



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Equalities, Human Rights and Civil Justice Committee

Tuesday 29 October 2024

Session 6



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EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE
22nd Meeting 2024, Session 6

CONVENER

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

DEPUTY CONVENER

*Maggie Chapman (North East Scotland) (Green)

COMMITTEE MEMBERS

*Pam Gosal (West Scotland) (Con)

*Marie McNair (Clydebank and Milngavie) (SNP)

*Paul O’Kane (West Scotland) (Lab)

*Evelyn Tweed (Stirling) (SNP)

*Tess White (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Siobhian Brown (Minister for Victims and Community Safety)

Sara Cowan (Scottish Women’s Budget Group)

Dr Alison Hosie (Scottish Human Rights Commission)

Catherine Murphy (Engender)

Catherine Robertson (Zero Tolerance)

Lewis Ryder-Jones (Oxfam Scotland)

CLERK TO THE COMMITTEE

Katrina Venters

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities, Human Rights and Civil Justice Committee

Tuesday 29 October 2024

[The Convener opened the meeting at 10:00]

Interests

The Convener (Karen Adam): Good morning and welcome to the 22nd meeting of 2024, in session 6, of the Equalities, Human Rights and Civil Justice Committee.

Two members, Maggie Chapman and Paul O’Kane, are joining us remotely. We also have two new members of our committee. I thank Meghan Gallacher and Annie Wells for their contributions during their time as committee members. I welcome to the committee Tess White and I welcome back Pam Gosal, who is returning to the committee.

Under our first agenda item, I invite Pam Gosal and Tess White to declare any relevant interests.

Pam Gosal (West Scotland) (Con): Good morning, committee. It is great to be back. I have no relevant interests to declare or any declaration to make.

Tess White (North East Scotland) (Con): I have no relevant interests to declare.

Subordinate Legislation

Upper Tribunal for Scotland (Bus Registration Appeals Rules of Procedure) Regulations 2024 (SSI 2024/249)

The Convener: Our second agenda item is consideration of the negative Scottish statutory instrument, SSI 2024/249, the Upper Tribunal for Scotland (Bus Registration Appeals Rules of Procedure) Regulations 2024. I refer members to paper 1.

As members do not have any comments, does the committee agree that that concludes our consideration of the regulations and that we have no recommendations on the SSI?

Members indicated agreement.

Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024 [Draft]

Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024 [Draft]

The Convener: Our third agenda item is consideration of two draft affirmative instruments: the draft Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024 and the draft Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024. I welcome to the meeting, Siobhian Brown, Minister for Victims and Community Safety, and Alasdair Thomson, senior policy officer, tribunals. Thank you for joining us this morning. I refer members to paper 2 and invite the minister to speak to the draft regulations.

Siobhian Brown (The Minister for Victims and Community Safety): Thank you, convener, and good morning, committee. The instruments before you are the Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024 and the Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024. These regulations are part of a package of four instruments that are closely connected and were all laid on the same date. The two affirmative instruments are important as they will continue the work to bring current tribunal functions into the Scottish tribunals structure and are essential as part of a wider package to enforce bus services improvement partnerships.

The first instrument, if passed, will transfer the devolved functions of the transport tribunal to the Upper Tribunal for Scotland. Those functions are the appeal functions that are currently exercised by the transport tribunal for certain financial

penalties imposed by the traffic commissioner for Scotland on bus operators for failures to comply with certain statutory requirements set out in section 39 of the Transport (Scotland) Act 2001.

The regulations will also make transitional provisions to ensure that any live appeals before the transport tribunal transfer to the Upper Tribunal for Scotland. Equivalent bus enforcement powers conferred on traffic commissioners in England and Wales have an appeal route directly to the United Kingdom Upper Tribunal. Hearing appeals against service standard decisions in the Upper Tribunal for Scotland will ensure equal access to justice for any cross-border operators.

The second instrument, if passed, will make provision for the composition of the Upper Tribunal when deciding appeals against certain penalties that can be imposed against an operator of a local bus service under section 39 of the Transport (Scotland) Act 2001 and service standard decisions made by the traffic commissioner for Scotland in connection with bus services improvement partnerships.

Members of the Upper Tribunal can be legal, judicial or ordinary members. When deciding the appeals outlined above, these regulations provide that the Upper Tribunal may consist of: a legal or judicial member of the Upper Tribunal acting alone, or two or three legal or judicial members of the Upper Tribunal, or the president of the Scottish tribunals, acting alone or with no more than two legal or judicial members.

The power to choose between the compositions that I have just described is delegated to the president of the Scottish tribunals. The president of the Scottish tribunals, Lady Wise, was consulted on both draft sets of regulations in line with the requirements of the Tribunals (Scotland) Act 2014. Lady Wise indicated that she was content with the two instruments. There was also a public consultation that included the regulations, which closed on 27 October 2023.

I understand that the Delegated Powers and Law Reform Committee considered both sets of regulations on 1 October 2024 and was content.

I want to highlight that these regulations will have no impact on individual members of the public as they relate only to the appeals rights of local bus operators and local transport authorities. I am happy to answer any questions, convener.

The Convener: Thank you very much. Do any members have questions or comments about the instruments? I see no indication that any member wishes to speak, so we will move on to the formal business: consideration of the motions to approve the affirmative instruments. I invite the minister to move motions S6M-14609 and S6M-14610.

Motions moved,

That the Equalities, Human Rights and Civil Justice Committee recommends that the Upper Tribunal for Scotland Bus Registration Appeals (Composition) Regulations 2024 [draft] be approved.

That the Equalities, Human Rights and Civil Justice Committee recommends that the Upper Tribunal for Scotland (Transfer of Functions of the Transport Tribunal) Regulations 2024 [draft] be approved.—[*Siobhian Brown.*]

Motions agreed to.

The Convener: Does the committee agree to delegate to me approval of the publication of a short factual report on our deliberations on the affirmative SSIs that we have considered today?

Members indicated agreement.

The Convener: That completes our consideration of the two affirmative instruments. I thank the minister and her official for joining us today. We will now suspend briefly for a changeover of witnesses.

10:07

Meeting suspended.

10:14

On resuming—

Pre-budget Scrutiny 2025-26

The Convener: Welcome back, everyone. The fifth item on our agenda is evidence as part of the committee's pre-budget scrutiny 2025-26. We will hear from two panels. Our first panel is Catherine Murphy, executive director, Engender; Lewis Ryder-Jones, advocacy adviser, Oxfam Scotland; and Catherine Robertson, policy officer, Zero Tolerance. You are all very welcome and I thank you for attending this morning.

I refer members to papers 3 and 4 and invite our witnesses to each make a short opening statement.

Catherine Murphy (Engender): I am the executive director of Engender. For those who do not know us, Engender is a leading feminist policy and advocacy organisation working to secure women's social, political and economic equality and to realise women's rights. We work to make visible the impact of structural inequality in Scotland and we produce research, analysis and recommendations for change.

We are firmly of the view that gender mainstreaming is essential and that it is the primary route by which we can integrate an equality-based approach across the policy-making process in Scotland. We are grateful to the committee for inviting us along today to discuss that.

Gender mainstreaming is an evolving approach with 30 years of development at European and international level, but unfortunately, Scotland is still a bit behind the curve on equalities and gender mainstreaming issues, despite a lot of effort in recent years. We need to pick up the pace and we hope to be able to discuss that with you today.

Catherine Robertson (Zero Tolerance): I thank the committee for the opportunity to speak today and to give evidence. Zero Tolerance is an organisation that focuses on the primary prevention of men's violence against women and girls by tackling its root cause: gender inequality. Eradicating violence against women and girls is essential to building an inclusive, safe and equal Scotland. Weaving gender equality into the everyday fabric of Scottish life is a central component in preventing violence against women and girls.

Many of the areas covered by the national performance framework and its outcomes are highly gendered and the NPF needs to recognise that in order to meet the needs of women and girls in Scotland and to improve their wellbeing.

Achieving gender equality is a prerequisite not just of ending violence but of improving Scotland's performance across all areas.

As our sister organisation Engender has argued, the NPF and its outcomes should be the cornerstone of the Scottish Government's plan to achieve equality. To ensure that, however, Zero Tolerance believes that there need to be three improvements to the NPF and its outcomes, and we urge the committee to reflect that point to the Scottish Government. First, it is essential that there is an outcome dedicated to gender equality with strong VAWG-related indicators. Without that, it is likely that gender equality will be deprioritised. Secondly, we think that gender must be mainstreamed across all the relevant outcomes. Although we recognise that there has been substantial progress, there are still many gaps. Thirdly, we echo concerns raised by Engender about the effectiveness of the NPF being undermined by a lack of gendered policy coherence.

Without improvement on those three points, we think that it is unlikely that the NPF and its outcomes will make substantial progress towards gender equality.

Lewis Ryder-Jones (Oxfam Scotland): I echo my colleagues' comments. Thank you for inviting Oxfam to give evidence today. Oxfam has a long-standing interest in reducing inequalities because we believe that reducing inequalities of all types is a prerequisite for tackling poverty in Scotland and elsewhere. We also have a long-standing interest in the NPF and the national outcomes as a means to create richer measures of national progress. We were heavily engaged in the process of setting the previous set of national outcomes in 2018 and we are also part of the expert advisory group that has supported the process this time round.

