

The Scottish Parliament Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 6 March 2012

Session 4

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EQUAL OPPORTUNITIES COMMITTEE

4th Meeting 2012, Session 4

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Stuart McMillan (West Scotland) (SNP)

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (SNP) *Annabel Goldie (West Scotland) (Con) *Siobhan McMahon (Central Scotland) (Lab) *Dennis Robertson (Aberdeenshire West) (SNP) *Jean Urquhart (Highlands and Islands) (SNP)

*attended

CLERK TO THE COMMITTEE

Douglas Thornton

LOCATION Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 6 March 2012

[The Convener opened the meeting at 14:00]

Interests

The Convener (Mary Fee): Welcome to the fourth meeting in 2012 of the Equal Opportunities Committee. I remind all those present, including members, that mobile phones and BlackBerrys should be turned off completely as otherwise they interfere with the sound system, even when they are on silent.

I start by introducing everyone. To my left are our clerking and research team, together with official reporters. Across the room we are supported by staff from broadcasting services and the security office. I welcome the observers who have joined us in the public gallery. I invite committee members to introduce themselves.

Stuart McMillan (West Scotland) (SNP): I am a West Scotland MSP and the deputy convener of the committee.

Dennis Robertson (Aberdeenshire West) (SNP): Good afternoon. I am the MSP for Aberdeenshire West.

Jean Urquhart (Highlands and Islands) (SNP): I am a Highlands and Islands MSP.

John Finnie (Highlands and Islands) (SNP): I am a Highlands and Islands MSP.

Annabel Goldie (West Scotland) (Con): I am a West Scotland MSP.

Siobhan McMahon (Central Scotland) (Lab): I am a Central Scotland MSP.

The Convener: Item 1 is a declaration of interests. In accordance with section 3 of the code of conduct, I invite Jean Urquhart to declare any interests relevant to the committee's remit. Any declaration should be brief, but sufficiently detailed to make clear the nature of the interest.

Jean Urquhart: I am, for the next few weeks, still a councillor with Highland Council. I declare that as an interest.

The Convener: Thank you, and welcome to the committee.

European Scrutiny

14:01

The Convener: We come to item 2. First, the committee needs to appoint a new European Union reporter. The EU reporter's role is to champion EU matters in the committee. Paper 1 explains the role further. Unless members have questions on the remit of the reporter, I invite nominations for the position.

Stuart McMillan: I nominate John Finnie.

The Convener: Do we have any other nominations?

Siobhan McMahon: How about you, convener?

The Convener: If John Finnie wants to do it—if he has a burning desire to be our new EU reporter—I am happy to stand aside.

John Finnie: That is kind of you. I would not describe it as a burning desire. [*Laughter.*] However, I maintain a keen interest in European matters—particularly as they relate to trade unions and staff associations, which I think would fit in with this committee's work.

The Convener: Are we all agreed that John Finnie will become our EU reporter?

Members indicated agreement.

The Convener: Excellent.

The committee needs to consider engagement and scrutiny priorities relating to the European Commission work programme. Paper 1 sets out the background. We are invited to consider and note the priorities, which are set out in the annex—I will wait a few moments while everyone rustles their papers—agree any amendments and adopt a final list of priorities for reporting to the European and External Relations Committee. The committee also needs to consider whether to write to the Scottish Government to ask how it plans to engage with those priorities and whether any are likely to involve subsidiarity issues.

Do members have any comments on the work programme? A number of things in it are of particular interest to the committee.

Stuart McMillan: I am the EU reporter for a different committee. That committee went through this process and one of the things that was highlighted was that we do not have enough time—in terms of the time allocated and the time available—to really go into things and do pieces of work. That committee had a whole raft of possibilities to look at, with other things added on that I suggested. When it came to deciding which areas to look at, we realised that although we

would love to do everything, we do not have the time to do everything.

In terms of the options before us, I recommend that we highlight three or four of the issues so that we can really work on them because we will not be able to do what we would like to do on everything—the time is just not there.

The Convener: Are there particular issues that you would like to suggest?

Stuart McMillan: One area that I would urge us to look at is the Equality Act 2010. Under the header "Expected 2012", the final sentence of paragraph 23 of paper 1 states:

"In the Strategy, the Commission commits to considering targeted initiatives to improve gender balance in economic decision making."

