



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EQUAL OPPORTUNITIES COMMITTEE

Tuesday 15 March 2011

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**Tuesday 15 March 2011**

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**EQUAL OPPORTUNITIES COMMITTEE**

**6<sup>th</sup> Meeting 2011, Session 3**

**CONVENER**

\*Margaret Mitchell (Central Scotland) (Con)

**DEPUTY CONVENER**

\*Marlyn Glen (North East Scotland) (Lab)

**COMMITTEE MEMBERS**

\*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

\*Jamie Hepburn (Central Scotland) (SNP)

Christina McKelvie (Central Scotland) (SNP)

Stuart McMillan (West of Scotland) (SNP)

\*Hugh O'Donnell (Central Scotland) (LD)

Elaine Smith (Coatbridge and Chryston) (Lab)

**COMMITTEE SUBSTITUTES**

Rhoda Grant (Highlands and Islands) (Lab)

Tricia Marwick (Central Fife) (SNP)

Mary Scanlon (Highlands and Islands) (Con)

Margaret Smith (Edinburgh West) (LD)

\*attended

**CLERK TO THE COMMITTEE**

David McLaren

**LOCATION**

Committee Room 6



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 15 March 2011*

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

### Budget 2011-12

**The Convener (Margaret Mitchell):** Welcome to the sixth meeting in 2011 of the Equal Opportunities Committee and our final meeting in this session of the Parliament.

I remind all those present that mobile phones and BlackBerrys should be switched off completely, as they interfere with the sound system. We have received apologies from three members: Christina McKelvie, Stuart McMillan and Elaine Smith.

The first item on the agenda is consideration of the Scottish Government's response to the committee's report on the draft budget for 2011-12. Do members have any comments on the response?

**Marlyn Glen (North East Scotland) (Lab):** I realise that we cannot say much about it at this point because we are coming to the end of the session, but I thought that it was worth making some comment.

The response is positive about the committee's relationship with the Government, how everything works and how we have moved forward. I appreciate that and it is right. We have come on in leaps and bounds and I hope that that continues over the next sessions. However, I will mention a few smaller details.

Page 2 of the response mentions the equality and budget advisory group—EBAG—2010 report. However, it was unhelpful that that report was not published earlier. EBAG had completed it and submitted it to the Scottish Government, which was considering it, but we did not get to see it until afterwards. That needs to be said. The process is good, but it needs to be transparent and timely so that we can follow it.

The response also talks about:

“Analysis of the potential impact on equality groups of the final choices set out by Ministers in the Draft Budget proposals”.

We need to make the point again about when the decisions are made. It is all well and good to conduct an analysis at the end, but equality impact analysis should be an early and integral part of the decision-making process. It seems that we cannot say that often enough. It is essential.

On page 4, the education maintenance allowance is mentioned as an example of a case in which considering equal opportunities made a difference to policy and an example of an analysis having shown that a policy would have an impact on a particular group. The EMA is obviously targeted at young people and, although I absolutely welcome its retention, surely better examples could be given.

Throughout, the response talks about tackling occupational segregation but it does not give details of how that is being done. Simply to assert that something is going on to tackle occupational segregation is not detailed enough. I would have appreciated a little bit more on that.

**The Convener:** Your comments will be part of the *Official Report* and therefore, as far as that goes, a response.

The Cabinet Secretary for Finance and Sustainable Growth's response is positive. The committee has made considerable progress and the cabinet secretary has certainly listened to many of the fundamental points that we wanted to raise. On that basis, the committee welcomes his response. Do members agree?

**Members indicated agreement.**

## Annual Report

10:04

**The Convener:** Agenda item 2 is consideration of the committee's annual report. The format is common to all committees—for example, there is a set number of words that can be used.

