recognising that the relationships that are built between local organisations and the communities that they support cannot be easily replicated. Once they go, they take a long time to rebuild, and there is concern that the current approach taken by the equality and human rights fund—I will mention it again later—will result in programmes and projects closing, because they cannot be sustained, and that people will have to start from scratch in building those relationships as well as the trust on which a lot of this equalities and human rights work relies.

You gave a lot of information in your previous answer, but I would like some acknowledgement from the Scottish Government that this is about not just the multiplicity of funds and multiyear funding but the sustainability of existing funding. That is really important, too.

Kaukab Stewart: I totally acknowledge that. As you will be well aware, the equality and human rights fund supports highly valued projects that are tackling some of the most systemic discrimination and prejudice, and some of the projects that have been funded have a specific focus on community relations, which you referred to. The Scottish Government has provided £36 million—the actual number is £36,843,807—between 2021 and 2026.

One example of our acceptance of the need for sustainable, multiyear funding is the commitment to provide multiyear funding to disabled people's organisations. That has been funded through the EHRF and will be subject to the proposed bill being passed, but I hope that that example of our commitment shows that we are making progress in that area.

Maggie Chapman: I appreciate that, but I think that those who run the EHRF would say that they have actually seen a 25 per cent cut, because its flat cash budget has not reflected inflationary uplifts over the past five years.

I will move to my next issue. In your opening comments, you spoke about the significant pressures that we face and mentioned divisive rhetoric. I am interested in knowing what actions the Scottish Government will take—other than through the anti-racism in education programme—to ensure that we are tackling the racist and anti-immigration behaviour that we see on our streets right now.

Kaukab Stewart: I believe that the Scottish Government took a strong leadership role in response to the concerning scenes and rhetoric that we saw especially over the summer. We did that to ensure that we acknowledge the hard work that goes on at grass-roots level to bring communities together. We have strong, cohesive communities and there has been good work over the years, but we have realised that that can be quite fragile, so we want to invest in and protect that.

I secured additional funding of about £300,000, which was specifically targeted at grass-roots community organisations. To ensure that that money did not get caught up in administrative matters, we partnered with the STV children's appeal, which already has structures for that sort of work. When I was up in Dundee just last week, I saw the impact of that funding in bringing communities together in safe spaces where people can talk about their real and legitimate concerns, including the continuing cost of living crisis and access to services to meet their day-to-day needs. I also know that some organisations have invested in training staff to have de-escalation conversations or to deal with misinformation and disinformation at community level, so that we are reaching the people who are having those conversations.

Maggie Chapman: I am sorry to interrupt you, but I want to focus on misinformation and disinformation, which you spoke about. In Dundee and Aberdeen, I have witnessed people being directly targeted on the streets because of their skin colour or ethnicity. However, because those incidents have happened at so-called protests, Police Scotland officers who have witnessed them have done nothing about them.

One of my concerns is that you have a high-level action plan and you have arrangements in place, including the community cohesion funding that you were just talking about, but we need all public sector bodies, including Police Scotland and other agencies, to act. I am concerned that there is no real understanding of where protest becomes criminal behaviour, including hate speech, inciting hatred and even blatant racism, and that we are not seeing our public agencies acting to de-escalate there and then. I am really concerned that the conversation does not seem to capture that and that we are therefore not enabling people to express their social and economic rights.

10:30

Kaukab Stewart: I fully acknowledge your concerns. We have seen some absolutely appalling scenes. Although I would always uphold the right to legitimate, peaceful protest, there is absolutely no place for the incitement of any kind of hatred towards any kind of group.

Maggie Chapman: When that happens, what do you expect Police Scotland to do?

Kaukab Stewart: I will bring in Elli Kontorravdis on the human rights tracker tool, because I think that where you are going with that question is about how we track such things and how all the different organisations will be enabled to fulfil their obligations. If Elli can speak about the human rights tracker tool, that might be helpful.

Elli Kontorravdis: I will speak to the system-level actions that Maggie Chapman asked about. I reiterate what the minister said—in March, the Scottish Government will publish the 2026 to 2030 anti-racism delivery plan to accelerate targeted system-level actions. A priority in that plan is embedding anti-racism across Government through strengthened governance, shared accountability and improved data, which are the themes that the minister has connected with the human rights tracker tool.

As the minister said, that tool will be launched on 12 March. It will enable us to all have the ability to take more strategic and co-ordinated action and to really join the dots between the different repeat issues that come up, not only under the treaty that we are looking at today but across international human rights treaties—for example, the treaty that the Committee on the Elimination of Racial Discrimination deals with is covered in the tracker. In time, we will be able to monitor actions and outcomes that relate to the recommendations that come from such treaty bodies.

Maggie Chapman: I appreciate that the tool is coming in March, but that is not much comfort to the people who, week after week, are exposed to racist hate speech and see no action happen. It is deeply concerning that we are not seeing the action to back up all the rhetoric about there being no place for racism on our streets. I will leave it there, convener.

The Convener: We will move to Rhoda Grant, please.

Rhoda Grant: Beyond what is already in the high-level action plan, what actions is the Scottish Government taking to tackle violence against women?

Kaukab Stewart: I am sorry—will you repeat that? I did not hear. I am hard of hearing; forgive me.

Rhoda Grant: I am softly spoken, which is probably not helping you. I asked about the additional actions that the Scottish Government is taking to tackle violence against women, beyond what is in the high-level action plan.

Kaukab Stewart: I will link things together. We are absolutely committed to meeting the benchmark that international treaties and obligations such as the Istanbul convention have set. The final report from the Group of Experts on Action against Violence against Women and Domestic Violence, also known as GREVIO, gave us an insight into and key recommendations on how the Scottish Government is complying with the obligations that arise from the Istanbul convention. The report consisted of 90 recommendations, many of which are UK-wide, with some directed at individual nations, and you will be aware that they cover many areas including health, education, the no recourse to public funds condition, data collection and the criminal justice system.

Our equally safe delivery plan contains an action to respond to the GREVIO reporting process, as well as a commitment to develop an action plan in relation to how we will implement the Istanbul convention's recommendations—I think that it is action 13.2 of the plan. We are working with internal and external partners in a concerned and comprehensive way to develop the GREVIO action plan. Ahead of the election period, we intend to set out our plans for the next phase of implementing the GREVIO recommendations, including the key actions in the priority areas.

Rhoda Grant: The Scottish Government recognises that prostitution is violence against women, but it voted down what was known as the unbuyable bill—the Prostitution (Offences and Support) (Scotland) Bill—partly because of the costs associated with providing support for women in prostitution and routes out of it. Surely, if the Scottish Government already recognises that this constitutes violence against women, it must provide support and routes out, regardless of whether that is in legislation.

Kaukab Stewart: I do not have the equally safe delivery plan in front of me, but from what I recall, it contains specific actions that are related to that. I will bring in Kevin McGowan to respond.

Kevin McGowan (Scottish Government): Around 115 projects delivered by 107 organisations are funded through the delivering equally safe fund, and they support 67,000 adults, children and young people, some of whom are vulnerable women. On your specific question about supporting women through routes out of prostitution, we can come back to you with more definitive figures, if that would help.

Rhoda Grant: That would be helpful. Thank you.

The Convener: We move on to questions from Tess White.

Tess White: Good morning. What steps will be taken to improve the availability of intersectional and disaggregated data, given the quite significant gaps identified by civil society organisations and the Scottish Human Rights Commission?

Kaukab Stewart: We absolutely recognise and accept the challenges, but overall, we have seen good progress towards the aims of "Scotland's Equality Evidence Strategy 2023-2025". It is really important to get that evidence and, over the lifetime of that strategy, we have seen an increase in the availability of equality and intersectional data across a wide range of policy areas, including Social Security Scotland, transport, health, social care and education.

