



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 13 September 2011

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EQUAL OPPORTUNITIES COMMITTEE

3rd Meeting 2011, Session 4

CONVENER

*Claudia Beamish (South Scotland) (Lab)

DEPUTY CONVENER

*Stuart McMillan (West Scotland) (SNP)

COMMITTEE MEMBERS

*Clare Adamson (Central Scotland) (SNP)

*John Finnie (Highlands and Islands) (SNP)

Siobhan McMahon (Central Scotland) (Lab)

*Margaret Mitchell (Central Scotland) (Con)

*Dennis Robertson (Aberdeenshire West) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

*Anne McTaggart (Glasgow) (Lab) (Committee Substitute)

Yvonne Strachan (Scottish Government)

Nicola Sturgeon (Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy)

CLERK TO THE COMMITTEE

Douglas Thornton

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 13 September 2011

[The Convener *opened the meeting at 14:02*]

Decision on Taking Business in Private

The Convener (Claudia Beamish): Good afternoon and welcome to the third meeting of the Equal Opportunities Committee in the fourth session of the Scottish Parliament. I remind everybody, including members, that mobile phones and BlackBerrys should be turned off completely—I will now turn off mine—as they interfere with the sound system, even when they are switched to silent.

I have received apologies from Siobhan McMahon. I welcome to the meeting Anne McTaggart, who is the Labour Party's substitute member.

We have around the table Clare Adamson, John Finnie, Margaret Mitchell, Dennis Robertson and Stuart McMillan, who is the deputy convener. We are joined by our clerks, Douglas Thornton and Neil Stewart. Nicki Georghiou, who is at the back, is from the Scottish Parliament information centre. We are also joined by the official report and our broadcasting colleagues. I welcome all of them and the members of the public who are here.

Agenda item 1 is a decision on taking business in private. As we will discuss witnesses and potential advisers under items 4 and 5, do members agree to take those items in private, in line with the usual practice?

Members *indicated agreement.*

Scottish Government Priorities

14:04

The Convener: Item 2 is Scottish Government priorities. I am delighted to welcome to the committee Nicola Sturgeon MSP, Cabinet Secretary for Health, Wellbeing and Cities Strategy; and Yvonne Strachan, head of the Scottish Government's equality unit. I invite the cabinet secretary to make some introductory remarks before I open the floor to members' questions. I intend to bring members in in the order that they indicate to me that they wish to ask a question, with a bit of leeway for supplementary questions along the way.

Nicola Sturgeon (Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy): I thank you and the committee for your invitation and for the opportunity to share with you some of the Government's priorities on equalities. I am sure that I will appear before the committee on many occasions over the next few years, but I welcome an initial opportunity to tell you about Government priorities and to get a sense from you of the committee's priorities. I hope that our respective agendas will chime closely.

I suppose that my first statement should go without saying, but I am going to say it anyway because I think that it is an important statement to make unequivocally. We, as the Government, want Scotland to be a country where everybody is treated fairly and where everybody has the opportunity to fulfil their potential. Our commitment to tackling prejudice and discrimination is very strong, as is our determination to challenge any systems, behaviours or attitudes that cause or sustain prejudice and discrimination.

We believe—this is a fundamental point—that equality consideration should not be an afterthought or an add-on but should be at the heart of everything that the Scottish Government does. As a Government, we have a number of processes in place to ensure that the needs of all communities in Scotland are taken into account at the very earliest stage when we develop our policies and practices and, of course, when we go on to implement those policies and practices. We also believe that, when things are tough economically, as they undoubtedly are just now, equality and the attention that we pay to it become even more important. The danger in times like this is that equality is left to one side and the attention on it wavers. That attention has to be as focused as ever to ensure that the most vulnerable in society are not left behind.

The First Minister announced the legislative programme in Parliament last week. Our legislative and non-legislative programmes have a clear commitment throughout to improve outcomes for all communities. We have a determination as a Government—this will run through everything that we do—to focus more on preventative measures to ensure that everybody has opportunities to prosper. Within that, we want to have a particular focus on young people. The opportunities for all initiative that the First Minister announced last week is an example of that.

Members will be aware that we will deliver our budget next week, which slightly constrains me for the purposes of today's discussion. However, through the programme for government, the refresh of the economic strategy that was published yesterday and the spending review and budget that will come next week, we are pursuing a distinct course in Scotland. The purpose of our Government is unashamedly economic growth, but it is sustainable economic growth with equalities issues built into it at every step of the way. Equality considerations are an integral part of how we make our spending decisions. I hope that the draft budget and the equality statement that will accompany it will demonstrate that. I am sure that, after the budget is published, we will be back here later on to discuss it and the equality considerations that have underpinned it.