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I have a point about the balance of the report. I accept the point about the number of words, but our recent decision on the draft Equality Act 2010 (Statutory Duties) (Scotland) Regulations 2011 seemed quite significant to me, not least because we work together across parties more than most committees do and often work together quite constructively with the Government. However, we had a disagreement on the draft regulations, so there should be some explanation of why we voted against them. There are quite long sections on various other issues, so could a paragraph be added to the section on Scottish statutory instruments and one be taken out somewhere else to allow for the addition?

**The Convener:** Marlyn Glen has a one or two-word suggestion that might help to explain the situation.

**Marlyn Glen:** I agree with the sentiment of what Malcolm Chisholm said. Paragraph 13 does not describe what we did. I do not want it to look as though we rejected the concept of specific equality duties when, in fact, we rejected the proposed specific duties.

My suggestion is smaller than Malcolm Chisholm's; it is the addition of a word in the phrase:

"which would have imposed specific duties".

We could put something in there—for instance, "which would have imposed particular specific duties"—to give the idea that we want other specific duties to be introduced. I do not know whether that covers it.

**Jamie Hepburn (Central Scotland) (SNP):** We obviously want it to be a fairly factual, straight-down-the-line report. I was not aware of any rules about a set number of words, so I do not know whether my suggestion would cause problems. Why do we not say, "For the text of the debate, see the *Official Report*" and include the *Official Report* reference?

**The Convener:** It could certainly be put in as a footnote. I do not think that there would be any problem with that. That would help.

**Jamie Hepburn:** Then, if people wanted to look at the reasoning, they could do so. Marlyn Glen's suggestion is probably fine as well.

**Hugh O'Donnell (Central Scotland) (LD):** For balance, perhaps we need to refer to the action that the Government has taken in light of the decision that the committee made. To be fair, the Government could probably have gone round the committee and straight to the Parliament, but the fact that it has taken cognisance of our decision and reacted to it transparently and fairly is a good indication of the working relationship that we have with the Government.

I am not suggesting that we make the report "War and Peace", but a footnote, end note or appendix that ties it all together would give us a more rounded picture than the report might otherwise give.

**The Convener:** A footnote could explain in more detail how the decision came to be taken and we could quite easily add what happened after that, which is that the Government decided to bring back the specific duties in the next session.

I wondered whether, in paragraph 13, we should say "impose specific duties as drafted" instead of "impose specific duties".

**Hugh O'Donnell:** Yes.

**The Convener:** We could add that the next Government, whoever forms it, will reconsider the matter in the new session. Is the committee happy with that?

**Members indicated agreement.**

**The Convener:** We will amend the report accordingly. Is the committee content to delegate the finalising of the report to me?

**Hugh O'Donnell:** Yes. After all this time, we can trust you to do that.

**The Convener:** The responsibility is overwhelming, but I will cope.

I want to take this opportunity to thank the current members of the Equal Opportunities Committee for all their support and help during the past four years and to give a mention to the other members who served on the committee during the session: Richard Baker, Willie Coffey, Bill Kidd, Michael McMahon, Sandra White and Bill Wilson, all of whom made a significant and worthwhile contribution to the committee's work.

I make special reference to Marlyn Glen, who is retiring as a member of the Scottish Parliament, as members know. She has been a member of the Equal Opportunities Committee since day 1 and I have found her experience and her attitude to equal opportunities to be an invaluable help. She is passionate about gender and equalities in general, and the committee has been the better for her contributions. We wish you well, Marlyn, in whatever you go on to do.

**Hugh O'Donnell:** Hear, hear.

**Marlyn Glen:** Thank you very much.

**The Convener:** I also thank the clerks and Scottish Parliament information centre staff for their help during the session, and, of course, official report, broadcasting and security staff, who have all helped to support the committee. I often feel that those people, who work behind the scenes in an amazingly professional manner, are not given the recognition that they deserve—I am happy to do that today.

Finally and by no means least, on behalf of the committee I extend our thanks to the witnesses who have turned up in person or corresponded with the committee during the past four years and engaged with us in such a productive way. The committee could not carry out its work without them.

10:10

*Meeting continued in private until 10:38.*





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