

Equalities, Human Rights and Civil Justice Committee

5th Meeting, 2021 (Session 6), Tuesday, 28 September 2021

Note by the clerk

Pre-Budget Scrutiny 2022-23

Introduction

1. All Committees now undertake pre-budget scrutiny of the Scottish Government's draft budget which is subsequently published later in the calendar year. The purpose of pre-budget scrutiny is for Committees to produce, report and provide comment to the Scottish Government with the aim of influencing the budget when priorities are set.
2. A key feature of the full year approach to scrutiny involves each Committee writing to their respective Minister with their pre-budget report at least six weeks prior to the publication of the budget.
3. The report should set out the Committee's views on the delivery and funding of existing policy priorities, any proposed changes and how these should be funded. This should include its finding on the impact of spending on outcomes and the implications of these findings for future spending plans including any suggested changes to policy priorities or allocation of resources. The Committee intends to publish its pre-budget report at the end of October.
4. An emerging area for the Equalities, Human Rights and Civil Justice Committee is to consider the implications of human rights for the budget. For example, a key recommendation of the [National Taskforce for Human Rights: leadership report](#) is to incorporate the International Covenant on Economic, Social and Cultural Rights (ICESCR) into Scots law, as well as rights for women, disabled people and minority ethnic communities.
5. This includes the:
 - Right to an adequate standard of living, including the rights to adequate food, clothing and housing, and the continuous improvement of living conditions

- Right to the enjoyment of the highest attainable standard of physical and mental health;
 - Right to education;
 - Right to social security; and
 - Right to take part in cultural life.
6. While there is more to delivering human rights than ensuring the right budgets are in place, the taskforce report also says, specifically on the budget “it will be essential that human rights budget scrutiny and monitoring forms part of the framework implementation”.

Call for views

7. This year the Committee agreed to focus on budget scrutiny from a human rights perspective. To inform its consideration, it issued a [Call for Views](#) to run from 1 to 24 September.
8. The Call for Views takes account of some of the questions raised in a [blog on human rights](#) budgeting by Dr Alison Hosie of the Scottish Human Rights Commission in relation to resource generation, resource allocation and whether budget processes are transparent, participative and accountable.
9. Once the Call for Views has concluded, submissions will be reviewed and published. [Published responses](#) are available on the Citizen Space platform and can also be accessed via the Committee’s [website](#).

Oral evidence

10. This is the first of four evidence sessions planned before the Committee reports. At this meeting, Members will take evidence from two panels. The first comprising economists and budgeting experts and the second, key stakeholders —:

Panel 1

- Chris Birt, Associate Director for Scotland, Joseph Rowntree Foundation
- Dr Alison Hosie, Research Officer, Scottish Human Rights Commission (SHRC)
- Dr Angela O’Hagan, Chair, Equality Budget Advisory Group (EBAG)
- Emma Congreve, Knowledge Exchange Fellow, Fraser of Allander Institute

Panel 2

- Adam Stachura, Head of Policy and Communications, Age Scotland
- Jatin Haria, Executive Director, CRER (Coalition for Racial Equality and Rights)
- Eilidh Dickson, Policy and Parliamentary Manager, Engender

- Rob Gowans, Policy and Public Affairs Manager, Health and Social Care Alliance Scotland (“the ALLIANCE”)

Next steps

11. The Committee will conclude its evidence taking on pre-budget scrutiny at its next meeting on 5 October when it will hear from representatives from local government, health, housing and the third sector. Members may investigate issues such as budget implications for public bodies and practical issues arising from the delivery of human rights such as budget challenges. Finally, the Committee will hear from the Cabinet Secretary for Social Justice, Housing and Local Government.

Committee Clerks
22 September 2021

Annexes

The following documents are included for this meeting—

- Annexe A [Health and Social Care Alliance Scotland](#) (“the ALLIANCE”) response to the Committee’s call for views

Annexe A

Pre-Budget Scrutiny 2022/23

Submission from The Health and Social Care Alliance Scotland (the ALLIANCE)

1. Given the main sources of government revenue should the government further increase revenue available to it, and if so how?

Yes.