We have improved the accessibility of that equality evidence through updates to our equality evidence finder, the publication of our 2023 gender equality index and the production of a number of detailed quantitative and qualitative reports examining the lived experience of people across Scotland, including non-binary people and minority ethnic groups. We have shared that work alongside other examples of good practice in collecting, analysing and producing equality evidence both internally and externally. An evaluation of the strategy is under way and is due to be published in the spring, and it will provide an assessment of improvements to the equality evidence base and identify areas for improvement to be taken forward in the next strategy.

We are not complacent. It is important to recognise the progress that we have made, but I absolutely accept that we have much further to go.

Tess White: At the start of this evidence session, you talked about the four priorities, and I noted that one of those key goals, which drive all of the actions, is delivering high-quality, sustainable public services. The fact is that data and its recording matter; you mentioned non-binary people and the gender equality index, but when we look at four of the nine protected characteristics under the Equality Act 2010—age, disability, sex and race—you might argue that the characteristics that people are most discriminated against on are age and disability.

There has been a decrease in even the most basic public services, such as loos, libraries and leisure centres. There is still a urinary leash; in fact, the number of local toilets and changing places has massively decreased, which is causing issues in rural areas. There has been a 16 per cent decrease in the number of libraries, which provide a safe space for people to go to where they can access information technology; they also provide warmth for people who need it during the day. The massive decrease in libraries was raised with the Cabinet Secretary for Constitution, External Affairs and Culture last week. Risk assessments for leisure centres are not taking place against the protected characteristics of age, disability, sex and even race. You are looking at and collecting data on things that are not protected characteristics under the Equality Act 2010. If you cannot get the base data, how can you build and create positive outcomes?

Kaukab Stewart: I do not understand your question about collecting data on characteristics that are not protected, because race is a protected characteristic.

Tess White: If the public sector was collecting data on four core protected characteristics—age, disability, sex and race—you would not be facing what you term “systemic discrimination”. We have just spoken about race, and you could say that race and religion are characteristics to address, which Maggie Chapman raised. I am adding age, disability and sex to that list. There is a massive disconnect with what the Scottish Government is measuring and reporting on, because being non-binary is not a protected characteristic, and neither is gender. You cannot manage what you do not measure.

Why do you not go back to the nine protected characteristics to look at age, disability, sex and race on an intersectional basis and at the basic services that you are providing? Last week, the committee published a report on the huge issues related to rural discrimination. You just have to look at maternity services in the Highlands and in the northern end of Scotland to see that women are being discriminated against in those areas. We are also not providing public sector loos, which discriminates against disabled people.

Both women with disabilities and women of a certain age are being discriminated against, but the Scottish Government is not collecting the data and is not requiring local government to do so. How can you measure positive outcomes if you are not even looking at the basic data?

Kaukab Stewart: Data is collected; it is incorrect to say that it is not. With reference to intersectionalities, which we have spoken about before, different protected characteristics intersect, which causes additional layers of discrimination, depending on the characteristics. For instance, if someone is from an ethnic minority and is a disabled person, that creates additional layers of discrimination. Although those aspects come under separate protected characteristics, they will inevitably intersect.

I will give you an example. You talked about gathering evidence and data on disabled people. In January, we published a comprehensive and intersectional evidence review of disabled people’s experiences in Scotland, delivering key actions from our disability equality plan. The review was a difficult read. There were things that set out the stark reality and the intersectional barriers that disabled people face, particularly if they are from the LGBT community or an ethnic minority. All those factors add layers.

10:45

For the Government, it was really helpful to bring together all that evidence, which will be central to informing future policies. Ultimately, as we have talked about before, the need for data is not only about the numbers. We must consider how data will affect policy and people’s outcomes and improve their life chances. The evidence will inform our future policies and priorities as we seek to improve disabled people’s lives. The publication of the evidence also supports our wider commitment to strengthen the use of the equality and intersectional evidence from public and corporate policy design, monitoring and evaluation.

You are quite right—it is great that you have taken the issue down to a community level by mentioning the things that you have. From what I remember, we have expanded the changing places toilets Scotland fund. There have been huge investments in that area, which have been welcomed. Specific outcomes result from such investments.

Are we collecting the data? Yes, we are. Is it important? Yes, it is. Does it affect our policy decisions? Yes, it does. Our aim is to improve lives. To bring the discussion back to the human rights bill, it will bring all those aspects together and strengthen people's rights while laying the groundwork for the implementation of future human rights. Everybody has the right to be able to access a toilet—of course they do. The bill will enable that to happen. Funding comes with that commitment—for the Improvement Service and NHS Education for Scotland—in order to strengthen everybody's knowledge and understanding.

Forgive me if I went off track a bit.

Tess White: To address the most basic point, there is a cross-party group on changing places, and very little progress has been made on the issue. I acknowledge that there is a fund, but the number of toilets and changing places is decreasing in local areas—there is only one in the north-east, in Dundee station, and there is not one on the rest of the line. It means that if you are a 75-year-old woman who has dementia, for example, you cannot leave your home, because nowhere has such facilities. The reality is that if you are stuck at Laurencekirk station, there is no loo.

The feedback is that there is a huge disconnect when it comes to basic intersectional data on protected characteristics, and if you overlay what the Scottish Human Rights Commission has shared with us—it is in our report—you can see that data is not being collected on age, disability, sex or race. If you overlay rurality on to that, you can see that there is a massive issue.

Do you recognise that the basic data is not being collected across Scotland on those four protected characteristics, and that if you overlay rurality, it is definitely not being collected?

Kaukab Stewart: No, I would not go as far as that. You put your question in such stark terms, but the answer is not straightforward. I believe that we are collecting that data, although I acknowledge that there are complexities in bringing it together. We have talked before about the fact that the numbers are sometimes very small, and they have to be statistically viable, so there are challenges there.

The equality evidence finder is a very useful tool—I will perhaps bring in Kevin McGowan to drill down into the technical detail.

Tess White: Before Kevin comes in, I want to point out that I have made freedom of information requests of 160 public sector organisations. Many of them cannot even define sex; they collect data on gender. Some of them could not give me an answer on what actions they have taken on the nine protected characteristics. One of them even said, “What do you mean by action?” My point is that the Scottish Government and 160 public sector organisations are not collecting basic data on those different protected characteristics. How can you measure outcomes if you are not collecting the base data?

I have all the FOI responses and I am very happy to share them with you. You would be shocked to see that they have come back saying that they are not collecting the data on the nine protected characteristics. Many of them cannot even define the difference between sex and gender, and they do not know what an action is.

Kaukab Stewart: The human rights bill will enable everybody's rights to be realised and focus everybody's minds on ensuring that. There is also the public sector equality duty. I would remind all organisations that they have a duty to collect appropriate data to feed into that policy. We have to ask what the aim is, why we are collecting the data and what we are trying to achieve. We need to make sure that we collect data that is appropriate and fit for purpose. That is what I expect. As I said, the equality evidence finder might help to provide the committee with more information.

Tess White: I will move on. Maybe we can take the conversation offline. Would you meet with me so that I can share with you the evidence that demonstrates that the public sector organisations are not collecting that data? You can have all sorts of finders and reports, but you are not collecting the base data. If you meet with me, I will share that evidence with you.

Kaukab Stewart: Ms White, I am always delighted to meet with any colleague and with any member of this committee.

Paul McLennan: Apologies for my technical issues this morning. Minister, I do not know whether you answered this when I was offline, but a key issue that was raised in the recommendations related to tackling the institutionalisation of people with learning disabilities. There are many areas within that. Will you say a bit more about that?

