



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities, Human Rights and Civil Justice Committee

Tuesday 29 March 2022

Session 6



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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
10th Meeting 2022, Session 6

CONVENER

*Joe FitzPatrick (Dundee City West) (SNP)

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Pam Duncan-Glancy (Glasgow) (Lab)

*Pam Gosal (West Scotland) (Con)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Nick Bland (Scottish Government)

Michael Matheson (Cabinet Secretary for Net Zero, Energy and Transport)

Christina McKelvie (Minister for Equalities and Older People)

CLERK TO THE COMMITTEE

Katrina Venters

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 29 March 2022

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Joe FitzPatrick): Welcome to the 10th meeting in 2022 of the Equalities, Human Rights and Civil Justice Committee. No apologies have been received.

The first agenda item is to decide whether to take in private item 5, which is consideration of today's evidence. Are we content to take that item in private?

Members indicated agreement.

Subordinate Legislation

Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2022 [Draft]

10:00

The Convener: Item 2 is consideration of an affirmative instrument. I welcome to the meeting Michael Matheson, the Cabinet Secretary for Net Zero, Energy and Transport. He is accompanied by Scottish Government officials Euan O'Neill, lawyer, and Charles Stewart Roper, head of environmental governance and strategy unit, future environment division. I refer members to paper 1 and invite the cabinet secretary to speak to the regulations.

The Cabinet Secretary for Net Zero, Energy and Transport (Michael Matheson): Thank you, convener, and good morning, everyone. The Scottish statutory instrument that you are considering is routine. It concerns the application of the Scotland-specific equalities duties to the new environmental governance body, Environmental Standards Scotland.

As ESS is established as a non-ministerial body—it is part of the Scottish Government Administration, albeit independent of ministers—it is automatically covered by the public sector equality duty in the Equality Act 2010 and there is no need for a separate order to add ESS to the scope of that duty.

The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2022 will apply the Scotland-specific equality duties to Environmental Standards Scotland by adding it to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Those will require ESS to publish equality outcomes and report on progress towards achieving those; report on the mainstreaming of equality; and publish information on the gender pay gap and equal pay. It is important that ESS is included in the full range of equality duties that are expected of Scottish public bodies.

Committee members will be aware that the Scotland-specific duties are currently under review and that a consultation is on-going on proposed changes to the 2012 regulations. However, it is not reasonable to delay the inclusion of ESS in those duties. ESS will be included with other public bodies in the scope of amendments to the 2012 regulations.

I hope that that provides a useful overview, and I am happy to respond to any questions that the committee may have on the matter.

The Convener: Thank you very much, cabinet secretary. Are there any questions?

Pam Duncan-Glancy (Glasgow) (Lab): Cabinet secretary, thank you for bringing those issues to our attention. As you are in front of the committee, will you indicate whether you intend to include ScotRail as one of the organisations that will be subject to the public sector equality duty?

Michael Matheson: Given that ScotRail is about to come into public ownership, it will be part of the Scottish Administration and will be covered by the 2010 act. The Minister for Transport is considering any further changes that we might make.

The Convener: As there are no further questions, we move to item 3, which is consideration of the motion to approve the affirmative instrument. I invite the cabinet secretary to move the motion.

Motion moved,

That the Equalities, Human Rights and Civil Justice Committee recommends that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2022 [draft] be approved.—[*Michael Matheson*]

Motion agreed to.

The Convener: I invite the committee to agree to delegate to me the publication of a short factual report on our deliberations.

Members indicated agreement.

The Convener: Thank you, cabinet secretary. I briefly suspend the meeting to allow a changeover of witnesses.

10:05

Meeting suspended.

10:07

On resuming—

Ministerial Portfolio: Equalities and Older People

The Convener: Item 4 is to hear an update and take evidence from Christina McKelvie, the Minister for Equalities and Older People. I welcome the minister and her officials from the Scottish Government's directorate for equality, inclusion and human rights: Jenny Kemp, strategic lead for gender, LGBTI and disability policy, equality and inclusion unit; and Nick Bland, deputy director.

I refer members to papers 2 and 3 and invite the minister to make a short opening statement.

The Minister for Equalities and Older People (Christina McKelvie): Thank you, convener. I am delighted to be here. My focus is on ensuring that the Government continues to do all that it can to address inequalities and ensure that equality and human rights become part of the fabric of how we deliver for all people in Scotland.

I am aware that the committee met Gypsy Traveller community activists last week, so I will start my comments on that topic, if you do not mind. We are continuing to implement our Gypsy Traveller action plan in partnership with the Convention of Scottish Local Authorities and others, and we have made much progress. Funding has been allocated to new sites; we are expanding the provision of community health workers; we are supporting young Gypsy Travellers to improve their mental health; and we are taking steps to tackle the pernicious discrimination that is still experienced by the community.

I will continue to regularly meet the community. We have community conversations, and the ministerial working group on Gypsy Travellers meets often. We listen to what matters to the community and we work with partners to translate that into practical, real and on-going change.

I am also aware that concerns were raised last week around the so-called "tinker experiment" and its impact on families. I recognise and fully acknowledge the unacceptable historical practices that have been faced by the community. I therefore announce to the committee that I will be commissioning independent research into the "tinker experiment" to ensure that we fully capture and understand its implications, identify who was involved and affected, and ensure that the community has an opportunity to share its story. I will be happy to share that work with the committee when we undertake it.

I turn briefly to a few other areas in my portfolio, and will crack on through those. We are tackling all forms of violence against women and girls through our equally safe strategy and the £39 million delivering equally safe fund, which supports 121 projects. Funding is at record levels, and we are committed to ensuring that funding arrangements are fit for purpose, so I have established an independent strategic review of funding.

One of the issues that the sector has faced for many years is the precariousness of its funding—some members of the committee will have had experience of that. An independent chair, Lesley Irving, is in place, and an advisory group has been appointed to carry out the review. The group will meet for the first time in May. I wanted there to be an independent review of the process, so that we would have a good critical friend to tell us what needs to be done.