We understand that the messages that we send at this time set the mood for the entire public sector in the approach that it takes to dealing with the financial constraints. Therefore, as well as ensuring that equality considerations are at the heart of everything that we do, we are very conscious of, and take very seriously, our leadership role as a Government. The public sector more widely has a vital role to play in addressing the barriers, prejudice and discrimination that many people continue to face. The public sector equality duty will help us considerably in that regard, and it gives us a fresh opportunity to make improvements.

Members will be aware that, on Friday, we launched the consultation on the proposed changes to the public sector equality duty regulations in the form of the draft Equality Act 2010 (Statutory Duties) (Scotland) Regulations 2011. I am sure that we will come back at a later stage to discuss the regulations in more detail when the committee has had a chance to consider them formally. However, I hope that when members look at the changes they will see two things. First, we have maintained our overall approach. We continue to believe that the duty should focus on outcomes that deliver tangible improvements in people's lives. Secondly, I hope that members will see that we have listened to the different viewpoints that were expressed in the

previous parliamentary session and that, as a result, we have included more detail in the regulations to improve transparency and accountability.

I think that the final product is robust and that, in their new form, the regulations will challenge authorities to deliver change. Indeed, that should be their purpose. The fact that they are also flexible and are designed to go with the grain of what public authorities are already doing will, I hope, help to embed equality more effectively in the authorities' day-to-day activity. Obviously, we need to consider what practical support is needed for the public sector with regard to communication and implementation of the new duties to ensure that we make the most of this opportunity. I expect that we will want to focus on improving the availability of equality data, which will certainly help the committee in its future work.

Other pieces of work on equalities that are under way in Government cover many of the issues that I know the committee is interested in, including Gypsy Travellers, women in employment, and homelessness and young people. Just two weeks ago, we launched the consultation on same-sex marriage, which I know is of interest to the committee. We might well touch on that issue this morning, but I am sure that we will come back to look at it in greater detail in future.

I hope that that gives the committee a sense of a number of pieces of work from the Government's perspective. As I said, I am keen to hear the committee's priorities to ensure that its agenda chimes with ours as much as possible. We have always had a very productive relationship with the Equal Opportunities Committee and I hope—indeed, I have no doubt—that that will continue.

I believe that Scotland has a very good story to tell about equality. That does not mean that we are doing everything that we should be doing—there is still work to be done—but I believe that we have made solid progress. As well as looking at where we can make further progress, one of our challenges is to be better at communicating the progress that we have already made. I certainly look forward to working with all of you in the months and years to come and am happy to answer members' questions.

The Convener: Thank you very much. I am sure that we are all determined to communicate as well as possible. In particular, I thank you for those very comprehensive opening remarks, which will enable us to ask you specific questions about the issues that you have indicated and about the consultations that the Government has already launched or intends to launch.

Do members have any questions?

John Finnie (Highlands and Islands) (SNP):

Over the weekend, I was asked about the integration of NHS Highland and Highland Council with regard to older and younger people's services. Like the council, I very much support such moves. However, the individual in question, who is a council employee, is concerned that the national health service's no-redundancy policy might have a disproportionate impact on potential job losses in the local authority. I sought to reassure her on issues of post and person specification and pointed out that, instead of simply being about sharing offices, it was all about doing better together. Can you reassure anyone who might be concerned in that respect?

Nicola Sturgeon: As you know, I am very well aware of the proposals in Highland to integrate health with adult social care and children's services, which are now moving towards implementation. I will not get into the detail of those proposals—after all, I am not here to speak for the council and the health board—but it might involve a transfer of staff from the local authority to health and vice versa.

We consider our position on having no compulsory redundancies as important to economic recovery and to providing security to individuals. Indeed, as the First Minister has enunciated on many different occasions, giving people job security helps to give them the security to take decisions about, for example, getting a mortgage, spending money and other things that help economic recovery.

We have secured no-compulsory-redundancy agreements for the staff for whom we as the Government are directly responsible: civil service and NHS staff. We are encouraging and will continue to encourage the wider public sector to take the same approach to ensure that we have, as far as possible, a consistent approach across the public sector. In Highland, where there may be transfers, I expect both sides to work closely with their staff to allay any concerns that they have about compulsory redundancies, pay and conditions, or other terms and conditions of employment.