That is something that we should look at in relation to the gender balance on the boards of companies.

I refer members to paragraphs 32 and 33 of the paper. Equal pay is still an issue for local authorities and the public sector in general, but also the private sector. I would be keen to look at that area, but obviously that is entirely up to the committee.

John Finnie: I agree with Stuart McMillan. Ironically, the first area that I would have suggested was the one that he did not mention the work relating to the Roma. There is an opportunity for us to build on the work that we have already done in that area, which has a particular European dimension. We have seen shocking scenes in central Europe and, nearer to home, in France, where the treatment of the Roma was reminiscent of that in Nazi Germany. There is also information that has been shared with this committee and elsewhere about the experience of Roma folk here, and their difficulties in accessing healthcare, particularly in west central Scotland.

At the very least, we should actively watch European events in that area. I hope that we can keep an eye on the care issue that we picked up on, and the equality issue of access to medical facilities, facilities on sites and so on.

Siobhan McMahon: I would like to look at something in relation to the Equality Act 2010 that was not mentioned in the paper. I am told that the Government will publish the equality duties in the next few weeks, following a long, second consultation. Once the duties have been introduced, it will be important to look at them in a wider, and European, context to see how they fit in. That is wider than the gender pay issue.

The Convener: The Roma issue fits in with the Gypsy Traveller work that the committee intends to do, and a couple of the other issues would fit in

with our planned work on women in work. I am content with everything that is in the paper and I would be reluctant to say that we should focus on something at the expense of removing something else. I accept that they are all weighty pieces of work and that our involvement may vary depending on what that work is, but I would be reluctant, for example, to exclude the first area that the paper covers, which is child poverty. How do members feel about that?

Dennis Robertson: I suppose that our approach will depend on what work is being done in the other committees so that we do not duplicate elements that they will be looking at. However, what we have heard from Stuart McMillan, Siobhan McMahon and John Finnie seem to be the priorities for this committee at this time.

Stuart McMillan: I hope that no one thinks that I was suggesting that the other items in the paper are not as important. I would love to do a detailed piece of work on every suggestion, and more, but we just do not have enough time to do the level of work that we want to do. I suggest that we select three or four topics, although that does not mean that we do not do anything on the others. We could still do some preparation for future committee work.

The Convener: The suggestions in the paper have been highlighted to be tracked but they might not come up in the near future, so we might not have to pick them up and do something with them. If we are tracking what is coming out and our European reporter is keeping an eye on the situation, we might not have to do a huge amount. It will still be worth while tracking the topics.

Annabel Goldie: Convener, I think that you have just answered my point. I was going to ask whether it would be possible to keep a watching brief on a couple of the topics on the clear understanding that it cannot be more than that. That would, at least, mean a flashing light for the committee if concerns were raised about any of the issues. I approve of the topics that have been suggested for detailed consideration, but the others should be kept under a watching brief, even if we are not expecting to do any work on them; we can then decide whether we need to look at a topic or what we are going to do about it.

Jean Urquhart: I am content with that.

The Convener: Are we happy with the priorities that are detailed in the paper?

Members indicated agreement.

John Finnie: May I raise an issue? Again, it is about the integration aspect that is referred to in paragraph 18 of the annex to paper 1 and the Equality Act 2010 that Siobhan McMahon mentioned. Paragraph 18 mentions

"providers, whether private, public or voluntary".

I do not want to breach any confidences but, as a result of some casework that I am doing, it is apparent that a function that we might assume is a local authority's, with regard to the provision of a site for travelling people, has been outsourced to a housing association or to an arm's-length housing body. It is important that such organisations understand that we expect them to perform to the same high standards when they are fulfilling a public function as we expect any public authority to do.

The Convener: That is a very good point.

We have agreed our priorities. Do we want to write to the Scottish Government to ask it how it plans to engage with those priorities and whether they are likely to involve any subsidiarity issues?

Stuart McMillan: We should write to the Scottish Government. There might also be occasions on which we should write to the United Kingdom Government.

The Convener: I agree. It is important that we write to the Scottish Government to ask for its views on the priorities and what will be happening with them.