You mentioned the high-level action plan and how we monitor it. My second question is about how we monitor and report back on it. Will you say a bit more about how you see this committee holding the Government to account on that?

Kaukab Stewart: I picked up most of that question. Was your first question regarding people with learning disabilities?

Paul McLennan: Yes.

Kaukab Stewart: Thank you. I did not quite catch the second bit, but maybe you could come back in with a wee reminder for me.

I previously mentioned the coming home agenda. I just want to reiterate that the Scottish Government is committed to the coming home agenda. We accept that it is completely unacceptable that people are spending time in hospitals or other care settings when they are medically fit for discharge. We know that, for every unnecessary day they spend in hospital, people lose a part of their connection with their community, their family and their friends.

The Scottish Government has provided over £20 million of funding to integration authorities through the community living change fund, as well as other funding. That has had a real impact on support for people to move into the community. We are doing a final review of the impact of that funding, as we want to make sure that it is having the impact that we want it to have.

The Scottish Government and COSLA jointly established a coming home senior strategy group to oversee the implementation of the coming home implementation report. It delivered the dynamic support register, which was launched in May 2023 and which improves the visibility of people with learning disabilities and complex care needs at local and national levels. It also provides a tool to support local planning decision making. The most recent quarterly dynamic support register data, which took us up to September 2025, shows that fewer people were delayed in hospital or in inappropriate placings out of area compared with last year. The register has had an impact.

There is also a peer support network that brings together learning disability professionals from across Scotland to share best practice and to get support with planning services for individuals with particularly complex needs. There is also initial thinking on a national support panel to improve support and accountability and to hear from families and individuals about their individual circumstances.

The consultation on the learning disabilities, autism and neurodivergence bill set out the three options around the scope and remit of the panel, and further work has taken place to develop those options. I can provide further information on that.

I would be grateful for a reminder of the second part of your question.

Paul McLennan: I do not know whether I am having connection problems—my apologies.

The second part of my question is about monitoring and reports on the high-level action plan. You talked about monitoring, but I am asking about the reporting back. The key thing for me is that the actions go across a number of portfolios, so the question is how they are reported. We will get reports back, but how do you intend to look at actions to ensure that they are taken across all portfolios and not just this one? The high-level action plan obviously impacts on other portfolios, as well. Could I have your thoughts on that, if that is okay?

Kaukab Stewart: Obviously, the ultimate aim is that the content of the high-level action plan is integrated into the forthcoming human rights tracker, which will in time support us to report on those actions and outcomes to both domestic and international committees.

As I said in my opening remarks, I will launch the tracker on 12 March. We have given an invitation to the clerks, which I think is being taken up, but it would be very helpful for committee members to look at the tracker, so that you can get a practical insight into what it looks like, what it feels like and how effective it is.

The intent of that tool is to help improve transparency and to enhance the implementation efforts on the recommendations that we receive from the human rights treaty bodies. The first phase of that is an accessible database of recommendations with the aim of further enabling us all to take strategic and co-ordinated action in devolved areas. Our intention is that the national human rights institutions, the Scottish Parliament, civil society and the rights holders will be better able, via the tracker, to review the recommendations and, ultimately, scrutinise the actions taken and the outcomes achieved.

As I have said, this committee plays a critical role in human rights scrutiny, so I encourage members to attend the launch and have a look at the tracker.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. Do you want to say anything else on human rights budgeting? Are you aware of any additional work that the Scottish Government is doing to ensure that future budgets comply with the international covenant?

11:00

Kaukab Stewart: The Cabinet Secretary for Finance and Local Government and I were here very recently, and we spoke extensively to the committee about the improvements to the budget process. The use of human rights budgeting principles remains part of that process. We have made continuous progress in recent years and we are exploring how best to make more ambitious changes in future years, while being mindful of ICESCR and the equality obligations.

One of the main additions to the strategic integrated impact assessment, or SIIA, has been to integrate the detailed assessment of child rights and wellbeing under the requirements of the UN Convention on the Rights of the Child, as incorporated into Scots law.

Our detailed analysis concluded that the substantial investment in the child poverty package and the spending that benefits all children is likely to be positive for child rights, in particular the right to an adequate standard of living, the right to the highest attainable standard of healthcare and the right to an education.

The Scottish Parliament information centre noted in its blog that this approach

> “may give an indication as to the opportunities which may arise should the Government achieve its intention to further embed human and social rights”

in Scots law. That is an acknowledgement that we are absolutely moving in the right direction.

The evidence on how portfolios contribute to human rights was collected as part of that SIIA process, but, in the interests of developing a streamlined and more accessible document, we decided not to publish that. It is all about actions. How valuable are the documents that we published alongside the budget process? How accessible are they? Which ones are used most meaningfully?

The pilot work that we have done on budget tagging may provide opportunities to support human rights budgeting in the future. Our planned evaluation of the work that we have done for the budget will help us to understand better what might be the best ways to take things further. I have already committed to sharing that work with the committee, as always.

I hope that that is helpful.

Marie McNair: Yes. You have spoken about the importance of embedding a human rights approach into and across the public sector. What resources will be required to achieve that kind of cultural change?

Kaukab Stewart: That is indeed about resources, but cultural change is about mindset. We start with the premise that human rights are for everybody and that, by the very virtue of being a human, you are entitled to those basic rights. We need to keep that aim in mind, whatever else we do on top of that. To back that up, we need to take people with us, ensuring that they have plenty of time for that development of understanding.

A lot of good work has gone on in that respect. I have already mentioned to the committee the mainstreaming work that I have undertaken this past year. We launched the mainstreaming suite of resources on 8 December 2025. It includes a strategy, a groundbreaking toolkit and the action plan. Together, the mainstreaming suite lays the best conditions to embed a human rights culture.

I believe that the strategy provides a clear vision and framework for changing how we develop policies, deliver services and allocate resources. On a technical level, the action plan brought together 61 of our actions, which align to the six key drivers that are outlined in the strategy. It also focuses on Scottish Government actions. It brings together all the different resources in a way that makes them accessible and comprehensive.

I cannot give you exact examples of the resources, because more than 100 are available. However, it is about capacity building and evolving. As we discover more resources that are helpful, we will add those to the bank of resources. Doing so lays out the best possible conditions to ensure that we are all committed to moving forward on a human rights agenda.

Marie McNair: I agree with you that it is not all down to budgets; it is about changing mindsets. It could be a policy change that brings about the change that is required.

The Convener: That brings this agenda item to a close. I thank the minister and her officials once again for joining us. We will suspend briefly for a changeover of witnesses.

11:06

Meeting suspended.

11:09

On resuming—

Neurodivergence

The Convener: Welcome back. Our next agenda item is our final evidence session in our inquiry into neurodivergence in Scotland. I welcome to the meeting Tom Arthur, who is Minister for Social Care and Mental Wellbeing. The minister is accompanied by Georgia de Courcy Wheeler, who is CAMHS and neurodevelopmental improvement team leader, and Robby Steel, who is principal medical officer for mental health, in the Scottish Government's mental health directorate. You are all very welcome; thank you for joining us. I refer members to papers 4 and 5 and invite the minister to make an opening statement.

The Minister for Social Care and Mental Wellbeing (Tom Arthur): Good morning, convener, and thank you to you and to the committee for the opportunity to contribute to this important inquiry. I welcome the committee's focus on the lived experience of neurodivergent people in education, criminal justice and the workplace, which are areas that have a profound influence on opportunity, wellbeing and future stability.