14:15

Margaret Mitchell (Central Scotland) (Con):

Good afternoon, and thank you for a comprehensive opening statement. I want to explore two issues with you—relating both to your statement and to the letter that you sent to the convener on 6 August. The committee was seeking information on the promotion and mainstreaming of equality. In relation to the spending review, you mention in the letter the importance of “due regard” being given to equality. You have also said that it should be an integral

part of our planning in these difficult economic times. Should we go further than that? We have an opportunity to ensure that issues of equality and fairness mould the way in which we spend. Preventative spending on the care of the elderly, or on a raft of different issues, can save money, as well as immensely improving people's lives. In difficult economic times, there is a risk of firefighting—taking the easy decision instead of making the long-term commitment. Has the Government been robust enough in that regard?

A second question relates to data—an issue that dogged the previous Equal Opportunities Committee—as it dogs most committees. Empirical evidence is lacking. The issue is considered in a paragraph of your letter, and I wonder whether you would expand on how the gathering of data is progressing.

Nicola Sturgeon: That is an important question. If you ever hear me, as a minister, say on any issue that we have done everything we can and that we should never look to improve, do not let me away with it. No minister should ever take such an attitude on any issue.

We continue to try to improve the mainstreaming of equality in the budget process. I will deal with that question first, and then deal with your question on preventative spending—an important question for which I will give examples of what we are doing and how we might go further.

Margaret Mitchell is a former convener of the Equal Opportunities Committee, so she will know that this is the third time that the Scottish Government has published an equality impact assessment as part of the budget process. That has already taken us a step beyond our statutory requirements, and it is a mark of our determination to strengthen and improve our approach to equality. The committee focuses strongly on scrutinising equality in the budget. I welcome that, as it is a key part of the process. The finance secretary takes the issue seriously as part of his responsibilities in setting the budget. He has recently met the equality and budget advisory group in relation to this year's process. We work with experts in the field to develop a programme of work that supports the consideration of equality. Our legal responsibility to consider equality is important, too. Our key commitment is to continue to learn and develop. We have not yet reached—and perhaps we never will reach—a static position. We need to continue to improve.

For the Government, preventative spend is a key priority. We have to consider how to change from reactive spending. In health, for example, we have to shift resources from the acute sector to much further upstream, to prevent problems from happening in the first place—or, if we cannot do that, to treat more people in the community rather

than waiting until they are seriously ill and have moved into the acute sector. We want to take that kind of approach right across the public sector.

There are examples of how we have already started to shift resources in that way. In this financial year, the change fund will act as a catalyst to effect the kind of change that I have just spoken about to improve community services and get resources out of the acute sector. We need to do more on early years provision, and we are determined to do so. If Harry Burns, the chief medical officer, were sitting here, he would tell us about the growing body of evidence that it is the decisions that we make not in the early years but in the early days, weeks and months of a child's life—often, before they are born—that will have the biggest impact on their life chances later on. As I said earlier, I am very constrained in what I can say about budget decisions. I hope that the committee will see that strong emphasis on prevention running through the budget decisions when the budget is published next week, as well as in our policy development over the next period.

Understandably, the committee was frustrated at the lack of reliable data. As I said, we need to improve the quality and coverage of data so that this committee and others can have a much better grasp of how we are doing on equality. Yvonne Strachan may want to say a bit more about how we can develop the data sets to which we have access.

Yvonne Strachan (Scottish Government): If it is helpful to the committee, we will provide you with a bit more detail from our analysts following the meeting. In general, the data is a major issue for us in equality, particularly in the areas of race, religion and sexual orientation, for which the collation of information has, historically, not been possible or undertaken. The size of the communities in some areas makes the gathering and interrogation of data quite difficult.

To overcome some of that, our analysts have been working on a number of things. First, we have been trying to improve, where we can, the data that we collect in the national surveys. We have been making advances and changes in the questions that we ask. The committee will be aware that we have had issues particularly to do with race, as our ability to collect the data through national surveys has been problematic because of both the geographical distribution and the size of the population. We are constantly exploring how we can supplement that through our qualitative work and data collection.

Secondly, we are aware of the need to examine the information that is available at a local level. We have been doing some work with the Improvement Service and the Equality and Human Rights Commission to develop equality data and

indicators at a local level to provide that information.

We are also considering what information we will be able to acquire from the census that has just taken place. That will not start to come on stream until next year, but we expect it to provide us with a richer source of data that will not only provide greater input to the national policies but support our local activities.