Access to Transport

14:13

The Convener: We come to item 3. The Mobility and Access Committee for Scotland has written to the committee following up on issues relating to the Commonwealth games. The letter thanks the committee for its readiness to intervene, but explains that no intervention is necessary; it states that MACS will keep the committee informed should there be any unresolved issues or should any concerns arise. Is the committee content to note the letter, or does anyone have any other views?

John Finnie: I was quite reassured by the letter, particularly by the fact that MACS said that it would come back to us if there are any unresolved concerns. The issue is live for MACS and we know from the fine folk who came and spoke to us that it is not reticent about its concerns. I am content that we have addressed the issue to that extent.

The Convener: It is helpful to have the letter. We can keep a watching brief on the situation. I thought when I read the letter that a variety of access issues could arise from the Olympic games, which are happening this year. After those games, and in preparation for our Commonwealth games, we or MACS might want to pick up issues. It is useful to keep sight of the issue and note the letter.

Stuart McMillan: | agree.

The Convener: That is fine. I thank members for their co-operation.

Reform of Parliamentary Business

14:15

The Convener: Item 4 is on remodelling the parliamentary week. The Presiding Officer and the Standards, Procedures and Public Appointments Committee have replied to our letter about the consideration of equality issues in the work that led to the proposals and in the work that will be done in light of the proposals. We are invited to note the letters. Do members have comments on them?

Dennis Robertson: I am not entirely sure whether both letters addressed the question. The Presiding Officer says that she is mindful of the issues and I note that she has spoken to the business managers and the Standards, Procedures and Public Appointments Committee. That committee says that there is an understanding that an equality impact assessment would be carried out, but it does not say that that has been done.

Has that assessment been done or is it ongoing? We have raised the issue, so it might have been flagged up and people might be considering it, but I am not sure that either letter answers the question whether an equality impact assessment had been done. That is my reading—the responses in both letters are quite vague.

John Finnie: The issue is about not parliamentarians but everyone who works in the Parliament—it is important that that includes our valued staff. Another aspect is public perception. How the Parliament handles publicity in the media about the reform is important.

Like Dennis Robertson, I was pretty underwhelmed by the responses. I do not think that whatever happens as a result of the proposals will have an immediate huge impact on how diverse our future parliamentarians are, but we would not want to do anything that inhibited the fullest participation from everyone—be they parliamentarians or staff—in the parliamentary process in the long term. I do not know whether we should write again, to ask for clarity.

Dennis Robertson: MSPs are the minority group in the Parliament. We must take cognisance of the broader workforce, but I am not sure whether that is clear in the responses.

The Convener: I felt that the responses were a bit lukewarm and vague; they did not definitively answer the question. I agree with the concerns.

Dennis Robertson: Does a due process exist for substantive change? I do not know the due

process in the Parliament—it might be through the Scottish Parliamentary Corporate Body. Who would be tasked with ensuring that an equality impact assessment was done or considering whether one was required?

The Convener: I have just been informed that the SPCB would deal with that. If we write again, we could ask a question about the due process.

Dennis Robertson: Does that mean that the SPCB appoints someone to do the assessment?

The Convener: The work would be undertaken within existing staff resources.

Annabel Goldie: My dilemma is a little more basic. I am not sure that I know what the proposed changes are—that might be down to my lack of inquisitiveness and inability to keep up with things. Does anybody in the committee know what the changes are?

The Convener: We are talking about changes to the parliamentary week.

Stuart McMillan: A report was published.

The Convener: There is a view to holding chamber business on a Tuesday, Wednesday and Thursday and tweaking the times at which things are done. There has been a report that suggests a change to when committees sit.

Annabel Goldie: Right. On that basis, I am clear that the question that the committee posed—through you, convener—has not been answered. It seems that the change has materialised into something that is, in my opinion, fairly significant. I would have thought that it would be essential to have an impact assessment accompanying that.

Dennis Robertson is absolutely right. The letter from the convener of the Standards, Procedures and Public Appointments Committee states:

"I understand that it is SPCB policy to undertake an EQIA for any substantive change".

However, in the Presiding Officer's letter—she chairs the Scottish Parliamentary Corporate Body—there is a conspicuous absence of any reference to an equality impact assessment. I am concerned about that, and I think that the committee should be concerned about it.