We broadly welcome the draft national outcomes that were presented to Parliament earlier this year. However, there is a lot more to do to make the meaningful step towards having good outcomes from their implementation. A big part of that must be that national outcomes become part and parcel of the process of policy making and spending decisions within the Scottish Parliament and by the Scottish Government. That requires changes across various areas but first and foremost requires bolstering the legislative underpinning of the national outcomes. That is very important and we believe that everything else is likely to stem from that. I am happy to come back to that over the course of today's meeting.

We have also been involved with the national outcomes indicators selection process through the expert advisory group. We remain less than impressed by the wider public consultation that is involved in setting the national indicators and we

implore the committee to take a serious interest in the national outcomes when they are presented to the Scottish Parliament next year. The process of setting them must run through the next five-year period to make sure that the national outcomes become meaningful. I am happy to come back to that point as well.

The Convener: Thank you all. We move to questions from members, and I will start. The Scottish Government's review of national outcomes has been focused primarily on the outcomes themselves and not the indicators or wider framework. Has that approach allowed for sufficient change to be made with regard to equalities and human rights?

Catherine Murphy: In many ways, we think that there has certainly been progress with the outcomes. Obviously, it is very hard to fully assess that without the indicators. The two things that we have been particularly pleased to see are the work that has been done around care and an indicator on care being included in this iteration. We are also pleased that there is at least a stated recognition of equality within the broader equality and human rights outcome.

We are still somewhat frustrated that there seems to be resistance to transferring and tracking along the lines of the United Nations' sustainable development goals. We had previously called for inclusion of an outcome that echoed SDG 5 on gender equality, which was resisted in the first iteration, and that has been resisted again. We are frustrated because we do not think that that recognises international best practice on mainstreaming, which we can talk a bit about if you would like us to. International best practice demonstrates quite clearly that we should take a twin, dual-track approach to gender mainstreaming, which means that we need to not only give it specific prioritisation, but integrate it throughout all of the headline outcomes. I am frustrated that we have not made more progress on that.

As for the process, as Lewis Ryder-Jones said, there is still a lot of work to be done on the indicators, and we will be very interested to see what comes out of that. This is a lot of work to be done to integrate gender across all of the indicators.

We made a submission to the consultation, and we participated in an event that was a kind of focus group meeting on gender. That was a pretty standard kind of consultation approach but I think it certainly could have been more of an exchange of information. We gave our feedback but we have not heard very much about how it was used and what the rationale was for some of the decisions that were made when everything that we said was not taken on board.

Specifically on SDG 5, we understand that there has been a thematic gender review, which has not been shared publicly. We have not seen what went into it, so it is hard to comment on how good or strong it was. We are a bit sceptical about how strong it was, given how weak the representation of violence against women is in the outcomes. The other major weakness is to do with women's representation and participation in public life, which is a major feature of SDG 5 but is barely represented in the new outcomes. A thorough strategic gender review would have certainly given priority to those issues and I would be interested in the committee exploring that a bit more.

Catherine Robertson: I echo everything that Catherine Murphy has said. Zero Tolerance agrees with all her points, especially around the need for a gender equality outcome. I also echo the views on the thematic gender review. While we are pleased that one was carried out, again we have the same concerns about why we do not know what was involved in it.

We also want to highlight the fact that despite recognition in the review that better mainstreaming is needed throughout all the outcomes and throughout the national performance framework in general, there are still missing vital opportunities in the outcomes to embed gender equality and we wonder why there is a bit of a gap there.

On the Scottish Government's approach to doing this work, we welcome the inclusion of children's voices in the review through the Children's Parliament. However, we want to note that the children involved in that part of the report highlighted the need for gender equality in their experience of education under the education and learning outcome. As article 19 of the UN Convention on the Rights of the Child states that children must be listened to and taken seriously, we think that our recommendation on education, which highlights the need for schools to be equally safe for women and girls, is particularly pressing, given that that was highlighted by the children involved in the review.

I will keep my comments to that.

Lewis Ryder-Jones: To start with, we are supportive of the need for a gender equality outcome and recognise its conspicuous absence, especially if we consider the importance of the SDGs and the Scottish Government's stated aim to align the outcomes to the SDGs. We have made the point several times that that alignment has always been very loose and top level. There has been very little consideration of how indicators match up with SDG indicators and where the gaps are. There is clearly an important gap with regard to SDGs and gender equality.

That said, we very much welcome the proposed change on adding a national outcome on care. Oxfam has led the campaign for that addition over the past two years, and we warmly welcome it. However, its effect will be highly dependent on the nature of the indicators that follow the outcome, and we would say the same about other new and changed outcomes.

We are fully supportive of and echo the comments on the importance of disaggregated data collection for indicator development. To use an example, if we create an indicator around the financial wellbeing of carers in Scotland, we need to know what type of carers we are talking about. Are they paid? Are they unpaid? Who are they caring for? Secondly, to be able to make meaningful progress or measure progress, we need to know what gender the carers are so that we can make meaningful changes at the policy level. It is unclear at this stage whether we will have that level of data collection.

Where gaps appear in the current methods of data collection that can be used to support indicator development, it is important that we recognise that we can fill them over time. Simply trying to use a proxy indicator because the right data does not exist would be an inappropriate long-term outcome for that national outcome over the course of five years. It is better to have a gap in the short term and to try to fill that gap with new data collection methods, accepting the resource implications of that down the line.

I have mentioned top-level alignment to the SDGs, but there are other slight gaps around equalities. In the current NPF and the national outcomes, there is a distinct lack of reference to economic inequality, despite the fact that economic inequality features in the wellbeing economy monitor, which is supposed to be aligned to the national outcomes. That is an important omission. We welcome the fact that there is an acknowledgement of economic inequality in the wording of the poverty outcome, but it follows that the indicators that are developed for that outcome must also include something on economic inequality, particularly wealth inequality. We do not lack data on the issue of wealth inequality. We collect data on wealth inequality in this country and the latest figures should be out very soon—they were supposed to come out in the summer. To not see those in the new iteration of the national outcomes would be hugely disappointing.

Again on the SDGs—this is perhaps more of a controversial point—in 2007 the NPF included targets. Targets were removed from the latest iteration, and the need for continuous improvement and the fact that targets are not important for that were cited. We are of the mind that targets are important if the framework is to

align with the SDGs. The SDGs have targets that must all be completed by 2030. That is their purpose—to drive progress by a certain timeline. They will be replaced, but there will not be targets, particularly for things like wealth inequality. We are very supportive of reducing wealth inequality and income inequality to a Palma ratio of 1, which is where the top 10 per cent of the population have the same income as the bottom 40 per cent. That should be in the SDGs. Currently, it is not, and there is a campaign to have it included in the SDGs. There are a host of other targets in the SDGs, not least on gender, that are lacking from the NPF.

To make the NPF more meaningful in the next five years, we would like to see the inclusion of targets, particularly where there are policy targets and statutory targets attached, namely child poverty and climate action.

10:30

Lastly, we welcome the Scottish Government's commitment to include an implementation plan alongside the new national outcomes. We think that that will go some way to bridging the gap. However, as I said in my opening statement, to bridge that gap we will have to go beyond an implementation plan for each national outcome or for the national outcomes as an entire framework. We will have to drive down into each individual national outcome and address issues of policy coherence between each of them, and address trade-offs where they arise. That is particularly true for gender equality.

Maggie Chapman (North East Scotland) (Green): Good morning, panel, and thank you for joining us. I am sorry not to be with you in person. My question follows on from Lewis Ryder-Jones's points about policy coherence. Catherine Robertson mentioned in her opening remarks the need for policy coherence and said that the NPF's effectiveness could be undermined by a lack of that. I am interested in your views on whether, with the NPF and whatever outcomes come out of it after the review, we will have the capabilities and the equipment to tackle inequalities, given our failings on policy coherence to date. Does Catherine Robertson want to pick that up first?

Catherine Robertson: Thank you for the opportunity to speak on policy coherence. I will limit my comments to the equally safe strategy, as that is our area of expertise. A lot of opportunities seem to have been missed between the framing of the NPF and the goals of the equally safe strategy, even though a lot of the same ambitions are in mind. We picked up in our submission, as did Engender, that the communities outcome is not specifically gendered, although it is very much in

line with equally safe. An opportunity for gender issues to be mainstreamed has been missed.

We have the policies that we have, but they are not co-ordinated with each other. Outcomes need to be looked at again through the perspective of equally safe. Are we taking all the opportunities across all the outcomes to embed primary prevention of violence against women and girls? Opportunities have been missed, especially in communities, and in the range of outcomes that we described in our submission. That is what Zero Tolerance has to say about that.

Maggie Chapman: I come to Catherine Murphy with a similar question. Given policy coherence failures, how well equipped is the NPF to tackle inequalities?

Catherine Murphy: I will get to policy coherence, but I want to take a step back from that first. All the evidence that we have about how to achieve gender equality and integrate it across the policy-making and decision-making process and the legislative process tells us that we need different components. We need leadership, visibility of the issue, whole organisational shared responsibility, prioritisation and—critically—resources and accountability mechanisms to make sure that the work gets done. Unfortunately, we know too well that, if those things are not there, the work does not get done.