If the committee has specific and more technical questions relating to data collection, we are happy to provide responses to those from our analysts in the communities side of the Government following the meeting.

Margaret Mitchell: Thank you. We are just feeling our way on general points, and that information would be very welcome.

Nicola Sturgeon: I have a final point on the budget equality impact assessment. We listened carefully to what this committee and others said and our second attempt got a favourable response; by contrast, the United Kingdom Government is still criticised for lacking a robust approach. We have made two changes in approaching the work this year. First, we have put the assessment more into individual portfolios, so that it is embedded at a much earlier stage. Secondly, right across Government we have ensured that the equality impact assessment kicks off at an earlier stage so that, in the earliest stages of decisions, individual ministers and cabinet secretaries are aware of the equality impacts of the decisions that we make. I hope that, when you see the budget in the not-too-distant future, you will see evidence of further development of that process.

Margaret Mitchell: You will know about the thorny question of mainstreaming. The fact that an equality impact assessment is embedded in a programme or mentioned there does not mean that it is being used. That is the key.

Nicola Sturgeon: That comes back to the point about data and why it is important to demonstrate not just that the box has been ticked, as we have gone through the budget process, but that action flows from that.

Dennis Robertson (Aberdeenshire West) (SNP): I am delighted by some of the cabinet secretary's phraseology about outcomes, communications and early prevention. I will ask about communication and outcomes. I continually hear of frustration—I heard about it even before taking up my role as an MSP—about communication with people for whom English is not the first language, including people who use British Sign Language. Will you reassure me about what happens when people for whom English is not the first language are out-patients or are in

general practitioner practices? What steps are being taken to ensure that appropriate interpreters are present and that, particularly in hospital, people are given accessible information that is in a language and format that they can use?

Nicola Sturgeon: Various measures are happening. In the health context, health boards are in the driving seat of that. I will give you a flavour of that work now but, to avoid going on and on, I am happy to provide the committee with supplementary information later.

Health boards invest a fair amount of resource in interpretation and translation facilities for patients and service users who require them. For example, much work is done to ensure that GP letters and appointment letters from hospitals are available in appropriate formats for people who require them. In my constituency, the health board caters for the multitude of languages that is spoken.

I used to hear quite often from people with sight problems that they received appointment letters from hospitals, which was a basic failure. A body of work is being done to improve the provision of information in a variety of formats. I am happy to provide further information on that and to give examples from different health board areas.

Dennis Robertson: I know that such work exists and that the guidelines are there, but I continually come across failures in practice in the system. Can we take simple steps, such as coding patients' files, to tell secretaries who issue letters that people require information in other formats or languages? The guidance is there, but the system still has failures.

Nicola Sturgeon: I am always happy to consider what more we can do. The Patient Rights (Scotland) Act 2011, which the Parliament passed in the previous session, places a statutory obligation on health boards to communicate with patients in a meaningful way that allows patients to contribute. However, we should always consider how we can improve further.

Stuart McMillan (West Scotland) (SNP): Good afternoon. You mentioned that the Scottish Government has a key commitment to learning and developing and you spoke about working with professionals. What activities does the Scottish Government undertake to speak to and work with people from outside Scotland and to learn from their experiences of good practice elsewhere that could be considered for use here?

Nicola Sturgeon: I have just conferred with Yvonne Strachan about that. What I am about to say should not be taken to suggest any complacency. I think that, on equality issues, Scotland is probably seen as one of the European and world leaders. As well as always looking to

learn, we should think about how we disseminate to others some of what we do. I do not know whether the question has a short answer, because the degree of dialogue and engagement with organisations and Governments outside Scotland depends on the issue. We should always look to whether we can learn from others.

Stuart McMillan knows as well as I do about the array of stakeholder interests across the equality agenda—if I can use that shorthand—inside Scotland. The committee is a key stakeholder partner in considering what we need to improve and responding to areas of improvement. The Equality and Human Rights Commission has an important role to play as a quasi-regulator and force for improvement. If there are particular areas in which the committee finds in its work international or European examples that it would be worth our looking at to learn, we would be open-minded about that.

Yvonne Strachan was talking about European engagement on lesbian, gay, bisexual and transgender issues.

14:30

Yvonne Strachan: Yes. Obviously, we have international connections. At the European level, Scotland has played a leading role, particularly on LGBT issues. There has been great interest in how we have approached the issues in Scotland, and the Scottish Government has played a role in engaging with European partners on them.