Neurodivergence is a natural and valuable part of human diversity. Neurodivergent people contribute talent, creativity and insight across our society. However, we must recognise that many of our systems were not designed with different ways of thinking, communicating and processing information in mind. In a world that is not always built for neurodivergent people, everyday interactions can become barriers, which is why building a more neuro-affirming society must sit alongside ensuring access to effective neurodevelopmental support. Valuing difference does not remove the need for timely, practical help when it is required.

Demand for support and diagnosis continues to rise and, although increased awareness is welcome, it has placed pressure on services. A model that is centred solely on diagnosis and waiting lists is not sufficient. What makes the greatest difference is co-ordinated, needs-based support—indeed, small, proportionate adjustments can often have a significant impact on someone's confidence, stability and ability to participate fully.

Effective support must be whole system, holistic and multi-agency. It must span health, education, justice, employability and community services, including vital input from the third sector, and it must adapt as people's needs change across their lives. Many of those themes were explored during the Health, Social Care and Sports Committee's inquiry, which reported earlier this month. I have also considered many of those issues with a cross-party group of MSPs and experts at our neurodivergence summit at the end of last year. A follow-up to that summit is set to take place next week.

It is clear from all that work that the shared challenge is to ensure that systems recognise difference, respond proportionately and adapt as people's needs change over time. Often, it is relatively small, practical adjustments, made at the right moment, that can have a significant and lasting impact on someone's ability to participate and thrive.

I very much look forward to the discussion ahead.

The Convener: Thank you. We now move to members' questions, and I will kick us off. What concrete actions does the Scottish Government intend to take to ensure that a functioning, consistent neurodevelopmental assessment pathway is available to people across Scotland?

Tom Arthur: I appreciate that that area is of significant interest to the committee, particularly given the evidence that I know you have taken over recent weeks. Similarly, it was obviously an area of significant interest to the Health, Social Care and Sport Committee.

I point to two pieces of work that have been undertaken. For children and young people, you will be aware of the neurodevelopmental service specification and, subsequent to that, the review and the establishment of the cross-sector task force, which has now been meeting. That work has been supported with resources, and further resource was announced for this financial year and in the budget going through Parliament for the coming financial year. The task force is co-chaired and has representation from health and education, which reflects the need for a holistic cross-sector approach. It will work to improve the development of the specification, recognising that many instances of a neurodevelopmental condition might first present and be identified in an educational setting.

With regard to adults, we fund the National Autism Implementation Team, which has been working with health boards to develop pathways and with the Government to engage with health boards to improve consistency, recognising that variance exists and that there is a need to ensure equity of access and support across Scotland.

I will ask Georgia de Courcy Wheeler to provide a bit more detail on the work that we have been doing in relation to pathways for both children and young people, and adults.

11:15

Georgia de Courcy Wheeler (Scottish Government): As the minister said, we have had the neurodevelopmental specification for children and young people for a number of years and we carried out an implementation review last year, setting out a range of actions to support health boards and education authorities in implementing that specification across sectors.

The cross-sector task force that the minister mentioned is playing an important role in supporting both the Scottish Government and the Convention of Scottish Local Authorities to take forward actions that aim to progress implementation of the specification. It applies across the whole of Scotland, so progressing its implementation will help us to have more consistent and appropriate pathways for children and young people by recognising the need for local delivery supported by national leadership and guidance.

We have been working with NAIT for a number of years to support health boards in developing neurodevelopmental services and pathways for adults. It would be fair to say that that work is less well developed than the work with children and young people, but we are committed to driving that forward in the next few years.

The Convener: How will the new £7.5 million of funding for neurodevelopmental assessments reduce waiting times and when will you see measurable improvements?

Tom Arthur: I highlight at the outset that I very much recognise the importance of assessment and diagnosis to identity and validation and particularly with reference to ADHD, where diagnosis is required in some cases to ensure that the most appropriate treatment—and, specifically, medication—can be provided.

I am sure that we will touch on this in more detail: I know that the committee will have heard evidence that, although we have a system that is, in principle, based on need, many people feel that it is more difficult to access support without an assessment and diagnosis. I am conscious that that leads to greater pressure and focus being placed on assessment and diagnosis. In recognising that, I am in no way seeking to ignore the significance and importance of assessment and diagnosis. I touched on that in my opening remarks and I know that the committee has heard that diagnosis is not a requirement for accessing support. It can often be the case that small interventions at the right time can lead to profound improvements in an individual's wellbeing.

When we think about utilising the resources at our disposal, we must apply them in a way that is consistent with a needs-based approach, so that we can ensure we are meeting everyone who has a need, while also recognising that some individuals will not meet the diagnostic thresholds but will still have support needs that must be addressed.

When we look at the overall principles behind resourcing and funding, we want to be consistent in taking a needs-based approach. Georgia de Courcy Wheeler may be able to give some more detail about how funding is being utilised at the moment.

Georgia de Courcy Wheeler: The committee will be aware that £7.6 million in the draft budget for the next financial year is earmarked for young people I can give a little bit of flavour about where we are at in our thinking.

As the minister said, our focus at the moment is on whole-system, needs-based support and we are guided by the neurodevelopmental specification. Along with our partners at COSLA, we are working through how that funding can best be utilised to deliver the biggest impact and change for neurodivergent children and young people and their families.

It will, of course, be for the next Government to consider how to take that forward, but I just want to state that, in our thinking and in our work with COSLA, we are ensuring that we listen to the voices of lived experience as well as colleagues in professions such as psychiatry and psychology, the third sector and education in guiding how we might use that additional investment, and with that long-term sustainable change that we know that we need to see for neurodivergent people very much in mind.

As the minister has mentioned, we have provided additional funding this financial year, and it very much builds on some of the smaller amounts of funding that we have been able to provide in the previous few years. We are now expanding on some of our work on testing digital assessment tools, and we are working with all health boards on their existing waiting lists to help them identify the support needs of the people on those lists at an earlier opportunity. That digital tool is still in the testing phase, but we are helping that work to progress.

We have also provided some additional funding this year to increase health boards' capacity to assess and diagnose their over-16s. It is a one-off investment, but we are talking about an age group that is at risk of ageing out of services. Although that diagnostic focus does not represent the whole of our policy approach, we recognise that it was valid to use that funding to relieve some of the pressure in the system.

We have also invested some of the additional funding in testing digital support for young adults who are at that transition stage of leaving school and moving into further and higher education, in recognition of the fact that such transition stages can be particularly challenging points in people's lives. Furthermore, we have provided some additional investment for family support, because our review work with COSLA highlighted the huge value of third sector provision in such support and in empowering parents to support their children.

As we move into next year, we are looking at how we use that funding to build on all that we have learned from the investments that we have made up to this point and, as I have said, to make it more long term and sustainable.

The Convener: Thank you very much for that really helpful feedback.

Maggie Chapman: Good morning, minister, and thank you for joining us this morning. In my first question, I want to build on your previous answer and Georgia de Courcy Wheeler’s contributions, too.

When you talked about broader needs-based support—I am thinking of those situations in which a diagnosis is not required but we still need to ensure that those have access to support—you mentioned tools, digital support, family support and so on. What specific steps is the Scottish Government taking to ensure that people who need those support mechanisms know about them, first of all, and then can access them? After all, this is not always about funding, although funding, especially for the third sector organisations that provide such mechanisms, is crucial. What is the Scottish Government doing beyond providing funding to ensure that people have access to the support that is out there without diagnosis?

Tom Arthur: I thank Ms Chapman for her important question, which highlights that providing services and investing in ensuring that they are available are one thing, but ensuring that people are aware of and know how to access them is another thing entirely.