Working closely with people with lived experience, we are updating our disability strategy. We have committed more than £5 million in funding to disabled people's organisations, including the access to elected office fund, which is particularly pertinent given the local government elections in just a few weeks.

We are also listening to our older people. Last week, I had valuable discussions—they are always valuable—with our older people's strategic action forum. We are investing more than £2.2 million of funding in supporting older people's organisations and age equality projects.

We are delivering our immediate priorities plan to tackle racism and to address the unequal impacts of Covid-19 that were identified by the expert reference group on Covid-19 and ethnicity. That plan takes forward actions across Government, including in health, employment and education.

The Government is clear about the need to act to end conversion practices, as we discussed during the recent debate in the chamber. I congratulate the committee on that debate and on the work that you did for your report. It has been incredibly insightful and will help us to move forward.

I am pleased to tell the committee that our expert advisory group on that issue will meet on Thursday for the first time, and will complete its work by the summer. I will meet the group that day, to support and develop that work. I can give you an update on that as soon as we can.

A human rights bill will be introduced during the current parliamentary session; we will consult on that this year. Later this year, we will also consult on our first equality and human rights mainstreaming strategy. Again, those are works in

progress, and I will be happy to update the committee as we go forward with them.

Our equality and human rights fund, which totals £21 million over the three years 2021 to 2024, supports 48 organisations to tackle inequality and to advance rights.

Finally, we continue to support our human rights defenders. This afternoon, I will meet two participants in the Scottish human rights defender fellowship programme, which is delivered by the University of Dundee in partnership with the Scottish Government, Amnesty International and Front Line Defenders. Those women demonstrate remarkable bravery and leadership in the face of daily threats to their safety. It will be a privilege to spend time with them.

I hope that that quick run-through of just a few things that cut across my work has been helpful to you, and I am happy to take any questions.

The Convener: That is great—thank you very much, minister. As you have said, there are a large number of topics. One issue on which the committee has spent some time involves our inquiry into conversion practices. Thank you for your response to that, and for your response in the debate a couple of weeks back, which was helpful. In your opening remarks, you touched on the expert advisory group, and it is good to hear that that is meeting soon. Are you able to tell us the membership of the group, at this stage?

Christina McKelvie: The tone that the committee set in the debate was superb and allows us to move forward in a positive way.

The group will meet for the first time on 31 March. However, over the past few weeks, and after the debate, we had a bit of a think about who should be on the group, and whether we had touched on all the intersections and issues that we need to focus on. The debate helped us in that area, and we have added a few people to the group. They have yet to respond to say whether they can participate, but we will know by 30 March, and I can update the committee on the membership at that point.

Please be reassured that we took a wide view, to make sure that every person who might be able to support us in developing the policy is on the group. We also wanted there to be good intersectional lived experience, which is what some of the additional members will bring to the group. They will develop the work that the group is doing.

The group's remit goes pretty broad and deep. That includes recommending what practices should be prohibited and giving consideration to a definition of conversion practices—many of the things that we discussed during the debate. As

soon as I know about the membership of the group—that will be on Wednesday or Thursday—I will let the committee know, and I will give you an update on what it decided on Thursday.

The Convener: That would be good—thank you. As you know, the committee is keen to have a more collaborative approach with Government in the development of legislation in that area, so we will appreciate being kept up to date on progress.

10:15

Another issue that we talked about to some extent in the chamber, and which was covered in our inquiry, involved the intersection between reserved and devolved areas in relation to conversion practices. Have you had any further discussions with the United Kingdom Government on how we ensure that there are no unintended loopholes in any future legislation?

Christina McKelvie: You would have heard me saying in the debate that I did not think that the UK Government's plans went far enough, although I was happy to work with it. We are continuing to build that relationship as we speak. Once we have met the expert advisory group on Thursday, we will know which areas it wants to advance and we will be able to focus on those.

At that point, I think that I will make another approach to the UK Government to ask for an update. We have moved on since the UK Government published the work that it was doing and the consultation that it undertook. We need to get things as fresh as possible.

As soon as the group has met on Thursday, I will go back to the UK Government to ask for an update on where we are and to try and release some of the tensions around reserved and devolved matters. We want the legislation to work for everyone, and we want it to work in as many jurisdictions as possible. That means that we must work very closely with our colleagues at Westminster, and I am happy to do that.

The Convener: As no member wishes to ask a supplementary question on conversion practices, we are good to move on. I call Maggie Chapman.

Maggie Chapman (North East Scotland) (Green): Good morning, minister. I am really happy to see you with us this morning. Welcome to our committee.

Thank you for opening your remarks by talking about the Gypsy and Roma Traveller communities. Last week's session was a really important part of the committee's work. Several concerns were expressed by witnesses last week about the long-term sustainability of Gypsy Traveller communities. Some of those concerns are not new. Davie Donaldson, in particular, said

that, five years ago, people were talking about stagnation on work on the action plan and other support.

One thing came out quite strongly. At the start of Covid, there was clear co-ordination across services, but that has now fallen away. Can you comment on how, collectively, we can ensure that the partnership working and the overarching, holistic approach that are needed are not piecemeal but reach into the different areas of policy and support in an effective way that secures the long-term sustainability of Gypsy communities?

Christina McKelvie: Absolutely. We are tackling all of that in a few ways. We published the Gypsy Traveller action plan in October 2019, and we got into doing quite rapid work on that. Then Covid hit, and we had to pivot everything that we had into ensuring that we could support Gypsy Travellers in communities, with temporary sites, negotiated stopping places and sanitation. All of that had to be put in place. We set up an action group to do that, working alongside stakeholders, the community and our colleagues in local government. We were able to pivot and put that support in place very quickly, and actually deal with some issues that had been on-going for a very long time regarding new sites and negotiated stopping places. We have learned a lot from all of that, and we intend to apply that learning to the work that we are doing now.