The Convener: Certainly. There has been a report on a change to the parliamentary working week, and Parliament will have to make a decision on the proposal. The change has not been decided one way or the other. I am not sure whether some type of assessment will be done if the change is agreed to, or whether an impact assessment will be done beforehand.

Annabel Goldie: If the change is to be subject to a parliamentary debate before a decision is taken, the question whether there has been an equality impact assessment is surely of fundamental importance in informing that debate.

The Convener: We could certainly write to the Presiding Officer again to ask whether an impact assessment will be carried out before and after.

Dennis Robertson: We should repeat our question, convener. Has an assessment been done, and if not, will it be done? Parliament cannot make a decision on any substantive change unless an assessment has been done.

John Finnie: The inference seems to be although this may just be the wording of the response—that something will be agreed and an impact assessment will then be carried out. However, our options should be informed by an assessment that is done in advance. That seems to be the flaw in the process.

If an assessment had been done, I would have expected a copy of it to appear as an appendix to the response that we have received. It is vital that we are seen to be transparent.

The Convener: We could write a firmer letter.

John Finnie: With thicker ink.

The Convener: We could note the comments in the convener's letter, but write a firmer letter to ask for clarification.

Siobhan McMahon: I know that time is tight and we have our programme to follow, but I do not feel that our letters to other committees have been given due importance. Perhaps it is time for us to have a question-and-answer session with the convener of the Standards, Procedures and Public Appointments Committee, because our points were totally ignored.

Some things have been thrown into the response that I find very patronising. For example, no one was asking how question time should be taken forward—we were asking about the impact of changes to the business week in Parliament. I do not believe that it befits anyone to write back to the Equal Opportunities Committee to tell us about transparency in the chamber when that was not the question that we were asking. To give us more information on certain issues that the other committee believes are equality issues while not giving us the information that we asked for is totally disrespectful.

The Convener: It had been suggested that the requirement to read out questions could be removed—

Siobhan McMahon: That was one of the suggested changes with regard to how we proceed, but we asked about the impact on the working week, which is totally different. How we go about that and when it will happen are separate issues. Reading out the questions is an important

equality issue, but that is not what we set out to ask.

Annabel Goldie: I think that we all infer from the tone of the replies that no equality impact assessment has been done. That is a material omission if the Parliament is to be asked to debate the proposed changes.

The Convener: Absolutely. Would the committee be content if a firmer and more stringent letter was sent? If we do not get a sufficiently clear answer or we are still not happy with the response that we get, we can consider holding some kind of evidence session. Is the committee happy with that?

Dennis Robertson: Do we need to consider the timeframe?

The Convener: We need something that leaves us in no doubt that an equality impact assessment will be done. The responses do not leave us in no doubt about that.

Dennis Robertson: If we look at when our letter was sent and the date of response—

Annabel Goldie: The difference is about a month.

The Convener: Yes. It took them a month to respond.

Dennis Robertson: Why would it take a month to respond to the simple question whether an equality impact assessment has been done? Perhaps there is a reason that I do not understand.

John Finnie: The letter from the convener of the Standards, Procedures and Public Appointments Committee states:

"any change within the scope proposed could be supported from within existing staff resources".

That is reassuring. It adds:

"The overall effect should be cost neutral".

If there are additional late-night sittings, that suggests that people's work patterns will be altered and that there will be childcare issues and broader care issues. It would be reassuring to know whether the staff trade unions have been consulted on the proposals.

The Convener: Siobhan, did you want to come back in?

Siobhan McMahon: No. Dennis Robertson made the point that I was going to make.

The Convener: Okay.

Stuart McMillan: On Dennis Robertson's point, I am not defending the other committee, but we had a recess in February, and I do not know whether that committee meets every week or fortnightly. That might explain why it took a month for us to get a response. I would hate it if another committee was disparaging about ours because it did not know the full details.

The Convener: That is understandable.

I think that the first course of action that we should take is to write again in firmer tones. Our letter will reflect the points that we have discussed today, and we will wait and see what the Standards, Procedures and Public Appointments Committee's response is. Does the committee agree?

Members indicated agreement.