From that point of view, the national outcomes framework is critical, because it is the cornerstone for all those things. Things such as leadership, prioritisation and resources should flow from that for decision making. It is really confusing to us that gender equality is not prioritised more in the outcomes framework. We do not understand that, and part of the reason for that relates to policy coherence.

In recent years, we have seen a really impressive stated commitment to improvement on equality issues through the National Advisory Council on Women and Girls, which involves an ambitious and transformative agenda for change. As Catherine Robertson said, we have the equally safe strategy, the women's health plan and the promised public sector equality duty review, and we had the proposed human rights bill. We have all those strong and ambitious pieces of work that are being done or are expected to be done to address inequalities but, if they are not clearly aligned with the national outcomes framework, that is not strong enough. This is not just about having a stand-alone outcome on gender equality. SDG 10 is a general goal on reducing inequality. I am slightly confused as to why we cannot have more of a stated aim across the purpose of the outcomes framework. The purpose—the aim of reducing inequality—is not clearly articulated.

In the current iteration of the outcomes, there have certainly been improvements on integrating more of an equalities and gendered focus across the goals, but there are definitely major omissions—I have mentioned some. The document almost reads as if it is quite reticent; I do not understand why it is not more forthright. We have all the impressive commitments, so why is there not coherence across the framework? Why are we not being unapologetic in our aims around inequality? That is the principle.

Without creating a space in the outcomes framework for gender inequality, we are to some degree leaving all these brilliant and impressive pieces of work—such as the women's health plan and the National Advisory Council on Women and Girls—in a siloed place, where they are disconnected from the overarching framework that everything should emanate from. If the Government does not fix that between now and the framework being finalised, that will be a missed opportunity.

Maggie Chapman: I will pick up on one point and explore it a bit further. You talked about some of the ambitions. A lot of hope from across civil society and different sectors was pinned on the human rights legislation. Given that we seem to have lost that galvanising force because the legislation is not being brought forward, how do you see human rights in the NPF? What are the risks for the framework and for actually tackling equalities and human rights injustices?

Catherine Murphy: I will touch on that; I am sure that others might want to come in, too. We felt that there was a lot of potential for the proposed human rights bill to introduce duties that would plug gaps or move us forward—particularly in relation to weaknesses that we know about in the implementation of the public sector equality duty, for example. We thought that the duties that the bill would introduce could plug some of those gaps and move us forward in a much more progressive way.

However, I point out that we have not lost just the human rights bill. Since 2018, we have been promised a public sector equality duty review. Some of that has come forward, but it has been scaled back quite significantly since 2018. The public sector equality duty has a lot of potential, but it is not being utilised.

The national outcomes framework has the potential to create pressure internally around many things that are relevant to this discussion, such as data collection, the use of equality impact assessments and ensuring that assessments are of a sufficient standard. That means that it almost becomes more important to include such issues in the outcomes framework, in the absence of a

more thorough PSED review and of the human rights bill.

I am not sure whether that fully answers your question, but those things are two sides of one coin, in relation to PSED and the human rights bill.

Maggie Chapman: That is helpful—thank you. Does Lewis Ryder-Jones have anything to add?

Lewis Ryder-Jones: Our position is that an array of things are necessary to improve policy coherence with the national outcomes. We cannot do one thing and expect policy coherence to improve—that would be wishful thinking. Achieving that starts around the process by which national outcomes are set. Public engagement and the long-term impact of making the framework visible to the wider public has the impact that Government and Parliament take the framework more seriously. Let us be honest—the framework is set, it sits there and decisions are made. After a decision is made, a national outcome is assigned to that decision. That is generally how decisions have been made under the existing framework, and we need to reverse that.

Public engagement goes one way. We were part of the public consultation process in 2018, which engaged about 500 people across Scotland, and we worked with the Carnegie UK Trust to deliver that. Even that process was not enough for us, and the current process did not get close to that. We have gone backwards, not forwards, with our public engagement, and we implore the Government to use in the next five-year period continuous engagement techniques on the framework, which will build awareness of it.

At the start, I touched on the fact that the framework's legislative underpinnings are weak. The Community Empowerment (Scotland) Act 2015 states that public authorities must have due regard to the national outcomes in carrying out their duties. Let us be honest—what does that mean? Does it mean that they have to think about the outcomes before they make a decision? No, it does not.

We need to strengthen that legislative underpinning, whether that is through the 2015 act or, as we propose, through taking the national outcomes out of that act and putting them into a new wellbeing and sustainable development act, which we along with others have for a couple of years been advocating for. The Scottish Government initially committed to that, but the current programme for government does not follow through on it. We know that Sarah Boyack has a member's bill on the issue, which is welcome, and we really hope that the Government will get behind that.

We propose that such legislation should change the wording on national outcomes so that the duty

is not only to promote and deliver them but to promote and deliver public engagement and consultation on them and—importantly—to consider policy coherence in their implementation. That should be written into legislation, as that would enforce a different approach to how the national outcomes are considered not just by Government and Parliament but by public bodies and local authorities, given that the framework is supposed to be for all of Scotland.

I will stop there. I have a couple of points about indicators, but maybe we will come back to them.

Maggie Chapman: Thanks, folks. I will leave it there.

Pam Gosal: Good morning, and thank you for the information so far. Zero Tolerance and Engender have both suggested slight changes to the wording of the Scottish Government's proposed new national outcomes. Zero Tolerance has suggested changing the equality and human rights outcome so that it includes "living free from violence". Engender has suggested incorporating the current national performance framework's aim of reducing inequalities into the new NPF's purpose. Will you please expand on those proposals? Are any other witnesses in agreement with those suggestions? I will speak to Lewis Ryder-Jones afterwards, but it would be great if I could get views from both Catherine's first.

Catherine Robertson: Thank you for the opportunity to comment on that question. We want to see a definition that includes violence in "living free from discrimination" because violence is the reality for far too many women and girls in Scotland. If we do not name it for what it is, there will be no action around it. We cannot include violence underneath discrimination; they need to be given equal weighting.

We want to add "free from violence" because that will help to ensure accountability for action around tackling violence against women and girls. Violence against women and girls is often dismissed and not seen for the violence that it is. It absolutely needs to be included in the definition because that will help to bring the attention to and action on ending violence against women and girls that we want to see. That is why we think that it should be included in the definition, alongside discrimination.

10:45

Catherine Murphy: We would like to see quite a number of significant changes. The primary change would be to the purpose of what we are trying to achieve with the outcomes. Reducing inequality should be integrated within the purpose. I am not saying that that should be the sole

purpose, but it should certainly be a feature of the purpose.

There are already some really strong improvements. Lewis Ryder-Jones mentioned the new outcome on care. Some of the other outcomes have also been integrated and there is some mention of women's experiences. For example, the new wellbeing, economy and fair work outcome includes some recognition of unfair pay gaps. However, we would like to see across all the outcomes more recognition of people's different experiences and the impact of structural gender inequality on women and how that manifests in those areas. In our experience, and in the global evidence base on mainstreaming, something that is not named or acknowledged does not get done, so we would probably be looking for some changes across the different outcomes. I have mentioned some of the primary ones. There are a few omissions, but one of the two most important omissions that we can see is on violence against women, which Catherine Robertson mentioned. That is not strong enough and we want it to be made much stronger. We also want to see full and effective participation of women in decision making, public life and leadership positions and that is not strong in the national outcomes framework either.

I do not know whether any of the committee members are familiar with some work of ours. It is not perfect data collection but every few years we do a report on Scotland called "Sex and Power". We track women's representation in positions of power across Scotland. We have found that 64 per cent of leadership positions in Scotland are taken up by men and that there are major gaps in women's representation in public life in Scotland. We track 38 different categories of leadership positions and men are overrepresented in 33 of them. We know that there is an issue, so I am not sure why that has been omitted.

Ultimately, we would like there to be a gender inequality outcome. We think that that is absolutely in line with the SDGs and what international best practice tells us and we think that it is necessary. Those are the primary changes that we want to see.

Lewis Ryder-Jones: I have nothing significant to mention but I might just add two little things to Catherine Murphy's last point about the importance of mainstreaming by embedding across outcomes and having something standalone and visible. That also applies to the care outcome. When we were thinking it through, there was an early discussion about whether care should appear across several different national outcomes because of its significance and foundational importance to how society functions, whether it is unpaid care or paid care—a very

broad definition. There is an argument for care appearing across other outcomes as well.

We are also very supportive of the position around gender inequality. It is not just about embedding across different outcomes but about making it visible in its own right.

On the out-of-government data collection side of things, the report that Catherine Murphy mentioned is great and I read it every time it comes out. There is a wealth of qualitative data being collected in Scotland by an array of organisations and we implore the Government to think through the quantitative and qualitative data collection side in relation to what it will use in the national indicators. I recognise that there is a limitation to the types of data that can be used by the statistics team in the Scottish Government but that does not mean that signposting to other forms of measurement cannot happen through the national performance framework to bring in other stakeholders, particularly those who do not work for the Government. We know that qualitative data gives a different angle to issues such as gender equality that is often missing when we look at the numbers alone.

Pam Gosal: I have another question. I think that you have answered some of it, but you might want to add to it. Gender inequality is an issue that I take very seriously. Engender and Zero Tolerance have both expressed a need for a specific gender inequality outcome as part of the Scottish Government's national outcomes. Can witnesses expand on where the current proposals fall short of supporting gender equality? I know that you have touched on some of that in previous answers but is there anything that you would like to add about where the outcomes fall short?