There has been work on raising awareness in recent years—there was, for example, the Different Minds campaign a number of years ago—and there is certainly a recognition that we have to do more to increase awareness of the range of services that are available. A point that I would observe, and which the committee will be au fait with, is the proliferation of resources that are now available online. Some of them will come from reputable sources and can be of use, but I think that we would recognise that others are potentially more concerning in some of the information that they provide. Therefore, ensuring that we have clear and accessible publicly provided information and signposting to services will be a key focus of the Government, and our investment in expanding service provision will, of course, be complemented by that signposting and awareness raising.

Georgia, do you want to add anything specific about some of the work in that space?

Georgia de Courcy Wheeler: As the minister said, a two-track approach is required. On the one hand, we need to ensure that resources, information and services for parents and families are reliable, good and available. On the other hand, we need to ensure that they are aware of them. We are working with the neurodevelopmental task force to look at how we can improve the shared knowledge base of the wide variety of available resources, particularly among professional groups, whether in education, health or the third sector. As the minister said, we acknowledge that more and continuous work is needed on that.

Maggie Chapman: I will go back to the questions on diagnostic assessments and the different pathways. We understand the point that diagnosis should not be necessary to get support, but people often find that, without the duty to support and to make reasonable adjustments that a diagnosis brings, they cannot access that support. What is the Scottish Government doing to ensure that people are able to get a diagnosis wherever they live in Scotland? Some health boards have just stopped that diagnostic pathway completely.

Tom Arthur: I go back to my earlier points about our work with NAIT and what we are doing to take forward its recommendations across health boards. It might be useful if I invite Robby Steel to offer a few thoughts and reflections on the broader question of diagnosis and the important role that it can play.

Robby Steel (Scottish Government): Diagnosis in the whole of medicine is a bit more complicated than is often portrayed. For example, your general practitioner might tell you that you have hypertension. The cut-off point for where your blood pressure has to be for that diagnosis and how often it needs to be checked to confirm that that is a true reading is inherently arbitrary. No risk curve in medicine has a sudden step at the cut-off point for hypertension. The risk curves for heart disease, stroke and so on follow a continuum. Similarly, with neurodevelopmental disorders, the side of a line that a person falls on as to whether they fit the diagnosis does not necessarily tell us what their needs will be or what will help.

As a psychiatrist, I would say that health boards need to be robust in their use of clinical mechanisms for confirming or refuting a diagnosis but that assessment is much broader than diagnosis. Assessment is assessment of educational needs. What might cause the biggest problem in a person's life might not be the thing that they fulfil the diagnostic criteria for, if they fit it at all. We need good access to more holistic assessment, which will probably also act as a triage for access to clinical assessment if a person's profile suggests that they might fulfil the diagnostic criteria.

People do not have a right to a diagnosis, but they probably should have a right to an assessment to see whether they fulfil the diagnosis. However, we need to stick with what the diagnoses are. The problem that Scotland is facing is the problem that all countries in the western world are facing: the sudden increase in awareness of these difficulties has led to new demand for assessment across the western world. I do not think that any country has cracked that issue yet. The result is that all countries have huge, pent-up demand from people requesting assessment that they have not quite figured out how to meet. That has ended up with national health service waiting lists in our system. Whether or not we need a new paradigm for looking at it, the way forward might be to allow people to access assessments and to reserve the NHS for those who have a profile that suggests that they need a full clinical assessment.

11:30

We are looking at that, but this has all western countries on the hop, because systems that are designed for assessing 1 or 2 per cent of the population are the obvious pathways to provide assessments for 20 per cent of the population, and that does not fit, so they are struggling as a result. We have not yet come up with a good solution that is person based and puts diagnosis in its right place but offers assessments all round. I hope that that answers your question.

Maggie Chapman: That was helpful. Some people get a diagnosis privately but then find that that diagnosis is not recognised by the NHS, either for medication—if that is the appropriate route—or for other things. Is there a simple, quick fix that we can implement to ensure that a diagnosis, wherever it comes from, can be recognised and become the gateway to further support, whether that is medication or other things?

Robby Steel: That was raised at the cross-party summit. As a psychiatrist, I would say that it is a political judgment, because it is about equity of access to NHS services, the argument being that those who can afford a private assessment will get the opportunity to jump the queue because of the strain on the shared care protocol. For example, once medicine has been prescribed for ADHD, a person's blood pressure needs to be monitored and repeated assessment is needed to see whether they are still benefiting from it or whether it is causing more harm than good—that particularly applies to children, because it has an effect on growth potential. If people who can afford a private assessment jump into that limited resource for follow-up, they can inadvertently end up blocking those who cannot afford it.

You are a politician and I am not, so I am not sure where that will end up. I suspect that private assessments will have a role in dealing with the bulge in demand—as they do in relation to physical health—until it is dealt with. Ultimately, we need a system that has the capacity to meet the need.

Tom Arthur: I am happy to come back on that, given that I am the politician sitting at the end of the table.

Committee members will be familiar with the issue of assurance in relation to any assessments that are undertaken outwith the NHS, because of the evidence that I imagine will come from your casework. I know that the committee has considered the concerns with single-condition assessments—there was some discussion about that in the session with the Royal College of Psychiatrists last month.

We have to ensure that any process is robust, but I want to provide the committee with reassurance that the issue has been regularly raised with ministers. As Robby said, it featured in the deliberations at the cross-party summit, and we are giving broader consideration to it.

Questions have been raised around equity of access, and there is also the point about the on-going need for monitoring in cases where medication is prescribed. It is a challenging and complex area. There are practical considerations about whether such a process could be administered. There are also political considerations around equity of access. Therefore, although I cannot offer the committee a definitive answer at this meeting, I am keen to consider the committee's reflections when it publishes its report. The committee can play an important role in considering these questions and feeding into the work that has been undertaken by the Health, Social Care and Sport Committee and the work that is under way through the cross-party summit.

Maggie Chapman: I agree with Robby's last point about getting to a point where we have a capacity in the NHS to deal with the issue.

I go back to something that you said earlier, minister, when you were talking about the holistic cross-sectoral approach for children and young people and the national autism implementation team for adults. Are you confident that the Scottish Government has the right steps in place to ensure that post-diagnostic support is consistent across Scotland? We know that consistency is an issue. Are you confident that those two approaches will deliver that?

Tom Arthur: In terms of principle and policy, the challenge is around implementation. Considering the new developmental specification for children and young people goes back a number of years. We had a specific joint review with COSLA on implementation, which led to the task force. That action, in itself, concedes the point that there have been challenges around implementation.

I recognise—indeed, this has been conveyed to the committee—the unprecedented and unforeseen increase in demand, but, from a policy perspective and in relation to the duties that are placed on education authorities around additional support needs and additional support for learning, the challenge is around implementation, which is exactly why we established the cross-sector task force, which brings together health and education.

Maggie Chapman: Thanks, minister. I will leave it there, convener.

The Convener: We move on to questions from Marie McNair, who will be followed by Paul McLennan.

Marie McNair: Good morning. I will go back to Maggie Chapman's point about not needing a diagnosis to access support. Unfortunately, we have heard during the evidence sessions—I have also heard this feedback from my constituents—that the reality on the ground is that, with regional variations, folk are experiencing barriers to support without diagnosis.

I do not agree with the point that it is jumping the queue to accept a diagnosis that might have been done by a private psychiatrist, because that psychiatrist might have been practising as an NHS psychiatrist earlier in the week. Surely private diagnoses would help with waiting times and the impact that the wait has on people's mental health. Those are just a few comments, but I thought that I had to make them.