Getting to your point on the worries about sustainability, I had a community conversation just two weeks ago—we have those conversations very regularly—and we then had a joint ministerial group meeting with community representatives last week. We are bang up to date on all of this and on all the concerns. The committee's work last week complemented all of that, as you heard the comments that were made and discussed the priorities, which was incredibly important.

We have re-established that work. The plan was set for two years, but that two years has been eaten up by Covid. We agreed to extend it to October, and I am now having conversations with the community about how much further we can extend work on the action plan. That means that the joint ministerial group, which is jointly chaired with our colleagues in COSLA, will remain in place to drive the work across all the areas where we need to drive the changes.

We have made lots of progress. I have a list of the many things that we have done, which I will quickly run through.

The Gypsy Traveller accommodation fund, which contained an initial £2 million, has now been spent, and we are waiting for local authorities to

give us an update on the progress that we have made there.

We identified the Gypsy Traveller community's accommodation needs in "Housing to 2040", which established a £20 million fund. We have had three local authorities bid into that, and we are about to start the next phase with other local authorities. That is about "more and better" accommodation, which is the term that we use in the document.

One of the things that the Gypsy Traveller community told me at the very start was, "Things get done to us, not with us." In my portfolio and the things that I do, the phrase "nothing about us without us" is not just a phrase; it is a working ethic. We therefore have lots of opportunities, lots of working groups and lots of stakeholder engagement to ensure that the policy development part of that work happens with people, not to them. I think that we have done that incredibly well with the Gypsy Traveller action plan.

The Gypsy Traveller community told us that sites were not designed in a culturally appropriate way. We now have a site design guide that is being used by the three local authorities that have the money, which include Clackmannanshire Council and Aberdeenshire Council. I cannot remember the other one off the top of my head, but I will come back to it. They are going to learn the lessons from that work and we can then tweak the guide to make it work even better. The community came up with ideas that are more culturally appropriate, and we said, "Why was that not done before?"

We have five new community mental health workers who were recruited from the community. People asked for that link so that the people who give them support are people from their community. We have some additional funding coming in for that.

The same applies in relation to early learning and childcare. There has been support to pivot to digital working, which has seemed to be a very successful way of learning for a lot of Gypsy Traveller children. We are learning the lessons on how we can do that, working with the Scottish Traveller Education Programme with the funding that we have put in place.

I hope that that reassures you and that you understand that the word "stagnation" is not in my dictionary when it comes to this work. We will continue to drive the work forward. In the joint ministerial group, we have health ministers, employment ministers, social security ministers and planning ministers all sitting at the same table and driving what happens across their portfolios, and I monitor that very, very often to make sure that we are making the progress that we need to make.

Maggie Chapman: Super. That is reassuring.

On the monitoring, which you mentioned, we heard last week that the accommodation fund is really welcome but that it has come quite slowly and there is not always follow-up to ensure that it is being spent in appropriate ways. Would one way to help that work be to include a statutory requirement for public bodies, such as local authorities and health boards, to set out delivery plans? We heard that recommendation from one of our witnesses last week. Enshrining such a duty would emphasise that such work was not just a nice to have, but an essential part of what our public agencies and public bodies need to do to help to complete the circle and ensure that there is clear follow-through and delivery.

Christina McKelvie: I am really open minded about that. I was really interested in the comment that was made last week. I am happy to take those conversations further and see how that goes.

We have the public sector equality duty, so those responsibilities are in place. We also have the review, which will be open until—I think—11 April. If stakeholders or the committee want to make contributions to that, they should do so, because the more specific, detailed contributions we get, the better the outcome will be when we set the new duty.

The community conversations that we have very regularly and the re-establishment of the joint ministerial group are key in that regard. The group will drive change from the top down at both Government level and political level, but we are also working with the community to make sure that it can drive change upwards, according to its needs, and that things are done with it, rather than to it.

I hope that all that reassures you that we take the matter extremely seriously. The public sector equality duty already exists. We are reviewing it and there is space to add details and comments. However, I am keen to investigate a bit further the comment that you referred to that was made at last week's meeting.

The Convener: I do not know whether I said this at the start of the meeting but if any of the members who are joining us virtually wants to ask a supplementary question, they should mention that in the chat so that we can ensure that we bring them in on the same topic.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning, minister. I am delighted to see you here.

One area that has continued to progress is improved transparency on, and public participation in, budget processes in relation to equality. It

would be good to get an update from you about how things are developing.

It is important that we continue to build capacity. In the past, we have talked about capacity and about ministers and officials ensuring that Scottish budget spend advances and tackles some of the equality and human rights issues facing the Scottish population. It would be good to get a view on where we are with that. I am aware that there has been some progress, but Covid has had an impact, and it would be good to get a sense of how we are managing to capture that and whether there are areas that still require a bit more attention.

Christina McKelvie: That question touches on two areas: the work that we do generally to advance human rights budgeting and then the work on the Scottish Government's budget, the work of the Parliament's Finance and Public Administration Committee and the equality budget statement.

We have a detailed equality budget statement on the recent processes and are currently investigating that to see where progress is being made and how we can maintain it.

You will know that one of the first decisions that I took when I became a minister was to appoint an independent chair to our equality budget advisory group, because we felt that it was important for that group to have the independence to be a critical friend when we needed it.

That work is on-going. It ties in with our review of the public sector equality duty, in which we are considering where we should place duties and responsibilities and how we should strengthen them.

A bit of work is being done to support all that. The Scottish Women's Budget Group is developing awareness, running training and creating understanding about the contribution of gender budgeting in the process. We have just committed £220,000 to it to do that for us. That group is another independent source that will be a good critical friend and help us to determine where there are gaps. That is another piece of work that is going on and on which I am happy to update the committee later when some of its recommendations come through.