Catherine Murphy: SDG 5, the gender equality SDG, includes a goal on equalities legislation, which is missing from the outcomes. Lewis Ryder-Jones also made that point. While a lot of that falls outwith the devolved settlement, there is still a lot that can be done through the PSED review and so on. The fact that that is not tracked in the outcomes is disappointing and is something else that we would suggest.

I apologise if I sound a bit like a broken record, but one thing that I really want to leave with the committee is the dual-track approach. Thirty years of evidence on mainstreaming internationally, whether in European Union or United Nations institutions, has shown time and again that if you do not prioritise gender alongside integration, it does not happen. You do not fulfil the potential of mainstreaming if you do not have prioritisation as well as integration across the different outcomes. It is called a twin-track or dual-track approach and it is a long-established best practice. We often hear back from the Government that it has "just

folded it all in.” I do not understand why we are still hearing that, because the best practice is very clear. That is the one thing: the standalone gender indicator or outcome that is also integrated across outcomes is a very clear dual-track approach, the evidence supports that and we do not understand why there is reticence around that.

Pam Gosal: You mentioned that there is evidence from other places on that.

Catherine Murphy: I can certainly share that with the committee. It largely comes from the EU institutions. The European Parliament, the European Commission and so on have been at the forefront of gender mainstreaming over the last 20 or 30 years. The UN institutions have also done an enormous amount of work—I am thinking of UN Women and others—so I can certainly share the information on that specific issue with the committee. We have that on hand, so I will send it over.

Evelyn Tweed (Stirling) (SNP): Thanks for your comments so far; they have been really helpful. My question follows on from Pam Gosal’s and is about having a specific outcome on gender inequality. If there was one, what indicators would you want to flow from that? I will go to Catherine Murphy first.

Catherine Murphy: We would like to see largely a replication of SDG 5—obviously, not all of it; the United Nations’ SDGs have a global focus so some of SDG 5 will not be relevant to Scotland, but a lot of it is—and it covers off a comprehensive list. As Lewis Ryder-Jones said, it is great that we have a care outcome, but too often we still have not recognised that it is overwhelmingly women who provide care, whether that is formal care in a formal employment setting or unpaid care. That has a massive bearing on women’s inequality, access to resources, education, employment and so on.

There is a specific focus within SDG 5 on unpaid care. Also, as I said, there is a focus on the effective participation of women in public life, and a clear focus on ending violence against women. There is also a focus on women’s economic resources. For example, one of the areas where we continually feel that women’s specific, differential needs and experiences are overlooked is in economic policy. Women’s experiences of employment, the jobs that they do and the contribution that they make to the economy is often undervalued. Investment in infrastructure is largely made in quite masculine areas of the economy. From that point of view, an economic focus should be included.

There is also, as I said, a specific focus on equality legislation and working to progressively improve protections with a legislative

underpinning, as Lewis Ryder-Jones mentioned. I think that the United Nations’ SDGs provide a good framework for what that should look like. There may be other things that we would want to include in a gender equality outcome.

The only other thing to mention is around competence, strategy and investment. One of the big barriers to progress that we see in Scotland is that within the Scottish Government and a lot of the institutions there is not sufficient gender or equalities competence. With the best will in the world, changing that will take investment. Perhaps something could be folded in, possibly under the equalities legislation focus, that is about investment strategy and continual progression and development. We would need an accountability structure for that because the commitments can be made, but if the resources, investment and prioritisation do not follow, there are very few accountability mechanisms to come back and ask, “Why has this not been done?”

Catherine Robertson: Again, I echo everything that Catherine Murphy has said. We believe that SDG 5 needs to be replicated in the Scottish context. As Catherine Murphy said, not everything will work in the Scottish context, but we need to take that lens to it. It has such a depth and expanse of area and we want to see that level of commitment in the national performance framework as well. I cannot give specific indicators because we could have so many, but there are a few specific indicators related to violence in our original consultation response. We echoed how the SDG 5 talks about eliminating

“all forms of violence against all women and girls”

but, despite that, the national outcomes do not have specific indicators around crime and victimisation, so that is one of the key indicators that we would like to see. There are also no indicators around sexual crimes such as rape and sexual assault, and we would definitely want to see such indicators. With regard to safer communities, but more broadly, we need an indicator on sexual crime in relation to domestic abuse, and not just a domestic abuse indicator.

I echo what Catherine Murphy mentioned about gender competency and having a gender lens because it is not enough to want to collect the data and have the indicators. If that information is not being understood from the perspective of gender inequality and the lived reality that women and girls experience, we will not have the targeted action that we need to see. As Catherine Murphy said, investment in training on gender competencies absolutely needs to come along with indicators and collecting intersectional data.

Lewis Ryder-Jones: There is a conversation to be had about indicators. Perhaps I should have

mentioned this at the start. I cannot avoid, firstly, addressing the fact that the current set of 81 indicators that exist for the current 11 national outcomes is not complete. In a six-year period, there are still data gaps for the existing national outcomes. Let us be frank about that. I cannot remember the exact number, but there are somewhere between 10 and 20 indicators for which data collection has not started. The gaps have been identified but the process of starting to collect data has not begun.

I think that it is on this Parliament to hold the Government accountable for that and I do not think that that has been a success over the last five years. We need to be frank about the existing framework and what we have said and done about those indicators before we talk about what comes next. There is a lot to talk about on what comes next and I agree with everything that has been said.

On the SDGs, I fully agree. I have a couple of examples of indicators and targets that could exist but that do not. We definitely collect the data, but we do not currently present it in indicators. Fuel poverty and homelessness are both individual indicator targets within the SDGs. I can provide you with where to look for that in the UN documentation. We have decided not to look at that within the NPF over the past five years, even though there are outcomes that are relevant to those issues. What that says is that, when the alignment took place between national outcomes and SDGs, the process of aligning the targets and indicators underneath those was never completed. That has to be done first and foremost and I think that there has been a recognition that that was not done and that it needs to be a priority.

11:00

I mentioned at the start that, for us, wealth and economic inequality is a significant driver of other inequalities as well as being a result of other inequalities. There is a two-way street there. The fact that we gather data on wealth inequality but we do not cover it within the NPF seems a glaring omission and we want to see that changed.

We have slight concerns over the incongruity of the wording around economic growth within this framework, given it is supposed to be a wellbeing framework and the indicators that we select to define economic growth are very important. Without disaggregating gross domestic product as a measure, we risk seeing economic growth without nuance and seeing growth in some sectors that we really do not need to grow. Gender inequality impacts in particular, but other inequalities as well, will not be recognised within that. We need to think about how we use GDP as a measure. It is not that GDP is not important, but

we need a more nuanced understanding of what aspects of GDP growth are good and what aspects are bad.

Tess White: My question is directed at Catherine Murphy and Catherine Robertson. Engender has expressed disappointment that the thematic gender review did not cover intersectional data—I know that Catherine Robertson has also just referred to that point—and used only the available sex-disaggregated data. I ask Catherine Murphy and then Catherine Robertson to elaborate on that by explaining how the Scottish Government might have approached the review differently and what data sources it might have used.

Catherine Murphy: I would encourage the committee to find out about this. We could be wrong in that assumption—I suspect that we are not, but we could be. At the gender meeting on the outcomes framework that was held in June, we asked whether the Government was using intersectional data and we were told that it only really had access to sex-disaggregated data. However, that might have changed subsequently, so I encourage the committee, if you speak to the Government about that specific review, to ask it for more detail on that.

However, I can certainly speak to the wider challenge. Generally, we tend to do not too badly on sex-disaggregated data, although there are definite gaps, but the problem is that that gives us only a very small part of the picture. With something such as homelessness, which Lewis Ryder-Jones had just mentioned, or housing, if you just have a very straight reading of homeless figures on the basis of sex-disaggregated data, that vastly underestimates women's experiences of homelessness, because we know that women experience homelessness differently to men. Women do not tend to sleep rough and tend to experience homelessness in quite a different way. They stay with family and so on and avoid rough sleeping at all costs. Therefore, women are vastly underaccounted for in homelessness statistics.

We need sex-disaggregated data, but we also need a gendered understanding of the data. If you apply a gendered understanding to homelessness figures, you soon realise that just counting men and women does not tell you everything that you need to know, so you need to layer in a gendered analysis. However, that in itself does not tell you about the specific experience of minoritised women. It does not tell us about the specific experiences of black and minority ethnic women, LGBT women or disabled women. We know that those are major gaps in data at the moment.

The Scottish Government, to its credit, is trying to move things forward through various equalities data initiatives, but we do not think that there has

been enough investment in that. The scale of the challenge has been significantly underestimated or dismissed, and we need to invest much more in it. We need to understand that it is not just a nice cherry on top of the cake when it comes to decision making; it is a fundamental part of how you build policy. If you do not build policy to meet the needs of the most marginalised, your policy will ultimately fail.

There are major challenges with intersectional data and gendered data. We have some sex-disaggregated data. I am not a data analyst and I realise that it is certainly a challenge to update all our data systems. However, with the technology that is available, it is hard to see how we cannot move forward quite significantly in the next decade.