The Scottish Government is able to feed in the Scottish contribution to the UK state reports to the United Nations, for example. It is possible to highlight in those reports Scottish activities to do with race, disability and gender, and to engage with other countries in the course of the dialogue on how they deal with those issues or to have that referred to through that process. Therefore, there is an opportunity for Scotland to be on a wider stage rather than just considering what we do on equality in Scotland. That process enables us to gather information and learn from others.

We have had specific engagement on the budget. Work in Andalucia, for example, and prior to that, work in the UN and places such as South Africa and Canada was drawn on in the early thinking on how the Scottish Government might approach its budget work. That helped to inform work on gender budgeting and consequently the consideration of equality in our approach to spending plans.

The Convener: If the committee was looking at women and unemployment and childcare costs, for instance, and we knew of another country such as Sweden that reputedly had very good arrangements for early childcare, would the

committee investigate them, or am I misreading what you are saying? Would the Government perhaps be able to help the committee with that as a way forward? As a new convener, I am not sure of the process.

Nicola Sturgeon: Of course. I am sure that the clerks will help you as well. The Government will always help committees as much as it can and be as co-operative as possible. Equally, committees will do fact-finding work in different ways in different places in the course of inquiries, although I am not by any stretch of the imagination advocating foreign travel—I will put things no more strongly than that. I can see the headline—“Minister encourages committee to go on foreign trip”. I am not doing that.

The Convener: Do not worry—I will have that minuted.

Anne McTaggart (Glasgow) (Lab): I welcome the cabinet secretary and Yvonne Strachan to the meeting.

I have a question on the proposed draft regulations on specific duties. You are asking that public authorities set equality outcomes that are

“based on evidence and informed by the involvement of equality groups”.

How would you define an equality group? Would trade unions, for example, be considered to be equality groups?

Yvonne Strachan: Equality groups are largely considered to be groups that are covered by the protected characteristics, so they are gender, race, disability and sexual orientation groups and so on. However, I think that there is a provision in the specific duties on engaging with those who might be deemed to represent people from those groups. It is clear that, if a trade union were deemed by others to have a particular point to raise about groups of people, there is no reason why it could not be included in the process. On workforce issues and gathering data from organisations, it is clear that engagement with the trade union would be relevant in gathering information about the workforce. That is in the regulations and that is the intention in the consultation.

Anne McTaggart: Thank you for your response.

Clare Adamson (Central Scotland) (SNP): On the equality groups, I know that the Government has made it very clear in “Renewing Scotland: The Government’s Programme for Scotland 2011-12” that it holds the care of older people very close to its heart and has made quite strong commitments in those areas. My concern is really about whether equality groups are properly recognised when they get to the stage of also being elderly members of

society. I would just like an idea of how you are collecting data from the elderly on these issues.

Nicola Sturgeon: I will maybe come back to Yvonne Strachan on the data point. I think—and I have made these views clear before now—that older people are not always treated with the respect, dignity and equality that we would want for them. As people get older and as services perhaps become not as responsive to their needs, so, too, do older people lose the ability to have their voice heard and be represented. Often, there is a sort of double whammy of issues there.

We have set a very ambitious agenda around improving the quality of care for older people. A big part of that is about avoiding, as far as possible, the need for older people to have institutional care and doing much more to support older people to live independently in their own home and their own community for as long as possible.

It is also about being very conscious of what are often institutional failings when older people need care. As health secretary, it gives me no pleasure to say this, but I have to be frank. I have not always been satisfied that an older person in a general hospital, for example, always gets the level of care that you or I would expect for an elderly relative of ours. I have asked the chief nursing officer for Scotland to lead a particular piece of work around how we raise the standards of care. The quality of care in care homes is another issue that has been topical of late and I will say more about that in a statement to Parliament on Thursday.

With older people there are twin challenges. One concerns the substantive quality of services. I am talking very much about health and social care services, but there is a broader point. The other is about how we enable older people to have their voices heard and to continue to be represented as they get older, so that they do not become invisible in the system.

The Convener: Do other members want to ask questions?

Dennis Robertson: Can I ask a supplementary?

The Convener: Yes, of course.

Dennis Robertson: On the respect agenda with regard to older people who are in the care sector or are receiving care at home, will the cabinet secretary say something more about the attention that we need to give to the carers of older people in the community? If the carers themselves are not cared for, they are the ones who will require care, too.

Nicola Sturgeon: That is fundamental. Carers are the unsung heroes of society in many ways.