Alexander Stewart: You identify that it is about trying to capture people's lived experience and ensuring that that is fed through. The length and transparency of funding has always been, and continues to be, a slight issue for many organisations and individuals. It is important that that is captured and that a process is put in place that supports organisations and individuals to ensure that they get funding and are able to plan how to deal with the short and medium term. Are

there other ways in which the Government has managed to identify lived experience and ensure that it is involved in the budget process?

Christina McKelvie: That goes back to my earlier point about how, in my policy area, I do not do anything in isolation. We certainly do not develop policy in isolation. It is always done with participation and takes account of not only lived experience but living experience, because there are people experiencing right now some of the issues that we want to address. We are developing a participation framework to ensure that that happens.

During Covid, we went straight to stakeholders, asked them what they needed and tried to address that need. That was successful. Certainly, that is what we had to do in my portfolio area. We asked organisations including those that address violence against women, older people's organisations and disabled people's organisations, what they needed in order to get through. There was a lot of service redesign and enhancement of current services. We have learned a lot about how to do that.

We also learned a lot about how to do that, and how to implement lived experience, through the national advisory council on women and girls, which has taken a real interest in how we reduce inequalities and make our budgeting processes more equal.

10:30

We have continued that work in the area of engagement. The excellent social renewal advisory board was led and driven by participation, and we have learned a lot about good practice and a lot of good lessons on how we can mobilise quickly and flexibly to deal with a crisis. The participation framework has become incredibly important. If the committee is interested, I can give it more detail on how that will work.

One of the things that will come from that is how we implement good practice, and how we use that to get engagement and participation at the level that people need it. I am talking about simple things. If we ask disabled people's organisations to come to an event at 9 o'clock in the morning, with the best will in the world, for some people that means rising at 5 am to get organised to be there, because they may need support. It is about thinking a bit differently about how we create opportunities and access for people, which will help us to build the policy that we need to build—policy that works and produces the outcomes that we want.

Alexander Stewart: As you have identified, it is about being creative. There is no one-size-fits-all

in this area, and everyone has a contribution to make.

The equality budget advisory group has made some recommendations. Where are we with that? Has the Government taken them on? How are the group's recommendations filtering through?

Christina McKelvie: We are currently considering the recommendations. That sits within another portfolio, but I will get you a proper, detailed update on that.

The Convener: Pam Duncan-Glancy has a wee supplementary question on human rights budgeting.

Pam Duncan-Glancy: Thank you for your responses so far, minister. It is lovely to have you back.

I want to ask about disabled people's organisations and other civic society organisations. A report published last week by Inclusion Scotland on the United Nations Convention on the Rights of Disabled People recognised the importance of funding for disabled people's organisations and others. With a view to incorporation, how will the Scottish Government ensure that DPOs and other civic organisations are adequately funded to provide a wide range of support, including peer support and capacity building?

Christina McKelvie: I thank everyone for all their good wishes. I am glad to be back, too. It is good to be here. I hope that you are feeling better, Pam.

Three great reports were published last week, including the Inclusion Scotland report and the UN's guide report. With all the reports, we are considering the impact of Covid and the areas in which we can tackle the associated inequalities.

I have been really pleased to see the work that disabled people's organisations are doing around incorporation of the UNCRPD—it is something that I have been advocating for for a long time, personally, professionally and politically.

The human rights bill process is under way and will be led by the Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison. I chair the advisory board for that, and we have learned lessons from the work of the social renewal advisory board and the national advisory council on women and girls. We are hosting a number of opportunities to hear from stakeholders. You will not be surprised to hear that disabled people's organisations are front and centre in that. I know Glasgow Disability Alliance and the work that it does. Like you, Pam, I herald the work of the GDA and other organisations, and hold that work in high regard.

The GDA and others have been pivotal in the work that we are doing in developing the policy around the bill. They have contributed to the advisory board and have considered some of the intersections with disability, including those relating to race and age. We are working on all of that.

To get to the crux of your question, which is about how we ensure that such organisations are adequately funded, we are not quite sure yet what they need and what we will do as far as incorporation of the UNCRDP goes. We are at quite an early stage in that work and in understanding what that will look like. However, the bill will incorporate several treaties into Scots law and will give people a remedy so that they can challenge public authorities when their rights are not being respected. That is a huge shift in how we do things.

You would think that, as a Government, we would be quite nervous about that, but actually we are fully centred on ensuring that we create a Scotland where people have a judicial route to realise their rights. We hope that they will never have to use such a route because all the other work that we are doing emphasises the responsibilities on public authorities to deliver. However, it is a real step forward for people to know that such a remedy is there and that they can use it, and for public authorities to know that they have responsibilities that they must act on or they could be challenged in court.

The advisory board has started to meet again—I met the board a few weeks ago. It is looking at a whole host of issues in relation to incorporation but there is a question about how far we can go within our devolution settlement. There are challenges; it is a huge piece of work, but one that we have entered into with open hearts and minds as well as lots of drive and determination. Disabled people's organisations are incredibly important in helping us to understand that. They are there at the beginning so that they get the outcomes that they need at the end.

I will update the committee as we develop that work on the question that Pam Duncan-Glancy is asking, which is one that I like to ask: what difference will it make and how do we ensure that it works? That is where we are focusing right now and we will come back to the committee on that.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I join my colleagues in welcoming you back to the committee today, minister. It is great to see you looking happy and healthy and very enthusiastic about this area of work, which we all know you have been a lifelong champion of.

As the convener said, your portfolio is incredibly big. I want to ask about the racial equality framework, which had a high priority in the previous parliamentary session. You appeared before our predecessor committee and came several times to the cross-party group, which I then chaired, to discuss the framework. You will be aware that at the end of the parliamentary session there was some criticism of the framework, with stakeholders saying that it was making slow progress. I was pleased to hear about the new immediate priorities plan that you outlined. Could you talk a wee bit about how that is progressing and what we hope to get from it? It would be helpful if you could focus on the employment gap for ethnic minorities and occupational segregation.