Under international human rights law, governments are obliged to respect, protect, and fulfil human rights, and the way public money is raised, allocated and spent is central to this. A raft of human rights based values like equality, transparency, and participation can be achieved by taking a human rights based approach (HRBA) to the economy. Given that Scotland plans to incorporate international human rights into domestic law, it is an ideal time for the Scottish Government to apply a HRBA to its budgetary decisions and processes.

One of the core standards in a HRBA to financial decision making is called 'maximum available resources', which should guide how countries decide to raise, allocate and spend money. According to international law, the Scottish Government should ensure it has raised the most resources that it can in order to give effect to people's rights. The International Budget Partnership notes that this obligation is interdependent with ensuring the progressive realisation of rights without discrimination, so it is also pertinent to discussions about economic transformation and a fair and equal recovery from COVID-19.

The tenet of 'maximum available resources' suggests that as well as the Scottish Government being obliged to raise as much income as it can for the national budget, it should also prioritise the effective realisation of economic, social and cultural rights (like the rights to food, housing, health and social security), not waste funds, and ensure all budgets allocated to rights are spent (rather than being diverted towards other areas).

Detailed information on a HRBA to budgeting can be found in a comprehensive briefing produced by the Human Rights Budget Work Steering Group, the ALLIANCE's joint response with the Scottish Human Rights Commission to the former Finance Committee's inquiry into the potential impacts of COVID-19 on the public finances and the Fiscal Framework, and our response to the Finance and Constitution Committee's current inquiry on the 2022-23 budget and COVID-19 recovery.

2. How might particular groups be affected differently by efforts to raise revenues?

A HRBA recognises that budgetary decisions have different impacts on different population groups, however, this is not always recognised in government budgets. This is outlined by the Human Rights Budget Work Steering Group briefing, which explains:

“In particular, the contributions that households, individuals (especially women) and communities make to the economy—by caring for people for example—are not always recognised because they are not bought and sold through the market. For this reason, it is not uncommon for budgets to reinforce systematic inequalities between groups—in particular between men and women—and miss out on opportunities to use public financing to improve the position of disadvantaged and marginalised groups.”

COVID-19 – and responses taken to it – have disproportionately impacted the rights and lives of particular population groups across Scotland, including disabled people, people living with long term conditions, unpaid carers, women, people from minoritised communities, and those living in poverty. Continued efforts are needed to ensure Scotland delivers an economy that works for all population groups. We believe that particular emphasis should be placed on seldom heard people who are more likely to require state support, and who often tell us that their human rights are not fulfilled.

3. What kinds of analysis are necessary to ensure that resources are raised (and allocated) in such a way that supports the progressive realisation of rights?

The ALLIANCE believes that greater weight should be given to progressive economic systems like human rights and gender budgeting, and the wellbeing and caring economy. In June 2021, the ALLIANCE organised a panel discussion with expert speakers, demonstrating that rather than being competing agendas, these systems put people at the centre of the economy and share core values like equality and justice.

Taking a HRBA to the economy puts equality at the heart of the process – with a particular emphasis on those marginalised people whose rights are at most risk – and provides an opportunity to focus economic transformation on a wide range of demographic and intersectional population groups. National budgets are not disability or gender-neutral; disabled people and non-disabled people, and women and men, face different challenges. Greater recognition of the gendered nature of care and its role as an investment in (rather than a drain on) Scotland’s people, society and economy would help put it on a more equal footing within the current economic system that traditionally prioritises male-dominated activity like construction as ‘investment’. As the work on the caring economy by the Women’s Budget Group Commission on a Gender-Equal Economy has demonstrated,

investing 2% of GDP in care would result in three times the number of jobs in construction.

ALLIANCE members and partners like Engender, Close the Gap, and the Scottish Women's Budget Group have important feminist and gender analysis expertise that can be called upon for support. Similarly, we must acknowledge the shift towards a wellbeing economy, which is aimed at delivering social justice on a healthy planet, and rights based principles like dignity and fairness.

To ensure that budget processes do not affect some population groups disproportionately, the ALLIANCE recommends that robust and timely Equality Impact Assessments (EIAs) and Human Rights Impact Assessments (HRIAs) are carried out. The Scottish Human Rights Commission and Equality and Human Rights Commission have developed a means to combine EIAs and HRIAs, called Equality and Human Rights Impact Assessments (EQHRIAs). This is a practical tool that should be used both at the early stages to inform economic policy, and after the policy has been implemented to assess its impact.