On a point that Lewis Ryder-Jones raised, there are other data sources and other forms of information. There is qualitative data, there is the work that is being done in the voluntary sector and there is lived experience data. It is also about just having the gender competence to understand that, if you look only at sex-disaggregated data, it is probably not telling you the whole story, so you need more research. There is lots of research from the academic and voluntary sectors and so on.

Tess White: I will bring in Catherine Robertson, who has just referred to that.

Catherine Robertson: I do not think that I could add anything to what Catherine Murphy said—she summed up perfectly all the points that we would make.

Tess White: Great. As a follow-up, can you expand by explaining how the Scottish Government could have approached the matter differently in relation to the terminology? We have talked about quantitative and qualitative data. In relation to the qualitative, could you outline how the terms “sex”, “gender” and “gender identity” should be defined and applied in the context of the national performance framework? The devil is in the detail, in that regard. I ask Catherine Murphy to start off on that.

Catherine Murphy: On the specifics of how the data is collected, we need to have a more comprehensive discussion and a more comprehensive direction around what data is relevant. We need intersectional data, gender data and sex-disaggregated data. We also need data that cross-references black and minority ethnic women’s experiences and LGBT women’s experiences. There is a whole host of things that we need to look at in relation to how indicators are measured and how data is collected. There is a lot of work to be done in that area.

Tess White: We are talking about the qualitative, and you are saying that a lot more work needs to be done on what are basically fields in data collection that need to be defined. Catherine Robertson, do you have a view on that?

Catherine Robertson: Data collection is outside my area of expertise, so I cannot comment on that. I can give a comment on why it is necessary.

Tess White: That is not the question. The question was about how the terms should be defined. Basically, Catherine Murphy said that a lot more work needs to be done. Lewis, do you concur that more work needs to be done?

Lewis Ryder-Jones: I concur with what Catherine Murphy said. We do not take a view on the other part of the question.

Tess White: Thank you.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. Lewis, you mentioned in your submission the need to strengthen the role of the national outcomes in policy and spending decision making. You have touched on this already, but is there anything that you want to add to that on any missed opportunities that there may be?

Lewis Ryder-Jones: We have touched on the legislative side, and we are really clear that that is a big blocker. However, there is also a culture side that we have not talked about so much. The internal mechanisms of the Government—and of governments plural, down to the local authority level—for using the national outcomes have perhaps been slightly absent. That is anecdotal evidence that I know from speaking to people within government over many years. To change that requires a change in culture.

I welcome the fact that the current First Minister has said that the NPF is there to “measure what matters”. I believe that that was in the foreword to the consultation two years ago, when he was the Deputy First Minister, and that is exactly what the NPF should do. We have slight concerns that it has been deprioritised and we think that we need to push it back up the political agenda. I would turn that back on to this committee and others to make that happen.

We have also talked about the fact that, if we do not scrutinise the indicators that are ultimately published in early 2025—I believe that that is still the timeline—we are doing the framework a disservice. That is critical for external partners such as us and for Parliament.

We also need on-going public engagement. Part of the cultural shift has to be about the public caring about the framework, and I do not think that they do. With my personal social network, if I

mention the national outcomes to any one of my family members—well, any one who has not heard me moaning about the national outcomes at some point—they will go, “What is that?” There is a story that I like to tell about a friend of mine who lives in Finland and who has a four-year-old daughter who knows what the SDGs are. Why? Because they are on the side of buses and they are advertised. We need to think along those lines and about our local delivery mechanism for the SDGs. Let us give it the focus that it deserves.

Marie McNair: Thank you. I totally appreciate your comments. Certainly, when we compile our report, we will take that back to the Scottish Government.

Paul O’Kane (West Scotland) (Lab): Good morning. We have touched on some of what I will ask about already, but I want to tie this together. I am particularly interested in measurable indicators and timely and robust disaggregated data. Will you reflect on how the proposed outcomes lend themselves to the use of measurable indicators? I will roll that into another question. What are the witnesses’ priorities for the Scottish Government’s approach to implementation of the revised outcomes, including identifying the indicators?

I am sorry, but I am not sure who wants to go first, because I am not in the room.

Lewis Ryder-Jones: I can certainly talk about prioritisation in implementation. As I said, we welcome the Scottish Government’s decision to develop an implementation plan for the framework. However, it is slightly unclear at this point what that will look like and the depth that it will go into. We think that an implementation plan for the framework probably falls short of what is required. We need to think through implementation plans for each national outcome and that the development of those plans must involve consultation with relevant stakeholders who have particular expertise in an outcome, whether it be care, climate action or something else. That is a critical first step to be able to then prioritise what is implemented.

As I mentioned, as the national indicators are developed, they must reflect more clearly some of the statutory targets, particularly around things such as poverty. We do not necessarily see a connection in what is measured between the national outcome on poverty and the very real and important targets in the Child Poverty (Scotland) Act 2017, to which the Parliament is committed. We would like to see more of a connection between those as well.

Paul O’Kane: That is helpful. Do you think that that is true across a suite of interventions? Obviously, we will have a debate this week about climate targets. We have other areas that sit

alongside this work. Is it your view that the framework has to sit at the centre and that we should then have spokes that come off it that have to be more interactive?

Lewis Ryder-Jones: In the review of the NPF more broadly at the end of the previous five-year period, the Finance and Public Administration Committee’s report said that the NPF should be the thread from which all other policies and spending decisions flow, and we fully agree with that. I like your analogy of the NPF being the central hub with spokes coming off. That is really important.

Paul O’Kane: Would anyone like to add to that?

11:15

Catherine Murphy: I can add a little. For us there are three layers. As we have said many times, we would like to see a stand-alone outcome on gender equality, which would have a number of things in it. There are a number of very strong emblematic issues for women’s equalities, whether that is women’s representation in political and public life, anti-discrimination law, violence against women, participation in the labour market and economy, the gender pay gap and so on. We want integrated indicators across a number of areas, including the economy, housing and so on—we want gendered indicators across those.

Beyond that, given that we are talking about 51 per cent of the population, it is important that a gendered understanding also comes through appropriate data analysis for all the indicators. I would say there are three levels. First, we need a stand-alone outcome. Secondly, we need gendered indicators in critical areas—the economy would be one and housing would be another, but I imagine that there would be quite a few, and we are happy to send more detail on that if the committee wants it. Beyond that, it is about having proper data across all indicators to better understand the differential impacts.

Catherine Robertson: There is a need for training and support when it comes to the implementation. Specifically in relation to gender equality and ending violence against women and girls, there needs to be support on what that means and why it is important. We are trying to overcome widespread gender inequality, and that unfortunately means that oftentimes it is not given the priority that it needs. Part of the implementation needs to involve demonstrating why the issue is important, how it can be done and what people’s roles are in overcoming gender inequality. When it comes to implementation, we definitely need outcomes and indicators, but we also need training and support to allow that to happen.

Pam Gosal: I want to probe you on your response about recording gender when people are made homeless. Catherine Murphy talked about how people in minority groups would behave. I have done quite a lot of work in that area. I know that a female probably would behave differently if she was homeless. I totally understand that they may go to relatives or friends and might not sleep on the streets. However, people from an ethnic minority might behave completely differently because of cultural aspects. Could any of the three witnesses shed some light on that? Should more data be collected on that, or should we even just have alignment of data sets?

Catherine Murphy: To go back to the point that Lewis Ryder-Jones and Catherine Robertson made, there are cultural issues. There is a whole host of things that are specific to specific communities. The only way to fully understand that is not just through the number-crunching side of data but qualitative research, active engagement of communities and lived experience.

To go back to a previous point that I made, it is also about inclusion, which is why we think that it is critical that the outcomes framework has more in it about women's representation in decision-making and policy-making spaces. We need engagement of communities and participatory engagement, but we also need to have people with diverse experiences in the room round the table making the decisions. That is omitted or it is not strong enough.

A lot of things could be done, but representation is one, and another is using qualitative data. The third thing is competence. People who are making decisions in the civil service need to understand what they know, but also what they do not know and when they need to get further information to be able to make a much more informed decision. Does that answer your question?

Pam Gosal: It does. Catherine Robertson and Lewis Ryder-Jones may want to add something. I can talk about the cultural aspect of a woman from an ethnic minority going to get a job. That may not be the same as when somebody from western society goes for that job, because there can be cultural differences in what people can and cannot do. Does Lewis Ryder-Jones or Catherine Robertson want to add anything on that?

Lewis Ryder-Jones: I fully agree. From Oxfam's perspective, the intersectionality between racial inequality and gender inequality is one of the primary drivers of our work globally. Not just in Scotland but everywhere in the world, we see that, if you are from an ethnic minority community and you are female, things are more difficult—that is the case statistically and in reality for the vast majority of individuals. Collecting data that ensures disaggregation but also intersectionality is

vital in the context of the national performance framework.

One of the big issues on poverty is that we have a shocking statistic on ethnic minorities in this country—the poverty rate is shocking, at 51 per cent. One thing that prevents that from being addressed is the lack of quality data on ethnic minorities. We hear from statistical teams that the data cannot be trusted and that the figure might be more or less—there are caveats to that statistic. However, that does not change the fact that the figure has consistently gone up every year since we have been collecting the data. That is a big problem, and we implore the committee, the Parliament and the Government to do something about it.