Christina McKelvie: One of the things that we established very quickly at the beginning of the pandemic was the disproportionate impact of Covid on our diverse communities in Scotland. That has been a global issue, but we recognised it very quickly and set up the expert reference group on Covid-19 and ethnicity, which did a huge amount of work in many areas where inequality was always present, but where Covid had exposed it in all its raw detail. That showed us areas that we needed to focus in on.

The expert reference group produced two sets of recommendations, some of which related to policy areas and some of which related to practical areas. We have accepted all those recommendations and are implementing them.

First, we considered the practical things that we needed to do quite quickly. We put some of that into place, including having culturally appropriate media and advertising on the vaccine. We also ensured that all the information about Covid and where to get support was culturally appropriate. We funded the ethnic minority resilience network—that group grows every day; if you have not had a chance to meet it yet, please look at doing that. We provided funding for culturally appropriate food, interactions and support. There was other stuff that was historical, such as our relationship with slavery and how we challenge and change that. Work is being done with our culture colleagues on some of that. We have also been looking hard at the endemic, ingrained discrimination that people face.

All of that came from the expert reference group on Covid-19 and ethnicity, which gave us a lot to think about and exposed some of the areas where we needed to focus. That is where the immediate priorities plan came from.

We published the immediate priorities plan quite recently—in September 2021—and I hope that members have had a chance to look at it. The plan addresses a range of things, including the impact

of Covid and the race equality framework 2016 to 2030, and covers many Government portfolios including health, employment, education, housing and poverty. It is a comprehensive and strategic review that will inform our planned programme of systematic change.

The immediate priorities plan group is being established. It will be chaired independently from Government by two people who come from a lived-experience background and have a high profile in many relevant areas. Again, that fits with the idea of “nothing about us without us”. We need our stakeholders and people with lived experience of the issues to inform the process so that we get it right and make change.

The group will be an interim governance group and will develop an antiracist accountability and oversight function. It will deliver on all our commitments and will be independent. It will explore models for permanent, external oversight. Although we have the Equality and Human Rights Commission and the Scottish Human Rights Commission as regulators in relation to discrimination, we felt that it was important—this was one of the recommendations of the expert reference group on Covid-19 and ethnicity—to have an external oversight governance body that takes account of progress that has been made and holds the Government and public authorities to account. The interim group will look to develop that model and come up with recommendations on how to move that forward.

That is a direct response to the challenges made by people who say “It’s a bit slow” and “We’ve no seen much progress here”. There is lots of progress across many areas, but if our stakeholders are telling us that they cannot see it we need to take responsibility for that. We felt that the immediate priorities plan was a way to do that, together with having an independent chair and an oversight body.

I know that Richard Lochhead is working on those issues and that he has picked up particular areas. That comes under his portfolio and I will go back to him and ask him to give you an update on where all of that is sitting right now. The ethnicity pay gap is part of that, too. I will get you an update on that.

Fulton MacGregor: Thank you for that very comprehensive answer. You have anticipated many of my supplementary questions. The convener will be glad to know that I do not have many more questions.

I will focus on employment, as that is where we have ended up. As you mentioned, that extends across other portfolios, such as Richard Lochhead’s. However, taking a general overview, do you think that if the plan is successful and does

what we hope it will do, it will have a big impact on employment? You know how much of a concern that was to the committee in the previous session—I know that that committee did not have exactly the same remit as this committee. There was a review of that area and, as you know, it is an issue that comes up often.

10:45

Christina McKelvie: Absolutely—there is a real drive and determination to limit all those inequalities. They are there, and we have a responsibility to do that.

The work that we have done on the Gypsy Traveller joint ministerial group is very important in that regard, because that model has worked incredibly well in ensuring that other ministers as well are driving those changes within their portfolios. The work of the previous committee has informed that process, as has work that we commissioned the Coalition for Racial Equality and Rights—CRER—to do, on which it published a report last year.

Rather than me pulling things out of the back of my head on what other ministers are considering doing, let me get that update for you. If you want to bring us back to discuss it at a future date, I am sure that Mr Lochhead or I would be happy to do that.

Pam Gosal (West Scotland) (Con): Good morning, minister. My question is a supplementary to Fulton MacGregor's question. We have heard from witnesses that, during the pandemic, black and ethnic minority women felt misunderstood by mainstream services due to those services not understanding their culture, so they were left disinclined to use those services after suffering domestic abuse. There was increasing reliance on the third sector as a result. What has been done to tackle that flaw in the system and to achieve the capabilities and capacities that are set out in the race equality framework?

Christina McKelvie: Thanks for your question and for your good wishes, Pam. We had a lovely day doing the international women's day event, at which lots of questions like yours were brought up. They give a lot of food for thought.

I was very mindful of ensuring that we had a culturally diverse communities approach during the pandemic, and I worked closely with a number of stakeholders. However, I recognise the issue. It does not just sit squarely within our race equality plan; it sits within our violence against women work as well. You will know that the national advisory council on women and girls did a piece of work—the year before last, I think—on intersectionality, which brought many new voices into those circles on access to mainstream

services, how we tackle female genital mutilation and honour-based violence, and some of the cultural nuances that are involved. We have taken all that on board.

We are doing an immediate update and refresh of our equally safe plan. We are also looking at its long-term sustainability—that is what the group chaired by Lesley Irving will do. We are also looking at the important intersections with race.

We have looked at the make-up of our equally safe joint strategic board, which is jointly chaired by me and Kelly Parry, who is a spokesperson at COSLA. Its work is being taken forward across many portfolios, including with our justice colleagues.

One of our priorities is primary prevention, including how we ensure that the strategy works very well in the area that you have raised and how we tackle the intersections. We talked to some of our key partners about how they could engage with the board. It was apparent that we needed some of them to come on to the board, so I am really pleased that Mariam Ahmed from Amina—the Muslim Women's Resource Centre will join the joint strategic board. I think that you know her, Pam; I have known her for a number of years. She will be supporting us in our responses and the actions that we take by helping us understand how actions around honour-based violence and FGM could work, through the lens of our equally safe strategy, which is a wider strategy for reducing violence against women and girls. Again, we are taking that gender and race equality lens to the issue. I really look forward to working with Mariam on that.