Tom Arthur: Those are very important points. I will ask Robby to come in, but first I reiterate the point about situations in which assessment and diagnosis are undertaken by someone acting in a private capacity who also works in the NHS naturally leading to the kind of comments that you very reasonably put forward. I will also offer the balancing point about assessments that are not undertaken in a way that we would regard as robust and so cannot provide that assurance. I reiterate the importance of ensuring that, when assessments are undertaken, they are holistic, rounded and consider the full range of potential issues, challenges, conditions or circumstances that pertain to that individual—Robby can speak to that in a professional capacity—and that we are in a position where we have that assurance.

It may have been a witness from the Royal College of Psychiatrists in Scotland who used the perhaps blunt expression,

> "if you have a hammer, everything looks like a nail."—[*Official Report*, *Equalities, Human Rights and Civil Justice Committee*, 20 January 2026; c 15.]

That is an important point in relation to risk around single-condition assessment. However, I recognise and reiterate your point that there will be those who are undertaking assessments in a private capacity who also work in the NHS.

I am conscious of a range of views with regard to what the degree of utilisation of private capacity across healthcare should be. Clearly, there are very strong principles, and there is broad political consensus, which the Government is absolutely committed to, that the NHS should be free at the point of use. However, the issue of utilisation of private capacity has been raised. There are those who advocate it on the basis that it is a practical and pragmatic use of the capacity that is there, and there are others who raise what I think are fair and legitimate concerns around equity and fairness in the system. It is not always as straightforward as simply having an assessment and diagnosis outwith the NHS; it is about the on-going care and support that are required beyond that.

I add those nuances of complexity, but that is in no way to dismiss the points that have been brought forward. I recognise that that view is widely shared, and I reiterate my reassurance to the committee that we are engaging seriously on the issue, but we recognise that there are challenges.

Particularly in relation to what are described as shared care arrangements, but which are technically voluntary arrangements, it is not for ministers to seek to interfere in the decisions of the lead clinician or the general practitioner on whether to enter into any such agreement. However, I am conscious of the calls that have been made to the Government for greater clarity and consistency around policy. It is a complex area, and I assure the committee that we are giving it serious consideration. Would you like to add anything further, Robby?

Robby Steel: On the issue of quality assuring private assessments—and you have given the example of an undeniably high-quality private assessment, Ms McNair—the problem with shared care is that GPs who are asked to prescribe a medication in which they are not experts understandably want the clinical reassurance that, if they request a specialist review, they will know whether the person still needs the medicine, whether the correct assessments were made of the person's physical health before they started it and so on. Although that can be arranged through a shared care arrangement with the specialist provision in your health board, it is much more difficult to get that agreement with a private provider. That has traditionally been the stumbling block. I do not think that it is impossible—as I said, I could see a situation in which extra capacity in the private sector is used to get us through the pent-up demand—but there are problems with that in the long term, which are not unique to the mental health sector.

Marie McNair: I am reassured, for myself and my constituents, that the issue is being considered. I will wait and see where we go with that.

What actions is the Scottish Government taking to identify the most persistent barriers and forms of discrimination that neurodivergent people face? How will you ensure that the actions that are taken will lead to improvements?

Tom Arthur: I have always sought to make it clear that Government ministers hugely value the contribution of lived experience, and I recognise that the committee does as well. I and colleagues and officials in Government have engaged several times with many of the individuals and organisations that were represented and therefore heard from at your round table, and we hugely value those insights.

I assure you that of utmost importance to us in relation to our policy development and implementation is that we take on board and respond to the expertise that is provided through lived experience so that the actions that we are taking are consistent with our values of inclusion and equality.

I might ask Georgia to come in with specifics in a moment, but I want to highlight a broader point. Although we will naturally focus on systems, this is also a societal issue. Although that is a much bigger challenge, given the concerted effort that is required over a sustained period to effect cultural change, it will be of the utmost importance to consider that this is not simply about a whole-systems approach but about a whole-society approach, too. As I said in my opening remarks, our world is perhaps still characterised by the norms and approaches that are relevant to neurotypical people but which often disregard the way in which neurodivergent individuals experience the world. That is something that we must address.

We recognise the significant progress that has been made over decades by taking a social model approach, to physical disability, for example. The barrier to someone being able to enter a public building or a theatre is not because they use a wheelchair, but because there is no ramp or because the equipment set-up is insufficient to allow them to fully participate. That social model approach has been very influential. Although we acknowledge that there is much work still to be done and much progress to be made, we can recognise the positive impact that the social model has had and that it is possible to effect societal change and to raise standards and expectations about inclusivity in society, so that everyone has an opportunity to fully participate and realise their rights.

Of course, that also has to apply to taking a whole-society approach in our response to the significant number of people who are seeking neurodevelopmental assessment support. We recognise that those individuals have always been there, but many of them now have greater awareness, due in part to the tireless campaigning of many of the lived experience organisations that the committee has taken evidence from and that I have had the privilege of meeting. Those organisations have helped to ensure that the community is finding its voice. In doing so, they are helping to effect change at a systems level as well as culturally and societally. I do not know whether Georgia would like to add anything on our engagement around issues of tackling discrimination and promoting a more equitable society.

11:45

Georgia de Courcy Wheeler: I would love to share a specific example with the committee. A lived experience organisation that the committee has taken evidence from and that we regularly engage with brought to the attention of policy officials that Scottish Government guidance relating to the blue badge risk in traffic scheme cut across our aim of ensuring that diagnosis is not a barrier to support. The Transport Scotland blue badge guidance recommended that local authorities looked for evidence of a diagnosis, or that a diagnosis was forthcoming when someone was being assessed as to whether they were eligible for a blue badge on the grounds that they are at risk in traffic. The policy team was not aware of that issue prior to the lived experience organisation raising it with us, so it is a great example of how important that engagement is for us. We were able to work with our Transport Scotland colleagues to revise the guidance that they produce for local authorities on blue badges, which no longer includes that requirement. That is a specific example of an issue that was a real barrier to people with lived experience and of where we were misaligned in our approaches, which we were able to address.

Marie McNair: I could flag other examples of barriers to neurodivergent people obtaining blue badges and will quite happily come back to you on that, and I totally agree with the minister's comments about societal change.

Paul McLennan: I have a few key questions, which come back to the shared protocol. During various sessions, we have heard about equity of access across private healthcare and the national health service, as well as across different parts of Scotland. My first question is, what can we do to ensure that we have equality of access across Scotland? That is fundamental. What can be done with the shared care protocol?

Secondly, I will move on from diagnosis to the question of who provides support. In my constituency, there is a situation in which a local authority is not letting speech and language therapists operate. Some children have had sessions for a number of years with speech and language therapists who are now not allowed access into schools. The local authority is saying that the support should already be there, but the support that is provided is not enough for those kids. My question is about equity of access across the country and how we ensure that private speech therapists who have been working with kids over a long number of years and who are now not allowed access into a local authority school can provide support. I will have a few other questions after that, but could you start with that, minister?

Tom Arthur: I would appreciate it if you could write to me and furnish me with a bit more detail on that specific instance. I give an undertaking that I will respond to you personally and will investigate the matter. Of course, I recognise the autonomy of local authorities as education authorities, but I would want to understand the particular factors that are at play.

On seeking to drive greater consistency across Scotland for children and young people, we have spoken at some length about the work to review the implementation of the neurodevelopmental specification and about the task force to take forward implementation. Indeed, the task force is being co-chaired, with representation from the education and health sectors, recognising the need for rounded, cross-sectoral working.