Catherine Robertson: I will just add a wee note about the capacity of support services. They need to be able to put time, energy and resources into training and support for their staff so that they can engage with ethnic minority groups and groups of all kinds. We know that our public services are very stretched at the moment. Attention needs to be given to that to allow for more training. That is all that I have to add on that.

Pam Gosal: Thank you.

The Convener: As members have no more questions, that concludes our first panel. I again thank our witnesses very much for joining us.

We will now suspend briefly to get our other witnesses in.

11:22

Meeting suspended.

11:28

On resuming—

The Convener: Welcome back. I welcome our second panel: Dr Alison Hosie, research officer for the Scottish Human Rights Commission; and Sara Cowan, co-ordinator for the Scottish Women's Budget Group, who joins us remotely. Thank you for joining us today. I ask you both to make an opening statement.

Dr Alison Hosie (Scottish Human Rights Commission): Thank you, convener and committee members, for the opportunity to speak to you today. As the convener said, I am the research officer at the Scottish Human Rights Commission. Part of my work centres on embedding human rights in Scotland's budgetary processes to ensure accountability, transparency and public participation and to ensure that budgetary decisions actively support the realisation of people's rights.

Through our involvement in the equality and human rights budget advisory group, we support the improvement of, and hold the Government to account for, its budgetary processes to ensure that human rights and equalities impacts are at the centre of policy and resource decision making in Scotland. Later, we will, no doubt, talk about the open budget survey, which has shown that, although Scotland has made improvements to its budget processes, there are still a lot of critical transparency gaps, particularly in relation to the timely release and, in some cases, availability of certain budgetary information, as well as comprehensive equality and human rights impact assessments. Without such public engagement, scrutiny remains limited and opportunities to protect the rights of the most vulnerable are missed.

Another key area of our work is our focus on encouraging better connections between fiscal decisions and Scotland's national outcomes. To achieve true budget coherence, the national outcomes need to serve as a guidepost for our national priorities, and every fiscal decision must actively contribute to delivering those outcomes and Scotland's human rights commitments.

Although Scotland has made a lot of positive strides, much more is needed. I am sure that we will come on to talk about that. We are committed to continuing to highlight gaps and provide oversight through our advisory role. I appreciate the committee's attention to these critical areas, and I look forward to discussing them today.

Sara Cowan (Scottish Women's Budget Group): As has been said, I am the co-ordinator for the Scottish Women's Budget Group. Thank you for inviting us to give evidence. As you will be aware from previous evidence sessions, the Scottish Women's Budget Group works towards achieving gender equality through gender budgeting, and we advocate its use at all levels of government and across public bodies.

We welcome the opportunity to give evidence to the committee and the fact that the committee has chosen to focus on the equality and human rights budget advisory group's recommendations, on work to make the budget more transparent and on how the Government can progress gender budgeting. It is really important that committees double down on their scrutiny of such issues and take a multiyear approach to the scrutiny process, as this committee is doing.

In January, we shared our views on the draft budget with the committee. We talked about gender budgeting's key tenets of transparency, participation, a focus on outcomes and the advancement of equality. There seems to be good synergy with the focus of today's evidence

session, given the areas that we will be discussing.

The Scottish Women's Budget Group is an external member of the equality and human rights budget advisory group, so we can share our thoughts and reflections on the discussions that have taken place and on the group's recommendations.

The Convener: Thank you very much. We will move to questions from members. Last year, the committee heard that the equality and fairer Scotland budget statement and other equalities documents that accompany the budget should be made more prominent. How should an increased volume of available information be presented accessibly? Are there any documents or content that you feel are superfluous?

Dr Hosie: Transparency and accessibility are essential to rights-based budgeting. Accessible information allows people to understand and engage with fiscal decisions, and it builds trust with the Government and Government processes. When the public can interact meaningfully with budget documents, it strengthens accountability and reinforces the idea that fiscal decisions are subject to scrutiny.

I mentioned the OBS. Scotland's transparency score rose from 41 out of 100 to 60 out of 100, but key documents such as pre-budget statements and in-year reports are still not available to the public. Pre-budget statements do not exist in Scotland, and in-year reports are made internally in the Scottish Government but are not made publicly available. Arguably, in relation to their impact on human rights, decisions that are made in-year are as important as those that are made in the main budget document.

You mentioned other documents. The impact assessment of the recent fiscal decisions that were made was published after the fact, so it could not inform decisions publicly. We can now see what the decisions were based on, but the document lacks the necessary depth to fully capture any human rights implications.

I will give a couple of examples. An assessment is made of cuts to mental health services. It is suggested that vulnerable groups might be disproportionately impacted by the cuts, but there is no specific detail on the potential impacts, and no mitigation strategies have been put in place. We argue that the cuts will potentially have a significant negative impact, as they will leave those who rely on the services insufficiently protected, and what has been provided restricts informed public scrutiny.

In relation to active and sustainable travel funding, the impact assessment noted possible consequences for low-income families and

individuals, but, again, there was a lack of clarity on how the cuts could affect them. For example, what would be the effect on people's access to essential services or job opportunities as a result of the cuts? Without thorough analysis of how such cuts affect specific rights, such as the right to work and the right to an adequate standard of living, such assessments fall short in providing the required transparency and precision for rights-based budgeting.

A broader view of such impact assessments reveals a tendency to make surface-level conclusions that there will be no impact, with no real clarification or substantiation for those comments. The assessments fall short of the transparency standards that we need for effective rights-based budgeting. As I mentioned, in-year spending adjustments are often as impactful on human rights as the main budget, but they are rarely documented, which results in little insight on the impacts.

We suggest three particular measures for improving accessibility and data quality. First, impact assessments need to be rigorous, especially for vulnerable populations. We need to use real-life examples to better highlight the human consequences of cuts. Secondly, we need to take a more systematic approach to data collection and analysis that aligns with what is required for thorough impact assessments. Thirdly, we need more timely and public-friendly documents. The "Your Scotland, Your Finances" citizens budget has reappeared, and that is a really useful document that presents budget data in an accessible way, but it was presented as the budget document, after decisions had already been made. We need something like that at every stage with the publication of a budget document, such as the medium-term financial strategy, in-year reports and pre-budget statements, so that such information can inform discussion, rather than the budget being presented as a fait accompli.

Accessible and comprehensive budget information is fundamental to making human rights-based public finance decisions. We stand ready to collaborate with the Scottish Government to ensure that the budget process can become more inclusive, clear and aligned with human rights-based principles.

Sara Cowan: I completely agree with Alison Hosie. I will hit some of the same markers as she did and build on them from a gender perspective. As she said, the main publication at the time of the budget—"Your Scotland, Your Finances"—is welcome and important in outlining the draft budget when it is published, but it does not support participation in the pre-budget scrutiny process.

To ensure that information is accessible, as well as publishing it, we should ensure that it can reach people through different communication channels, so that people are aware of its existence and can take a look when they are interested. The information that is available as part of the pre-budget scrutiny process remains largely inaccessible to the public—it is more likely that organisations such as the Scottish Women's Budget Group will look through it. Although anyone can submit evidence at the pre-budget committee stage, in reality, it is unlikely that people facing the sharpest end of economic inequality will do so.

This year, the Scottish Women's Budget Group worked with a group of women to contribute to the Finance and Public Administration Committee's consultation. The group consisted of women from the Glasgow Disability Alliance women's group and women who had been involved in the University of Glasgow's research on multiple low-paid employment. The group of women will be in the Parliament tomorrow, and I hope that the committee will have received an email about that.

When my colleague talked to the women about the pre-budget scrutiny process and the budget more widely, they wanted to ask some key questions about how people find out about opportunities to participate, because they had not heard of them before. Do the current methods for reaching out to people target mainly those who have participated in the past, or do they look to expand the reach? Given the make-up of the group of women, they were particularly interested in how disabled women's views were sought. They also wanted to be clear on how providing their views could make a difference in the participation process. There was a potential lack of trust in the system in relation to whether the scrutiny process can really change things and how people can find out how the scrutiny process has influenced the budget process.

On information accessibility, the group felt that there will always be political spin with budget announcements—one side will try to paint a positive picture and the other will try to paint a more negative one—so it can be hard to work out what has actually been agreed and what the budget means for spending. That is why non-party-political publications are needed, and committees have an important role in getting some of the information out there.

I agree with Alison Hosie about the other information that is needed. The equality and human rights budget advisory group recommended that there should be a pre-budget statement, because that, in itself, would provide clearer information for the public about the parameters, the economic forecasts and the

anticipated revenue and expenditure. There could be an accessible version of the pre-budget statement, too.

I was looking at the other information that is available. In relation to the in-year review and the emergency changes that were made this year, the equality impact assessment was published slightly after the fact, as Alison Hosie referenced. For the process to be as transparent as possible, it would be best for such assessments to be published at the same time. I will try to avoid repeating what has been said but, when we looked at the EQIA, we pulled out mental health funding as an area in which we should think about how information is used. We would make the same points as Alison Hosie highlighted in that regard.

Another example relates to social care. Across a lot of areas, the EQIA failed to show working in relation to what was set out. That was the case with the social care reductions. It said that the multidisciplinary service teams will be maintained at the previous year's level, rather than there being the intended increase, but it did not give information about whether the previous year's level was enough or whether additional funding should have been put in place because additional supply was needed. We wanted to understand the impact of not having the additional funding. We presumed that that funding had been set out for a reason, so we wanted to know the difference that would be made by not allocating the additional funding.