I hope that that gives you some reassurance that we are attempting to address the gap, or concern, that you have brought up.

The Convener: We will stay with Pam Gosal for her substantive question.

Pam Gosal: I thank the minister for those comments, which sound very promising. The women raised the issue that, because they had no representation on the boards, they could not understand the culture. It is therefore good to hear that you have Mariam on the joint strategic board.

With regard to FGM, which you have mentioned, the fact is that most of the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020 is not yet in force. In 2019, a Scottish Government publication revealed that there was no available data on the occurrence of FGM in Scotland. Has there been more of a focus on collecting that data to accurately identify communities and spaces where this horrific practice might be taking place?

Christina McKelvie: I find it quite poignant that passing that bill was the last piece of work that the Parliament did before we went into lockdown. It was great that we were able to do that, but then we went straight into lockdown mere days later, and we had to focus all our work on supporting people in their communities in all the ways that I have already explained, including through the ethnic minority resilience network. The FGM guidance has been delayed as a result of difficult decisions that had to be taken at that time, but we are now re-establishing that work.

There will be a couple of key achievements in developing that work, including the publication of our multi-agency non-statutory guidance on FGM. It is important that that covers all agencies, because, as we have seen, work on this area needs to be done in education, health and justice. All of that was included in the bill—now the 2020 act—and we are continuing to re-establish and implement that work and, indeed, use it to enhance our equally safe strategy, which contains specific references to FGM. The practice is, as you have made clear, abhorrent, and it is an abuse of human rights.

The issue of data has been raised a number of times with regard to a lot of equality measures, and I can tell the committee that the chief statistician is undertaking a piece of work on how we can collect more equality data, the responsibilities that will be placed on public authorities to do so and how we use that data to force and drive change. As I have said, that work is under way; in fact, the chief statistician has already published some of it. Again, I am happy to initiate an update on our work on the equality data improvement programme—or EDIP—and to get back to you on the points that you have raised about the data that we collect, how we collect it and how we use it to drive change. The chief statistician is working on that just now and, as I have said, I will get you an update on it.

Pam Gosal: Thank you, minister.

The Convener: Thank you for covering the wider point about data, minister. The committee will really appreciate an update on that, because equality data is really important in a number of areas that fall within the committee's remit—and, indeed, your remit, too.

I call Karen Adam.

Karen Adam (Banffshire and Buchan Coast) (SNP): It is, for many reasons, an absolute joy to see the minister before us this morning.

Can you give us an update on the review of the equally safe strategy? There are a couple of issues that I would like to focus on in that respect. We have been getting a bit of feedback on the intersectional approach, and it would also be good

to hear whether there has been any feedback on or review of equally safe at school. There has also been a lot of talk about preventative measures, with the focus and onus on perpetrators. Has that, too, been taken into account in the strategy?

Christina McKelvie: Thank you for the question and for your good wishes, Karen.

You will have heard me say in response to Pam Gosal that we have included Mariam Ahmed on the equally safe board. She brings to the table all her past experience, including the work that she has been doing at Amina and more widely in her community, which will allow us to focus on taking the intersectional approach that we all want to see. She is a busy woman, and I am pleased that she has given up some of her time to help us develop our equally safe plan. That is really welcome, and we are grateful for it.

Primary prevention is one of the main pillars of our equally safe work. That work involves not just the equally safe at school programme; we also have the equally safe in higher and further education and equally safe in the workplace programmes. The approach in those areas is being driven forward by other ministers in the work that they do.

Recently, we have been hearing about the benefits of the equally safe at school programme and equally safe in further and higher education. You will be familiar with the work of Fiona Drouet and her organisation, EmilyTest; she is driving that forward in campuses across Scotland. She is absolutely formidable, and we are grateful to her for all her work in this area.

We have a bit of a review under way. After elections, we come back and look at the strategies and action plans that we have been working on, and think about where we are starting from now. We asked stakeholders whether we should do a big, long-term full refresh, and they said, "No, because we think this works." However, they wanted us to look at the areas where we needed a bit more focus, which is what we are doing through the short-term refresh that we are undertaking right now.

I met with the board just a few weeks ago, and we started to action a number of those points. Again, I will come back to the committee with a fuller update on that in the coming weeks, if you do not mind. We had a 100 days commitment to direct new funding to this area, with £5 million going to rape crisis centres and domestic abuse services. The aim of that was to cut waiting lists, because we know about some of the challenges in that regard.

We have a new delivering equally safe fund, and we fund 121 projects across 112 organisations to the tune of £38 million. We could

have funded three times the number of projects, given the number of bids that came in. There is a lot of work going on in this area, and we have just opened our new victim-centred approach fund to support victims of crime; I know that that issue has been brought up a few times.

We have also funded the Respect Phonenumber for perpetrators. We have a number of programmes for perpetrators. Primary prevention is about consent, healthy relationships, being equally safe at school and where to go for support—it is about how we do all that. The same applies in further and higher education, and in the workplace with regard to how people can support colleagues.

Another aspect is how we deal with perpetrators to change the culture. White Ribbon Scotland has done a fabulous piece of work about the need for men to take responsibility. It is great to see the narrative changing from women having to be protected to men taking responsibility for their actions. The “Don’t be that guy” campaign that Police Scotland developed was a superb resource and really got people—especially men—to stop and think about their behaviour and their responsibility as a bystander or as someone who can intervene if it is safe enough to do so. A huge amount of work is going on across this field, and we are looking at all the aspects and what we should focus on. Primary prevention is a key aspect of that, and the funding to do that is in place.