Without the contribution that they make, the additional burden—if that is not a pejorative word—on the health service and social services would be enormous. I spoke just this morning at a conference organised by the Long Term Conditions Alliance Scotland where the point was made strongly that we will not succeed in our efforts to enable people to live longer, healthier lives independently in their own homes unless we make sure that we are caring for carers, too.

Over the first session of this Government, we invested considerably in respite care to improve the provision of short breaks and respite weeks, but we still have a long way to go on that.

We recognise the need to look at services for carers in relation to the change fund that we have set up to change how we deliver health and social care. So, carers are very much at the forefront of our thinking on this whole agenda. If we lose sight of that, the rest of what we are trying to do will fail.

The Convener: I have another question about carers. I went to the young carers festival in West Linton, which, given that I had forgotten my wellingtons, was quite a challenging experience. Quite a few of the young carers there expressed their concern that, post-18, when they go to college or university—or into a job—and hopefully have a good future ahead of them, continuing to be a young carer will be really problematic within the institution that they are attending.

Are there plans or thoughts that you might share with us about the future possibilities for identifying carers, in the same way as the school census does?

Nicola Sturgeon: Identifying carers so that we can give them support is an important part of the process. We have invested in other things over the past years, such as carer information strategies and encouraging GPs to be mindful of the health needs of carers, so there is a big job of work to be done. As I have said about other areas, we will always be looking to see how we can improve.

On a broader equality point, the convener talked about young carers becoming adult carers. One of the issues that crops up in my sphere of responsibility is the transition from being a young person or child in health services to being an adolescent or adult. Often, we do not get the transition right and we must do more to improve.

Margaret Mitchell: Very briefly, will the cabinet secretary comment on advocacy services, which have a key role to play in advocating carers' rights and in getting a fair deal for people with mental health issues—another area in which work needs to be done and investment is needed to look at what they need.

Nicola Sturgeon: Mental health legislation sets certain requirements for advocacy. Advocacy services are one of the areas that I put in the preventive category. If one invests in advocacy and provides advocacy services for those who need them, the chances of keeping the person out of needing even more institutional acute care are greater. The particular needs will be different depending on the particular group that we are dealing with, but it is an important area.

Dennis Robertson: I want to make one more point. The Government has a programme for tackling obesity within our culture. Prevention is one of the best ways to go. What safeguards exist in tackling obesity, especially among young children, to ensure that we do not send our younger children to the opposite end of the spectrum, towards anorexia?

Nicola Sturgeon: I hope that the way in which we deliver any intervention concerning obesity promotes healthy weight, not the opposite end of the spectrum. We encourage people to have a healthy weight throughout their lives through diet, exercise and lifestyle. Our work on obesity is focused on that and the message runs through all the work that we do.

Obesity is undoubtedly one of the biggest public health challenges that we face as a country. In my time as health secretary, I have repeatedly identified obesity and alcohol as the two big public health challenges that we face. There are no easy answers or quick fixes. There are short-term things that we can do to try to deal with the problem, but the real solution—changing behaviour in the long term—is what we are doing through the obesity action plan and the obesity route map. Those involve changing behaviour in relation to diet and exercise. Every now and then, society gets the opportunity to make a step change in culture and attitude. Although it is not the be all and end all, the Commonwealth games give us, over the next few years, a catalyst for changing the attitude of young people to physical exercise and sport. We are working as hard as we can to make the most of the opportunity. In everything that we do on obesity, we will guard against the particular danger that Dennis Robertson has identified.

14:45

The Convener: The statistics show that there has been a reduction in the number of nurses in the NHS over the past few years. Are you concerned about the ill effect that that might have on the vulnerable groups that the committee has an interest in? Might the efficiency savings that the NHS in Scotland is having to impose particularly affect vulnerable groups?

Nicola Sturgeon: Before I deal with that specific point, I want to make a few general points. The NHS is not immune from the financial pressures that affect everyone, but the Government has taken steps to protect the health budget, in relative terms, by passing on the consequential. That is an important protection for the health service.

Nevertheless, as everyone is aware, the inflationary pressures on the health budget are far greater than the general inflationary pressures on society, so the NHS needs to be efficient and to make efficiency savings, and that will continue to be the case. I encourage the committee, in looking at this area, to study closely the NHS quality strategy, because I have made it clear that staffing changes, whether to the size or the skill mix of the NHS workforce, must be closely tied to the quality strategy, which is about how we improve the quality of services.