Human Trafficking

14:28

The Convener: We move to agenda item 5. There was a debate in the chamber recently on human trafficking, and this agenda item gives us an opportunity to have a discussion in preparation for our round-table session on 20 March. The *Official Report* of this discussion will be drawn to the attention of the participants in that session.

A few of us spoke in the debate on human trafficking. I found it enlightening in some ways, and shocking. It was a really good debate, and it gives us a good basis for our round-table discussion. I am not sure what other members of the committee think.

Annabel Goldie: I agree, convener. The debate was extremely well informed. It was helpful to detect a complete unanimity of political purpose across the parties on the need to discuss the issue and address it.

One point that emerged during the debate, which it might be helpful to bear in mind, is that it is important that we recognise and address our thoughts to the different forms of human trafficking. Different sets of circumstances surround the environment of sexual trafficking and domestic servitude, for example. It is important that we recognise that different circumstances apply to the different kinds of trafficking. All forms of trafficking are to be roundly condemned for the appalling behaviour that they are, but it could be unhelpful to try to take an emulsion brush and deal with trafficking as one problem.

14:30

The Convener: Yes—there are many different levels.

John Finnie: I agree with Annabel Goldie. The debate was good. During it, I mentioned that, the previous week, the cross-party group in the Scottish Parliament on human rights, of which I am the convener, had held a meeting. With the exception of Mr Meldrum, all the people who are coming to our round-table session contributed to that meeting. It would be good if there was an opportunity in the format of the session for Bronagh Andrew to give some examples. It is all very well to have the statistics, but it is useful to hear about the circumstances of someone who is planning their escape, their fears and the immediate issues that they confront. The issue is about co-operation. Some people are afraid because part of the basis of their being restrained is that they believe that they have no right to be here, anyway. That even applies to people who have a legal right to be here. People's ignorance is

played on—I did not mean that to sound as nasty as it came out.

The trafficking awareness-raising alliance— TARA—project and Migrant Help work closely together. The practical support that they provide is interesting. The issue is about awareness, too. At the committee's most recent meet-and-greet session, which was excellent, a woman shared the experience of the City of Edinburgh Council. I think that I flagged that up to the clerk. The council does awareness raising. Front-line public workers will sometimes see the signs and symptoms that indicate such behaviour. As Annabel Goldie said, the issue is wide ranging and the use of language is important.

The Convener: Yes. When my researcher and I were doing research on the issue, we found a few personal examples of people telling their stories about how they got to be in whatever country they ended up in, how they were trafficked and what they did. That is harrowing, but it brings the issue alive and makes us realise the struggle that people have. Trafficking takes place in every community, and it is not only sex trafficking, but labour trafficking. A huge number of people are trafficked here for labour. The issue covers a huge spectrum.

Does anybody else want to comment?

Jean Urquhart: I just want to say that the word "slavery" is so much more powerful than the term "human trafficking". We should talk about slavery at every possible opportunity because, in effect, the practice is slavery. That point was made in the debate. Somehow, the term "human trafficking" does not hit the spot and we are not as shocked as we should be about the number of people who are likely to be in slavery in Scotland.

The Convener: People recognise the term "human trafficking" as relating to the sex trade. That is the association that people automatically make. Your point about slavery is correct. Many people do not realise the numbers of people, particularly children, who are trafficked into and out of this country for work.

Jean Urquhart: Another point is that a number of theatre companies, some of which are quite young, are tackling the subject and have done a lot of research on it. As we have heard, part of the issue is about raising awareness among front-line workers. We need to get the contacts to the right people so that they can take action. I know of three companies and a university group that are doing research that we might want to hear about at some point in future.

The Convener: We could try to get them along to the round-table session. It is only a couple of weeks away, but we could contact them. If they cannot send someone in person, they might be able to send us something in writing. If you give us the details, we will get in touch.

Jean Urquhart: That would be good. I will do that.

The Convener: It was useful to have the debate in the chamber on trafficking a couple of weeks before our round-table session. It has helped to frame in our minds why we are having the session and the kind of things that will be discussed. It has been a useful tool for our round-table discussion. I thank members for their comments.

We will consider item 6 in private.

14:35

Meeting continued in private until 15:15.

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