Alongside that is the review that Lesley Irving is undertaking. Another big issue that the sector faces—it was reflected in my comment a moment ago on the number of people who put in bids for the delivering equally safe fund—is the amount of work that needs to continue to be done in this area, and how we make that much more sustainable and less precarious for all the organisations involved. Lesley Irving has started that work; I met with her just a few weeks ago.

Again, I am happy to come back to the committee at a later date to give an update on the work of that group. Lesley was the head of the Scottish Government’s equality unit for a long time, and she has an extensive professional background in services that deal with violence against women. I am sure that she will come back with some incredibly robust and challenging, but very welcome, recommendations. When we have an update on that work, I can let the committee know.

Karen Adam: That is great—thank you.

The Convener: I will bring in Maggie Chapman.

11:00

Maggie Chapman: Thank you for that information, minister. You talked about the primary prevention work that is going on. I am very familiar with some of that, especially the work in schools. Has there been any attempt to co-ordinate the continuation of that work into further and higher education? I know that the fearless projects in Glasgow and Edinburgh are well off the ground across university campuses, but it is important to have an overview of that work and ensure that White Ribbon Scotland is involved.

We also need to ensure that that work is done not only in the central belt but across universities and college campuses elsewhere, because they function within the same patriarchal system as the rest of us do. Do you have any comments on connections more widely with our further and higher education institutions?

Christina McKelvie: Again, that sits within another minister’s portfolio. My role includes a duty to ensure that, in mainstreaming this work across the whole of Government, ministers drive it forward in their individual portfolios. I am in awe of the work that Fiona Drouet does, and I know that ministers met her quite recently. Again, we can get you an update from the relevant minister on that area.

That sector is important, but it is not just about ensuring that each sector has a focus on that work. It is about continuation, and ensuring that when boys and girls grow up and go through the system, respect, dignity and safety are built into all that. We also need to think about cultural change and how we can drive that. Colleges and universities are not just places where students go to learn and gain experience; they are also where tens of thousands of people work, including in academia and research. We are looking at how we bring all that into the work that we do.

An important aspect is research and development. When we look at what we need to do and how we fill the gaps and ensure that we make things better, we sometimes need to take a step back and look at what the rest of the world is saying about the work that we do here in Scotland. We should take some pride in that, while also realising that we are a bit of a beacon and asking how we can use that role to drive change.

Rather than things being fragmented, we need to look at how they can join up. We need to think about the journey of a person through their life and how that life is respected, so that people can be who they are. That will help us to create the society that we all want to see.

Pam Duncan-Glancy: As the minister will be aware, equalities groups have written a letter

about the Covid-19 inquiry. Specifically, they have said that the inquiry's remit makes no mention of

“women, Black and minority ethnic communities, disabled people, LGBT+ People, older people, young people, persons subject to No Recourse to Public Funds, and other groups who ... have experienced”

the brunt of the pandemic. Those organisations feel let down, as I am sure that the minister will know. They have recently said that there was absolutely no evidence that they were “listened to”, and that the door was closed in their faces. I hope that that was not the intention—I am sure that it was not.

In addition, the Government and Lady Poole have suggested that the treatment of refugees and asylum seekers will not be included in the Covid-19 inquiry, as that remains a reserved matter. I have a few questions on those areas.

On my latter point, does the minister accept that local authorities and national health service health boards play a significant role in the treatment of those groups? Would she therefore agree that the treatment of refugees and asylum seekers should be included in the inquiry?

Going back to the issues that equalities groups raised, and the work that the committee has done on women's unfair responsibility for unpaid work, what more could the Government do to ensure that those voices are heard in the inquiry? What actions can the Government take to address the issue of unfair responsibility for unpaid work? Further to that, what more could you do, and what do you intend to do, to implement a choice of split payments for universal credit, which could specifically support women in such situations?

Christina McKelvie: Thank you for all your questions, Pam—there is a lot in that. As you will know, the Deputy First Minister is leading on the Covid inquiry work. I am sad to hear that organisations felt that there was a closed door, because that is certainly not the way that I see it, given the work that we do in Parliament. However, you make an incredibly powerful and important point about participation and how people can feel that they are listened to.

If you will allow me to do so, convener, I am happy to take that back to the DFM and let him know about it, because it is important to see where we can go with that. I know that he wrote to the committee some weeks ago with a lot of detail on the inquiry, so we will look at that as well.

I know that colleagues across Government have been looking at the impact on women, and the impact in relation to unpaid work. Again, that aspect does not sit within my portfolio, so I will endeavour to take that away and raise it with the relevant minister, and come back to the committee and to Pam Duncan-Glancy on her questions.

On the issue of universal credit payments, I just wish that we had control of the universal credit system in Scotland, because if we did, it would not be in the shape that it is now. It would not have a rape clause and a two-child cap in it, for instance. I would hope that, with our launch of the adult disability payment pilot, the horrible process that people need to go through to be reassessed over and over again for conditions that are not going to get better will end in Scotland. That is a welcome advance, and an indication of how we would do things very differently if we had control of that system in Scotland.

I am an advocate of splitting universal credit payments but, again, I note that there are things that we can control in Scotland and things that we cannot. I am always happy to work with the relevant ministers who have responsibility in this area—in this case, the relevant minister is likely to be Ben Macpherson—to challenge the UK Government as many times as we possibly can. I am happy to take that question on board, and if there is a renewed push in that regard, I am happy to raise the matter with colleagues in the UK Government and to take it forward for Pam Duncan-Glancy.

If it would help, Pam and I could have a one-to-one catch-up on some of those issues. I know that she will have an ear in many of the communities that she mentioned, and I would find it incredibly helpful to hear from her about brass tacks: what people are experiencing and feeling. I would be keen to do that, if she is open to doing so.

Pam Duncan-Glancy: Thank you, minister. I would be very happy to do that—I would appreciate that opportunity.

My understanding is that split payments are part of the Scottish choices element of universal credit, and that we have the powers in Scotland to make some adjustments to how universal credit is paid. I was hoping that, in your role in respect of equalities, you could make representations to the Minister for Social Security and Local Government to ask at what point we intend to implement those changes, because that could have a significant impact on women and could help with some of what we have heard in committee.