I will stop there.

The Convener: That was really helpful.

Maggie Chapman: Good morning to you both. Thank you for joining us this morning; I am sorry that I am not in the room with you. My question follows on from the previous ones. A couple of years ago, the Scottish Government committed to a very clear approach that linked policy development more effectively with budget decisions and vice versa, and to longer-term financial planning. We know that the most effective place to ensure that the views of those with lived experience are considered is in portfolio, while the policies are being developed, rather than after the fact.

Alison Hosie, I will come to you first. Do you get a sense that there has been that recognition and that policy development and budget decisions are better linked? That was one of EHRBAG's recommendations. There have been challenges, which you have outlined. Will you say a little bit more about whether you think that the Scottish Government is making progress on those commitments?

Dr Hosie: Sure. Like Sara Cowan's role, our role in EHRBAG involves providing oversight,

expertise and advice to the Scottish Government about how to better align the budgets with, in our case, human rights obligations but also with equalities obligations. Ultimately, the responsibility for implementing the recommendations lies with the Scottish Government. However our contribution has focused on trying to enhance transparency, embed human rights into budget processes and make the impact assessments more accessible.

We have seen significant improvements in the Government's willingness to take on board the group's advice in trying to make incremental improvements to the EFSBS—there will be so many acronyms today, for which I apologise. There have been lots of different iterations of the statement as the Government has looked at how best to utilise and present the information and make it coherent with policy decisions.

11:45

The biggest issue that still remains is that the EFSBS comes out when the budget decisions are already made; we do not get the information on impact assessment in advance. It does not inform public discussion about what budgetary decisions need to be made or have any impact on the budgetary decisions, which are in effect pretty much made by that point. We do not really get a sense of what information has fed into those decisions. There was the same criticism about information on the emergency financial changes; it was quite scant, referring to "no impact" or "limited impact", without really going into depth as to how those clarifications were made or how decisions were reached.

I still think there is a lack of understanding, which comes with the lack of capacity building at this point, about what human rights impacts actually are and about the Government's obligations on all the individual rights and how those should be reflected in decisions.

Progress has been made—there is definitely a lot of effort going in from Government officials—but there is still a limited understanding, and capacity building needs to develop further across all portfolio areas so that there is a better understanding. There needs to be a willingness from above to put in the resource and to give staff time to build that capacity. There has to be a commitment from higher up to seeing equality and human rights impacts as central to policy development, not as something that you just think about afterwards to check that it is okay.

Maggie Chapman: One of the things that the Scottish Government committed to doing for this coming year's budget was exactly that—raising awareness of the EFSBS, but also gearing the

process of making budget decisions towards tackling inequality. Given what you have said about the impact assessments, do you fear, or are you concerned, that unless the impact assessments improvement programme tackles the issue of timescales—doing the work before the budget decisions are made—we will not see the benefits of the information?

Dr Hosie: I think that there is a long way to go. We need to look at impacts at different points. It should not just be about the potential impacts of policies or budgetary decisions; further down the line, we should look at what impact they had, whether they had the intended impact and whether there were unintended impacts. We should really scrutinise the impacts before and after, so that we get a real sense of what needs to be taken forward in future in order to make progress.

Maggie Chapman: Sara Cowan, I will come to you with a similar question. Where is progress on the specific recommendations around impact assessments and awareness-raising of those issues?

Sara Cowan: It will be hard to say until we see the outcomes of this year's EFSBS, because, as I understand it, some of the training programmes have been under way this year.

To add to what Alison Hosie said, a couple of years ago, a couple of portfolios put more information into the EFSBS on the equality impact assessments that had been carried out throughout the policy-making process; they linked the information back into the details in the EFSBS. However, that was only in one or two portfolios, rather than being the norm. If the work is taking place throughout the policy-making process, at different points in the year, it can be easily linked in. As has been said, we need to see this as a circular process that is on-going, through the budget process and after it.

On top of that, in this year's EFSBS we hope to see greater linkages being made to how work on different portfolio areas is delivering the national outcomes—assessment of that spend—and the programme for government. All those pieces are linked together. The equality work that goes in should be a culmination of all the different pieces; it is not just one thing to get done for the budget but is to help and support the decision-making process.

Maggie Chapman: That very much chimes with evidence that we heard last year in our budget work around policy coherence, and with what we heard from the earlier panel this morning. Do you think there is an understanding of the importance of that coherence work across the piece? You talked about shorter and longer-term impacts and unforeseen consequences. Do you think there is

that understanding of how things work together? Do the national outcomes perhaps provide a framework whereby we can start looking at whole-picture things rather than the silos and compartmentalised decision making that we have seen?

Sara Cowan: The national performance framework should act as the framework to take in the bigger and broader picture.

On the work that has been done more recently, the recommendations were made by EHRBAG back in 2021, but the Scottish Government's response came in 2023. We are looking at a year's worth of action on the recommendations, instead of three years' worth, as we would have hoped.

Steps have been taken over this year to look at that broader piece and the connections. As part of the group, we hear back from some senior leaders within Government, in particular the director of Exchequer and the director of the equalities and mainstreaming unit, who update us on progress being made on issues that relate to this work and, in particular, to the cumulative piece.

From our point of view it is really important that work is done to look across portfolios because it is very easy for things to be siloed, and that is what you often see. The bigger picture need to be taken in, in particular at a time of constrained finances, when multiple areas may be reducing budgets and there could be a cumulative impact of that. We are very worried that that would hit the most marginalised groups. I think that steps have been taken to look at that. It is definitely something that needs a lot of focus and attention to make sure that there is that broader outlook, especially in this constrained finance position.

Maggie Chapman: Alison Hosie, do you want to come back in on that quickly?

Dr Hosie: I have been involved with the NPF since 2011 or thereabouts, so I have a long institutional memory of all the different things. Right from the start I have said that I think that the NPF has such transformational potential, but that has been untapped since its creation. I do not think that there is a lack of awareness of silos and the way that the Government works; I think that there is perhaps a feeling of overwhelm at just what a big job it would be to break away from the siloed way of working.

It would be a big task, but in EHRBAG we have heard about pilot areas such as the development of childcare. We have seen the potential to develop a policy across portfolios to address particular issues—the potential is there. The NPF and the national outcomes provide a potentially valuable framework for aligning fiscal policy with Scotland's overarching goals, including on human

rights and equality. The revised outcomes potentially provide a clear basis for connecting budget decisions to our long-term vision for Scotland.

I have said over the past six years in a number of different areas of evidence that what we need is not confined to the national outcomes. What is required is attention to the entirety of the Government's planning. As the earlier panel said, from the programme for government to the NPF, the MTFs, the EFSBS—as many acronyms as you can fit in a sentence—there is a lack of policy coherence and a desperate need for a whole-Government approach.

If the NPF is genuinely the statement of our nation's ambition, the programme for government, as our annual statement of policy intent and policy priorities, needs to be created as a means to deliver on the national outcomes. The MTFs and the annual budgetary allocation and spend process have to reflect those priorities. You can see where the nice, neat connections have the potential to be. We are not there yet, but I think that is where we want to see things go.

Pam Gosal: Good morning. I thank the witnesses for all the evidence that they have provided so far. My question leads on from the previous questions. Have the witnesses been given the opportunity to work with the Scottish Government on the improvements that the committee heard would strengthen the equality and fairer Scotland statement?

Dr Hosie: The EFSBS is intended to assess and communicate the equality and human rights impacts of the budget and budget decisions, and to guide fiscal policy so that there are fair and inclusive outcomes for Scotland. Our contributions are focused on enhancing the EFSBS by advocating for greater transparency, depth and relevance in the analysis, as we have mentioned.

Our involvement in EHRBAG has been consistent. We have worked closely in that role to promote human rights budgeting principles and processes. For example, our collaboration with the open budget survey has been productive. Through the equality and human rights budget advisory group and through the open government partnership, we have connected with Exchequer officials, showing a strong commitment to improving transparency and improving the EFSBS.

Extending the human rights-focused approach across all Government departments remains a challenge. Currently, no department systematically practises human rights budgeting. As I mentioned, the expertise and rights analysis is still missing and has yet to be embedded in policy development and resource allocation. That is a gap, and we have repeatedly highlighted it through

both EHRBAG and the SHRC. We were hoping to see more of that capacity building through the implementation process for the human rights bill. However, we do not know where that stands.

In enhancing the EFSBS in particular, our contributions with Government have focused on trying to improve comprehensive impact analysis, getting better alignment with the national outcomes and looking at issues around accessibility and public engagement.

As I mentioned, my major issue with progress is that the EFSBS still presents a retrospective picture of the potential impacts, rather than being something that actively informs the budgetary decisions that need to be made. We are involved and we are working collaboratively with the Scottish Government to improve that, but ultimately implementing those changes and improvements lies with it.

Pam Gosal: Has Sara Cowan had that opportunity, too?

Sara Cowan: Likewise, we have shared our analysis of last year's EFSBS—I have done that for many years. In particular, we draw out where we think improvements can be made or what we think are the key elements that can be built on for the next version of the EFSBS.