The NHS does not, and never will, stand still. We have talked about the shift from acute to community services and the reduction in the length of hospital stays. The example of that that I always use is of my gran going into hospital for a cataract operation 15 or more years ago, when she spent 10 days in hospital. If she were having that operation today, she would be in and out in one morning. The NHS's delivery of service changes, so the workforce must change to reflect that. However, if the workforce changes, as it is doing at the moment, that must be tied to service redesign that allows us to protect the quality of services and to avoid impacts on particular groups of the kind that you are talking about. I know that any changes in the NHS workforce are emotive and controversial, and that they can concern people. That is why it is vital that efficiency and quality always go hand in hand in the NHS.

The Convener: Thank you. That is reassuring.

Anne McTaggart: When you say that listed authorities must publish information on the gender pay gap and an equal pay statement, does that imply that they must undertake an equal pay audit?

Yvonne Strachan: If it would be helpful, I can answer that.

The intention is that they must publish an equal pay statement, as was provided for under the gender equality duty. We have not stated either when that duty was brought in or in the draft equality duty regulations what that will look like. We are talking about an equal pay statement, not an equal pay audit. That means that it is open to the authority to report on its approach to equal pay, to describe that approach and to provide the relevant information. The guidance will provide further detail on how that can be done and the

kinds of information that might be considered, but the regulations are clear in referring to an equal pay statement. We have not called it an equal pay audit.

The Convener: I thank the cabinet secretary and Yvonne Strachan for attending and for engaging in what I hope members will agree has been an extremely positive dialogue. We look forward very much to working with you and your department in the future.

Nicola Sturgeon: Thank you.

Petition

Scottish Prison Population (Catholics) (PE1073)

14:50

The Convener: I welcome members of the public who were not here at the beginning of the meeting.

Item 3 is consideration of PE1073 by Tom Minogue, which calls for the Scottish Parliament to investigate and establish the reasons for the apparently disproportionate number of Catholics in Scottish prisons. The petition was recently referred to us by the Public Petitions Committee.

Members have received papers EO/S4/11/3/2, EO/S4/11/3/3 and EO/S4/11/3/4 in relation to the petition, including a briefing from SPICe and a copy of the petition. Some further information that the petitioner supplied has also been circulated.

I invite members to contribute to the discussion.

John Finnie: I found this a bit difficult. I spent some time going through the information that has been provided, which was helpful, and I do not think that the tack that the petitioner suggested is the most constructive one.

I am deeply concerned at the high proportion of people that we feel the need to incarcerate and I hope that we can take steps to reduce that. Indeed, that is happening. I am also concerned that we still have the level of deprivation that we do. To the extent that it can, the Government is doing something about that.

I would prefer to concentrate on those two matters. We heard under the previous item about the complexity that surrounds definitions and the gathering of data. Perhaps the matter is not as clear cut as the petitioner—who I do not doubt acts in good faith—suggests. Due consideration has been given to the matter and we will pick up on any connected issues as part of the general attempt to make Scotland a healthier, safer and fairer place, rather than by taking the line that the petitioner suggests.

Stuart McMillan: I agree with my colleague John Finnie on how to consider the petition. There is no easy answer to the situation.

When I read the petition and the information that was provided with it, I was struck by the question: is there a regional imbalance in the number of Roman Catholics who go to prison in Scotland? We just heard from the Cabinet Secretary for Health, Wellbeing and Cities Strategy about how there is sometimes a shortage of data, and I do

not know whether the data on that would be available through the justice system.

I genuinely do not know what the answer is to the petition or what we should do next.

Margaret Mitchell: It was interesting to read the part of the SPICe briefing that examined the number of Catholics in the population and the number who are in prison. The Muslim community seems to be in the same boat in that it can be said that there is a disproportionate number of Muslims in prison given their number in the community.

No studies that have examined the question over the past four years have established that there is discrimination per se against Roman Catholics. However, there seems to be some concern about the levels of deprivation among, and the age of, Roman Catholics in prison. If we are thinking purely about the issue that the petitioner brought to us in the first instance, which was discrimination, we have empirical evidence that it is not the case. Therefore, the matter becomes a question of whether the Scottish Government wants to take up the issues of deprivation and age. That is not something for the committee to consider under the petition at this stage.

Dennis Robertson: My view is primarily the same. I did not see it as being a faith issue. It is perhaps endemic that deprivation is higher in certain sectors in parts of Scotland, and the fact that a higher number of people of a particular faith live in those areas is sometimes coincidental. Having read the papers for the petition, I did not see an issue of discrimination there. Like other committee members, I think that it is an issue of deprivation, and perhaps of poverty and age, but not one of faith.