Christina McKelvie: Yes, I am more than happy to do that.

The Convener: Minister, you mentioned in your opening remarks some of the work that you have done in relation to older people. I know that you were very proud of your work in the previous session of Parliament on loneliness and isolation. Can you give a wee update on where we are with the “A Connected Scotland” strategy?

Christina McKelvie: I am absolutely delighted to give you a really exciting update on that. I met

the social isolation and loneliness working group just a few weeks ago, and we developed some of the key actions that we are going to take forward. Again, during the pandemic, we very quickly went out to those organisations to say that we already had a strategy for socially isolated and lonely people. We said that we knew what actions to take and the areas that we needed to work on, and we asked how, given that a whole host of new people would be facing those challenges over the pandemic, we could tackle that.

There was a multipronged approach to tackling those issues. It was partly a question of connecting people with local organisations, and supporting some of the new local organisations that sprang up all over the place. In my constituency, I have the Hamilton Covid-19 warriors, Helping Hands Hamilton, the Larkhall Covid-19 rainbows and the Stonehouse Covid action group, and they are all still continuing to work. Those groups very quickly took on board the impact of social isolation and loneliness.

We know that social isolation and loneliness is a public health issue that has the same physiological effect on people as smoking 15 cigarettes a day—that is what the scientists tell us—and we know how insidious and difficult it can be.

One of the things that we have done is to fund organisations to develop work in that area. That involved rapid reorganisation, from which we learned lots of lessons, including how to hang on to the emerging groups and organisations and make them sustainable. We are looking at that—for example, there is a lovely, welcome £10 million investment in that area. We have tendered for a fund manager for that; we are almost at the end of that process and I will be able to update the committee on that very soon.

When I met the group last week, we discussed how, now that we have spent £1 million of the £10 million over the winter to sustain all those groups, we can use the other £9 million to build resilience into everything that they do. That local connection was one of the things that broke some of the taboos that people had had about how to access services and so on. Folk were just chapping on their neighbour's door to ask them if they needed a prescription, some shopping or somebody to talk to. There are many organisations that do that—for instance, we fund the Age Scotland helpline and a number of other support mechanisms.

We have a great opportunity ahead of us, with substantial investment in this area. The committee may have ideas on what to do with that investment, but I have to tell you that the social isolation and loneliness stakeholder group has great ideas on how to spend not just the £9 million, but much more. However, for now, we will start with the £9 million.

Maggie Chapman: You touched on the work that has been done to improve the data collection that we do. The equality data improvement plan is under way, but you have spoken about the work that Lesley Irving will be doing. I am interested in joining the dots between the data that we get and how we fund third sector and other organisations to deliver support and other services. As you will know, one of the key challenges for many third sector organisations is project-focused funding, which does not necessarily allow for full cost recovery, full backroom support and a trauma-informed approach.

How is your thinking developing when it comes to joining the dots on the data that we know we need to collect, which evidences need and therefore allows us to provide the expert support organisations that are out there with the full funding that they need, rather than just covering the front-line service delivery costs?

Christina McKelvie: That is a great question. If my memory serves me right, Lesley Irving has already met the chief statistician.

Nick Bland (Scottish Government): He was on the list.

Christina McKelvie: She has done lots of engagement over the past few weeks and she has either met him or is just about to meet him. We can update the committee on that.

Maggie Chapman's point about how we connect the dots is well made. I initiated that process at the very beginning, because none of these things sits in isolation. Whether it is the public sector equality duty review, the review of this funding, the immediate priority plan, the Gypsy Traveller action plan or our equality data budgeting, they all have to be part of the same mechanism to end inequality. I go back to the points that I made earlier about equality data. What we collect, how we collect it and how we use that data to drive change is incredibly important.

You will be interested to see the update from the chief statistician, but I will confirm with Lesley Irving whether she has met him yet and made that connection, or, if not, when that will happen. I will update the committee in due course.

Nick Bland can say a bit more, because he was involved in this work when I was away.

Nick Bland: I want to make a connection with the equality and human rights fund, which the minister talked about. Data collection is a key element of that. Inspiring Scotland is the fund manager that operates on our behalf with all the organisations that benefit from that fund. Through Inspiring Scotland, we are going through a process of agreeing on the data collection and reporting from those organisations. As you are

aware, it is a new fund, and the Government has a new arrangement to put that funding out to those front-line services through Inspiring Scotland.

We are going through a process that will enable us to learn a lot about precisely that issue—the issue of proportionate data collection from those projects. The funding of those projects included the proposition that they needed to collect some data for reporting on the progress of their work. Through the fund and through those arrangements, we have a real opportunity to learn about better processes, which relates precisely to the issue that you talked about.

11:15

Maggie Chapman: Thank you both for those answers. Nick, I might pick your brains about that in future, outwith the committee.

The Convener: Time is almost up. Do members have any final brief, precise questions? I know that Pam Duncan-Glancy would like to ask another question, but I ask her to keep it tight.

Pam Duncan-Glancy: Thank you, convener; I will be very brief.

Minister, on the basis of the UNCRPD report that Inclusion Scotland published last week, do you believe that we will meet the target of halving the disability employment gap by 2038 and, if so, how? Could we get a short update on the progress of the disability employment plan?

Christina McKelvie: That is another great question, but I am sorry to say that it is not one for me. I will get an update for you from the appropriate minister. The work that we are doing around the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and our human rights bill puts the UNCRPD front and centre.

As far as meeting the targets is concerned, I would not hazard a guess at where the relevant minister is sitting with that at the moment, so I will come back and give you an update on that.

The Convener: We have gone slightly over our time. Thank you so much, minister. It is great to see you back here today. Thank you for your time and for giving us a bit more of your time than we had previously agreed.

11:16

Meeting continued in private until 11:44.

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