On the principle of voluntary or shared care arrangements, I provide assurance that there will be an equity of approach across Scotland. Since coming into my post, I have sought to meet directly with senior leaders and chief executives from as many health boards as possible and at every one of those meetings I have raised the specific issue of what provisions are in place to assess and support those with neurodevelopmental conditions. I recognise that there is a variety of approaches in practice and that there will be instances of innovation and learning that can be shared and disseminated more widely. We want to ensure that that happens and will seek to ensure equity and consistency of approach across Scotland for children and young people and for adults. That is a key consideration and is one that is routinely relayed to me in correspondence from elected members, directly from members of the public and from organisations representing individuals. I give the member that assurance.

Paul McLennan: The shared care work that you mentioned will be fundamental and I look forward to receiving an update on that.

I will move on to a slightly different question. You mentioned the Royal College of Psychiatrists. I have met with the college and the committee had an evidence session with representatives from the RCP, who talked about national guidelines for working conditions and reasonable adjustments for schools, higher education institutions and employers. What are your thoughts on that? They pushed the idea of a cross-sectoral approach.

Another key question comes from the evidence that we heard last week about neurodivergence training for teachers, which can vary within individual schools, never mind within local authorities. That issue was picked up by one group that we heard from last week. A lot depends on whether teachers have had training. How can we increase the level of training on and recognition of neurodivergence and how can schools look at the issue of reasonable adjustments?

Tom Arthur: Regarding the report from the Royal College of Psychiatrists, I attended the launch event in the Parliament and have met with RCP representatives on multiple occasions. I also responded to a members' business debate in the name of Daniel Johnson and may even have responded to a question in the chamber from you, Mr McLennan. I take the opportunity to reiterate my sincere gratitude for the RCP's report, which very much aligns with work that the Government has undertaken over a number of years.

As I touched on earlier, the report recognises the need for a whole-system and whole-society approach, while also recognising the unprecedented and unforeseen increase in demand, which could be characterised as a wicked problem. While recognising the complexity of the situation, there is also an implicit caution that we must not allow ourselves to gravitate too quickly towards simplistic solutions, whatever those might be. It is important to remember that when approaching anything that has a degree of complexity. That informs a lot of the work that we are doing and is reflected in some of my responses regarding voluntary or shared care arrangements. I will ask Georgia to come in in a moment and to talk about her engagement with the royal college.

I appreciate that the committee has taken evidence on education and training and I will be keen to consider what comes out of the committee's report. I give an undertaking that that will be shared with my colleagues, including the Cabinet Secretary for Education and Skills, and with relevant officials. I do not want to speak in any detail on an area that is outwith my direct portfolio responsibilities, except for recognising that ASN is a component part of initial teacher training. I know that the issue of teacher training has been raised throughout the committee's inquiry. As ever, the Government will give careful consideration to the report that the committee produces, which will be shared with the relevant minister and with officials.

I hand over to Georgia to talk about engagement with the RCP on the work that it has undertaken.

Georgia de Courcy Wheeler: I can add something about the particular issue of teacher training. We funded a project in this financial year to give parents access to digital support and advice, peer support, workshops and so on. There is also access for the teachers of those parents' children and we are interested in seeing what the outcomes are and how that is received by teachers. We will use that to inform further thinking with our education colleagues about teacher training opportunities.

The royal college is a really important member of our task force and we are continuing to work with it both in that area and in the adult area to consider where there are gaps in our support system, particularly for adults, and where we can make improvements to deliver on the stepped care approach that it recommends. We know and recognise that there is more to do in that area for adults, than for children and young people.

More broadly on the training question, we have worked with the National Autism Implementation Team and also with NHS Education for Scotland to develop quite wide-ranging resources and information for people who work across health, education and the third sector. The resources are available for everybody to engage with. To touch back on some of Ms Chapman's earlier questions on whether people know about those supports, we recognise that we could do more to promote the uptake of those resources and we are working with NAIT and NES to explore how to do that.

Rhoda Grant: The evidence that we took showed quite stark inconsistencies in the understanding of neurodiversity between not only education authorities or schools, but classes in the same school. It seems that any approach is dependent on a teacher's understanding of various conditions and how to support them. What is your understanding of the underlying reasons for the gap between what legislation says about additional support needs and practice on the ground?

That gap was quite stark when we spoke to people from local authorities who were dealing with neurodivergence and to the people on the receiving end. It was almost as though we were speaking about two different things. Although those in charge of dealing with neurodivergence in statutory services seem to understand it well, that did not percolate to what people were experiencing on the ground.

Tom Arthur: That is a really good question. I think that there is something to be said, so I will offer some thoughts and ask Robby Steel to come in with his perspective.

We touched earlier on the unprecedented and unforeseen growth in demand. The significant increase in awareness and the rapidity of the pace of change have led to a situation where we are having to, in effect, recalibrate how our systems approach something for which they were not necessarily designed. The nature and definitions of neurodevelopmental conditions, and the approaches to diagnosis, have evolved significantly in the past couple of decades, too. The landscape that we are inhabiting has changed significantly, which may perhaps help us understand and account for some of the variation that has been taking place. What that speaks to, however, is a need to improve consistency. As I touched on earlier, we have the national specification, but there is a question around its implementation. That speaks to the work that we are doing with the task force. Then there is some of the work that Georgia touched on, around information and provision for parents and teachers.

A lot has changed in terms of how the nature of diagnosis and public understanding have developed over the past, say 20 years; I am thinking of the 22 years since the Education (Additional Support for Learning (Scotland) Act 2004 was put in place.

12:00

Robby Steel: There have been some very good studies, particularly on ADHD, that have asked about the cause of the rise in demand and the reason why we are seeing more kids and adults with ADHD. The answer is that recognition of the underlying incidence has improved. The idea that there is a whole population who have been exposed to something in utero, such as paracetamol, does not come out in the literature at all. What has happened is that society has become much better at recognising that these traits exist in the population. Historically, people who have had these traits have just been disadvantaged: they were simply expected to fit in. I have heard it said that being neurodiverse is like being a Mac in a PC world and that the job is to make the world more Mac friendly. That is the nature of the problem.

The diagnostic nomenclatures—the “Diagnostic and Statistical Manual of Mental Disorders” and the international classification of diseases—follow societal norms, as psychiatry and, to an extent, medicine always have. From DSM-4 to DSM-5 and from ICD-10 to ICD-11, the diagnostic criteria have subtly shifted. Looking back further, autism was defined by Dr Kanner, who worked in a residential home for boys with learning disabilities. He saw that some of them showed traits that other kids did not share and called that “autism”. That is where the term originated. In the 70 or 80 years since then, we have come a huge way in changing what we recognise, which is that autism is not limited only to kids; it is a range of traits that are prevalent across society and these people can be helped to reduce the disadvantages that they are at.

That has happened very rapidly. With any change, institutions and individuals vary in their rate of adaptation to that change. You observed that in some schools, it comes down to one teacher who has really got it and is really good with the kids with these difficulties—maybe other teachers are old dogs like me who do not learn new tricks so easily and have not adapted. That is always going to happen with any change. This should be seen as a societal change, but one in recognition of something that was always there.

Rhoda Grant: The impact of that on individuals can be huge. If someone cannot cope without support, and for whatever reason they are not getting it, that could mean the difference between access to education or no education. We talked about education for teachers and how it is about getting it right for every child. How do we make sure that nobody is left behind?

Tom Arthur: That gets to the heart of the work of the cross-sector task force, which Georgia is heavily involved in. Georgia, can you give more information about the review of the implementation of the specification, and the work that the task force has undertaken since then?

Georgia de Courcy Wheeler: Certainly. In the implementation review, something that came through loud and clear was the pressure on teachers and the fact that sometimes it is difficult to get the opportunity to do continuous learning and improvement. That speaks to Ms Grant’s concerns.