The Convener: As I am sure all other members of the committee have done, I have taken the matter extremely seriously. I have read the submissions in detail, including the submission since the weekend from the petitioner, Tom Minogue. From the evidence that we have received, I cannot see any evidence of discrimination against any faith group—specifically Catholics—within the justice system. I want to highlight that point.

There have been attempts over many years at different faith groups working together in communities and there have been particular efforts by Government to support deprived communities. If I may say so, I believe strongly that the Scottish Government is determined to do that at the moment, with cross-party support.

It would perhaps be more helpful to look at continuing to work to support all those in deprived communities throughout Scotland than to single

out the particular community in question. That is a personal view.

If there are no further comments, I invite committee members to consider the possible courses of action that were indicated in the note from the clerks. We are all aware that the petition has been before the Parliament for some considerable time. First, we could write to the Scottish Government, urging it to undertake further work. Secondly, we could take no further action and close the petition on the basis that its main request, to establish the reasons for the disparity, has been fulfilled. The petitioner could be informed of the outcome and supplied with copies of the correspondence received from the Scottish Government and the findings of the literature review. Thirdly, committee members may choose to take a different course of action that we have not yet discussed. I open it up to members to give views on the petition.

John Finnie: It struck me that the petition has had a really good airing. I do not think that anyone could challenge the fact that it has been examined and re-examined and that the information is very up to date.

I would favour option 2, which I am happy to propose formally. That said, as you touched on in your earlier remarks, convener, the committee has an obligation to continue to consider issues to do with disposals of criminal cases and areas of deprivation. I am sure that that will happen over the course of the session. However, I formally propose option 2.

The Convener: Do other members wish to speak along those lines?

Margaret Mitchell: I second that suggestion.

The Convener: Do any members wish to propose a different option? It could be one that is already on the table or a different view.

15:00

Stuart McMillan: As I said, the issue is extremely difficult and I do not know what the answer is. Normally in politics, when you are asked a question, you are supposed to know the answer, but I will throw caution to the wind. I am keen to get more information on the regional imbalance that I mentioned, so that we can see what the situation is. In the past, reports have highlighted figures that show that a small number of council electoral wards have the highest percentage of people who go to prison. It seems to be the same wards that are involved time and again. I am keen to establish whether there is a link from those wards to the potential issue that is suggested in the petition. We should find out what the situation is across the country and whether the

issue is focused on Glasgow and the west or whether there are issues in other parts of the country.

We should follow option 1, certainly in the short term, so that we clarify some of the issues that I have raised. At some point, we could take a decision based on the information that we receive. I am keen to take option 1, but to add in questions about regional imbalance.

The Convener: Correct me if I am wrong but, so far, two members wish to close the petition and Stuart McMillan has suggested that we get further research on regional imbalance. Does anybody support that or have another option?

Clare Adamson: I am happy to support Stuart McMillan's suggestion that we seek more information. The information shows that the issue is probably less to do with Roman Catholics and much more to do with deprivation. Now that we have discovered that, we should do some work on the issue. We should perhaps consider the issue not only from the Catholic point of view, but from the Muslim point of view.

Dennis Robertson: I am now in a quandary in some respects—I was before I came to the meeting, but the discussion has not helped. In many respects, I support option 2, on the basis that, as we have said, we do not see that there is discrimination on the basis of faith as mentioned in the petition. Therefore, it is time to close the petition. Perhaps further work needs to be done, as Stuart McMillan and Clare Adamson have suggested, but we should close the petition, given its nature. That does not prevent the committee from examining the prison population, the reasons why people are in prison and whether there are specific postcode aspects that are related to deprivation or poverty.

I support option 2.

Anne McTaggart: I suggest that we take option 2, for the reasons that have been mentioned. The issue is related to deprivation in Scotland in certain areas. Obviously, we should close the petition, but with the proviso and clear understanding that the committee will undertake further work. That is reassuring.

The Convener: In view of what members have said, if members agree, I suggest that we close the petition given its specific aspect, but ask the Scottish Government to do some research into regional and postcode issues in relation to deprivation and the prison population. We would make a commitment to consider that research when it comes back from the Scottish Government. Do members agree to that suggestion?

Members indicated agreement.

The Convener: Thank you very much.

15:05

Meeting continued in private until 16:11.

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