The task force is a co-chaired group; it is chaired by the chief executive of a health board and an Association of Directors of Education in Scotland representative. That has been a fundamental shift in the way that we are approaching the implementation of the specification: we are moving it out of the health space and bringing it together with education. That is playing an important role in getting us towards further development of the implementation of the specification, which is about all sectors providing holistic wraparound support for a child and their family. Without question, we are not there yet, but the work of the task force is helping us to get there.

We have work under way to develop a clearer picture of all the different roles of professional groups that might interact with a child and family. That will help us identify where there are gaps, including in support, training and knowledge around a child in the school arena. That will help us to build on what we do to plug those gaps, for example, where professional groups might need more support to access training in order to fulfil their responsibilities. That work is in development.

The Convener: Rhoda, do you want to ask your questions on criminal justice?

Rhoda Grant: Yes, I will ask them now. We see a lot of neurodivergent people in the criminal justice system, and that almost smacks of failure, because those people have been let down. What is the Scottish Government doing to ensure that services have the resources and the knowledge to deal with people who may be being treated as offenders, who are witnesses or who are involved in the criminal justice system?

Tom Arthur: In answering that question, it is important that I recognise—this also applies to your previous question—that significant work still needs to be undertaken in responding to the challenges that are before us. As Robby Steel said, there has been a societal shift whereby we are seeing something that has always been there. That is a positive, but it is now incumbent on us collectively—particularly those of us who are in government and local government and who lead public services—to utilise that enhanced understanding to ensure that services meet the needs of everyone who interacts with them, whether that is in education or in the criminal justice system.

As in education, work is under way in justice to ensure that there is increased understanding and awareness of the needs of individuals who are neurodivergent, whatever their interaction with the system is and whatever capacity they interact with it in. I ask Georgia de Courcy Wheeler to give more specific information.

Georgia de Courcy Wheeler: Although we are not from the justice portfolio, I would like to share that there has been Scottish Government-funded work to develop five principles for responding to communication support needs in the justice system. Work is also under way to develop more accessible approaches and materials in community justice settings. That includes a training course for justice social workers and work with ARC Scotland on supporting offenders with learning disabilities. That portfolio is actively involved in all that work, which is aimed at supporting neurodivergent people or people with learning disabilities who have received sentences for offending. As the minister said, there is more to be done, but work is under way.

Rhoda Grant: Even before that stage, people who are having difficulty coping at any point are being dealt with by the police. The police are the first port of call if somebody becomes distressed or upset, and those people are then remanded. Frankly, it is wrong that people are being locked up because circumstances have caused them to have difficulties and to express those difficulties. The people who are attending to them are not aware of the situation. Such people therefore find themselves in the justice system not for having committed a crime but for having been charged with breach of the peace, or something like that, and they end up on remand. Frankly, it is damaging.

Tom Arthur: That is an important point, which speaks to the need for the work that we mentioned to increase awareness and to ensure that everyone who works in our public services is equipped to respond appropriately, compassionately and sensitively to individuals, irrespective of what their needs might be. There has, understandably, been a great deal of focus on and interest in mental health and wellbeing and policing more widely. I recognise that that is a key area of interest for the Parliament. We as a Government have been working to make progress in that area—for example, through the distress brief intervention initiative.

We certainly recognise that there is more work to do. In responding to this inquiry, and to the wider interest that exists, I assure you all that it is recognised that the issue does not sit in only one portfolio. There is a breadth of interest across a range of areas, including education; I know that there has also been consideration of the economy and the workplace environment. There has been a whole-society approach.

I recognise the significant challenges, but there is a broad consensus across Parliament that was reflected in the work that was undertaken through the cross-party summit. Because of that, we have the means to work constructively so that, whoever is returned in the next session of Parliament, they can build on the work that has been undertaken to ensure a holistic, needs-based, whole-system and whole-society approach.

In my earlier remarks, I touched on the importance of assessment and diagnosis, but the work cannot be about just assessment and diagnosis. We have to take a whole-society approach, because the issue touches and impinges on individual lives in every facet of our public services.

We recognise the number of people in our population who are neurodivergent, and we must ensure that our public services respond to their needs compassionately, effectively and in a rights-informed manner. I certainly recognise that there is still a substantial amount of work to do, but I hope that my colleagues and I have conveyed the Government's absolute commitment to doing that work.

The Convener: I have a final question, which is about employment—I recognise that it is not specifically connected to your portfolio. People with lived experience of being neurodivergent have told us about their experiences in the workplace and in trying to access work. Most of them really want full access to employment and want to be a part of society, but they find the barriers very difficult.

More work on the issue is needed with employers. Statistics show that the employment rate for autistic people is 29 per cent, compared with national employment rates of 82.5 per cent for non-disabled people and 50.7 per cent for disabled people. Those figures are quite stark, especially when we hear from lived-experience feedback that people really want to take their place in society, to have a sense of purpose and to earn money to support themselves and perhaps their families. What can the Scottish Government do to help support those workplace ambitions?

Tom Arthur: That is a really important point, which I engaged with directly through my previous portfolio as the Minister for Employment and Investment. The committee will fully appreciate that employment law is a reserved matter, but we have certainly sought to engage constructively with the UK Government on its employment rights legislation and its wider programme.

There are various principles in our fair work policy to support the core theme of diverse and inclusive workplaces. We encourage all employers to have workplace practices that are not only consistent with having a fair and inclusive environment but which will give them access to a huge pool of talent, creativity and ingenuity that is too often excluded.

I can give another example. Members will be familiar with various initiatives that are designed to promote inclusive workplace environments. Although it is not directly connected with what we are considering today, I will talk about an analogous area that is connected with another part of my portfolio and which I had a long-standing interest in prior to being in government. The carer positive scheme is all about encouraging employers to have workplace practices that recognise and support those who are combining work with unpaid caring responsibilities. Those practices can include often quite small reasonable adjustments that enable people to balance their workplace and caring responsibilities.

12:15

We know that employers that have such policies in place are able to access a significant pool of people in the workforce who want to work and to participate. It is very good for employers and, of course, it is good for any individuals who are unpaid carers and want to work. We also recognise that employment will not be right or suitable for every unpaid carer, just as not every disabled person will necessarily want to be in employment. However, we know that many do and are not able to access employment. That is why we have made a commitment to reduce the disability employment gap. Progress has been made on that and we continue to make progress towards the longer-term target.

Within the suite of devolved levers that are available to us, although we do not have a statutory power, through our convenership, our influence and our engagement, we seek to promote best practice in the workplace from the perspective of ensuring that we have an inclusive society and that everyone who wants the opportunity to participate in the workforce is able to do so. We also recognise that, in Scotland, we face significant economic challenges that are related to our demography. Unemployment is at very low levels, we have an ageing population, and we are operating within a restrictive migration environment because of the UK Government's policies. It is of the utmost importance that we are able to create every opportunity to fully utilise the workforce in Scotland and ensure that those who want to participate in the workplace are able to do so, free of discrimination and barriers.

There are things that we would like to do but cannot do because of the devolution settlement. One example of that is more engagement and involvement with the access to work scheme. I state very clearly, and I hope that the committee will reiterate it, that employers should be taking every opportunity to ensure that they have diverse and inclusive recruitment practices—which many employers do—so that they can fully utilise all the talent that we are fortunate to have in our country. Many neurodivergent individuals are making a huge contribution to society at all levels, and I am sure that many of them are in this building.

The Convener: That is a great point on which to end. I thank the minister and his officials for attending the meeting.

We will go into private to discuss the remaining agenda items.

12:17

Meeting continued in private until 12:41.

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