In our role on EHRBAG, we heard from the team who were leading the review of the EFSBS about their plans for this year. They mentioned the need for alignment with the programme for government and the national outcomes. We will need to wait for the publication with the draft budget to see what that looks like and what difference it has made.

As Alison Hosie said, it is important to have the equality statement alongside the budget, but it is vital that it informs decisions rather than its being produced just as a statement after the fact. It is important that it is used to help inform decisions.

One thing that we heard on EHRBAG was that work on the statement started earlier this year. In that sense, maybe we will see some outcomes where it has helped inform decisions. However, it must be part of the circular process that I mentioned in my previous answer if it is to really help inform decision making.

Pam Gosal: I have a supplementary question. The Scottish Women's Budget Group has suggested that a gender budgeting approach should consider the lifetime impact of policy and spending decisions. To what extent does current data availability support that aspiration?

12:00

Sara Cowan: I caught the end of the previous session. There is definitely a need for data improvement, and we support the comments that were made by witnesses on the previous panel about the need to improve data. However, that should not be a barrier to starting the analysis of the lifetime impact of a policy. What we mean by that is the need to consider how policy and decisions that are made would impact women at different stages of life. For example, how might a spending decision on childcare that is made now impact on women's poverty in later life?

It is important that such analysis starts to take place. That in itself will highlight where there are data gaps and what more information is needed. However, as you heard in the earlier session, although quantitative data is needed, there are qualitative pieces of work across different sectors that could be used to support the analysis.

We have long called for better collection, analysis and publication of gender-sensitive, sex-disaggregated data across all policy areas. As we heard from the previous witnesses, within that, the use of intersectional data in the analysis is key. We see that as missing from some of the current analysis in the publications—in the recent publication for the in-year changes and in the EFBS. Often, the analysis looks at protected characteristics and silos and highlights the issues for groups individually rather than taking that intersectional approach. Alongside the consideration of the lifetime impact of policy and spending decisions, there is also that connection to the intersectional analysis.

Pam Gosal: I want to ask you something that I asked the previous witnesses—I do not know whether you heard the question at the end of the earlier session. You spoke about poverty at different times in women's lives. What about the cultural aspect and ethnic minority groups? How are they affected? Is there anything that you want to say about work in that area that needs to be enhanced? We heard that the poverty rate is around 51 per cent for ethnic minority groups. Is there any work that we should strengthen in that area? Do you have any advice for us?

Sara Cowan: Taking a woman's perspective and the experiences of ethnic minority women in particular, we see through research that we do in our women's survey that those who have come from ethnic minority backgrounds often say that they are struggling more with, for example, food and energy prices. We see something similar for disabled women and single-parent households. All these groups of women are struggling to a greater extent with rising costs. That is why the intersectional analysis is so important, as it will allow us to see what different groups of women

are experiencing. Ideally, you would want to look at policies that support those who are struggling the most and focus efforts in that way.

Pam Gosal: I do not know whether Dr Hosie wants to say anything.

Dr Hosie: I completely agree with Sara Cowan. Gender budgeting is a powerful tool for addressing inequalities and promoting a fairer and more inclusive society. For gender budgeting to be fully effective, it has to be grounded in the accessible high-quality data that we have been talking about to guide decisions and monitor outcomes effectively.

Advancing those goals requires the investment that the previous panel talked about in developing a robust data collection infrastructure, which is essential in supporting gender budgeting and other rights-based budgeting efforts.

Embedding gender budgeting as a core fiscal policy principle—making it a mandated component of Scotland's fiscal processes—would also help to ensure that all departments consider gender and gendered impacts in their budgetary decisions. In line with Scotland's obligations to respect, protect and fulfil human rights, clear guidance from leadership is essential to reinforce that gender equality and human rights are non-negotiable aspects of Scotland's budgeting framework.

The Convener: We move to questions from Marie McNair.

Marie McNair: I was going to cover collaborative working, which has already been spoken about. I think that Dr Hosie covered that, so I am okay.

The Convener: We move to Evelyn Tweed.

Evelyn Tweed: Good afternoon. I thank the witnesses for all their answers so far. My question is about the equality evidence strategy. Do the witnesses feel that the strategy is delivering change at an effective pace? I ask Dr Hosie to start, if she does not mind.

Dr Hosie: Sure. We see the equality evidence strategy as a promising initiative for advancing equality in Scotland, particularly through its focus on addressing data gaps that have long limited our ability to assess equality impacts fully.

I recently discussed the strategy's progress with my counterpart at the Equality and Human Rights Commission—we are part of an advisory group on the equality data improvement programme. I was on annual leave when the last meeting took place, but she updated me on where we have got to in that assessment. We understand that the interim report on the equality evidence strategy is scheduled for release before the new year. That report is intended to outline the progress that has

been made against the initial timeline. Therefore, we should have a clearer picture then of whether we are progressing at the right pace to deliver meaningful change.

However, a series of quarterly highlight reports have been published that offer a quantifiable measure of short-term progress. The highlight reports, which are publicly available on the Government's website, summarise overall achievements on the way towards meeting the strategy objectives as they stand. The reports indicate that the equality evidence strategy is moving forward as planned, but that it is challenging to measure long-term impacts at this stage. The strategy's ultimate success in delivering change will depend very much on consistent progress across several years, especially in building the robust disaggregated data infrastructure that is foundational to evidence-based, equality-driven policy.

There are a couple of things that must happen to ensure that effective pace is maintained. One is prioritising data collection of key equality metrics—that is, building a data infrastructure that can support rights-based budgeting decision making. We need to prioritise data collection in the areas that most directly impact quality outcomes, which includes metrics on gender, race, disability and other intersectional factors.

We also need to commit to regular transparent updates from Government. The upcoming interim report and the quarterly highlight reports are positive steps, but we encourage the Government to ensure that those updates remain transparent and accessible to all stakeholders. That will allow civil society as well as policy makers, Parliament and the public to track progress and identify emerging gaps or particular delays.

At the moment, the jury is out, but we should find out soon whether we are satisfied with the pace of progress.

Tess White: Dr Hosie, I was going to ask whether the revised national outcomes lend themselves to greater connection and coherence in a budget-setting context, but I think that that has been asked already. You have spoken about the transformational potential and the lack of policy coherence, and you and Ms Cowan have said that there is silo working. I will drill down into that by asking two questions. One of those is broad; the other is more specific.

Against the background of the £500 million in-year spending cuts that the finance secretary announced in September, to what extent has the Scottish Government successfully adhered to the three principles of human rights budgeting?

Dr Hosie: That is a good question. Not very well would be a general assessment. That was done

speedily and, at the time, there was not much transparency about why the decisions were made. Then, what was published after the fact does not provide the level of detail to give me assurance that the human rights considerations were a strong feature in the decisions or that the Government had really examined the extent to which different groups might be impacted adversely by those particular decisions.

Given that many of the cuts are assessed in that publication as having no impact, that makes you wonder why the funding was allocated in the first place. I do not think that that funding was not meant to be allocated. There are lots of questions. It was not a very satisfactory process, and it was not transparent. I am not aware of any participation with groups that might be affected by the decisions that were made. On the degree to which the Government has been held accountable for that—that is partly the committee's job—a better job of doing that needs to be done more widely. A lot of public questions have been asked, but it is an unsatisfactory outcome.

Tess White: You both mentioned silo working. I have just come from the Health, Social Care and Sport Committee and am enriched with a lot of learning from that. I come from the north-east of Scotland, where the delivery of healthcare is increasingly being centralised in order to cut costs and to gain from economies of scale. However, when you look at the impact assessment of that, you see that that approach can entrench gender inequality and geographical inequality, because services are becoming increasingly inaccessible. We have many examples of people having to travel from an outlying area like Forfar to the hospital in Tayside in Dundee for an intrauterine device, for example. Such treatment is gendered. People do not think about the cost of travel from a rural area to a major hospital or about the childcare or caring responsibilities that women have.

Is there a disconnect between budget decisions like that—I have given the example of rural healthcare—and policy outcomes?

Dr Hosie: Yes, undoubtedly. Next month, we will be publishing the outcomes of work that the SHRC did last year into economic, social and cultural rights experience in the Highlands and Islands. That issue will feature quite strongly. We saw other examples of children who had an orthodontic appointment maybe once every six weeks having to take an entire day off school because of the travel required to go somewhere to have that treatment. There are the educational impacts as well as the cost of travel and a parent having to take a day off work to facilitate that. There were lots of issues to do with transport costs—which were not being reimbursed fully, if at

all—being a huge barrier to people accessing services.

We often hear about rural proofing. That does not do a satisfactory job when policy starts from a central belt perspective and then the rural aspect is considered, as opposed to thinking about that from the start. Human rights and equality impacts must be the starting point for decisions being made; they should not be a checklist of things that might be considered afterwards. It is really important that we look at those impacts as the starting point when making policy decisions if we want to change the culture in relation to how we make those decisions.

I do not want to lose sight of a point that was mentioned when we talked about national outcomes and the NPF. It was raised in the earlier evidence session as well. It was about looking at the implementation side of things and connecting that to budget, which is really important. As Lewis Ryder-Jones mentioned earlier, the Government has moved away from the target aspect of the national performance framework, saying that it was Scotland's framework and therefore not just the Government's responsibility to deliver on those outcomes.

That has almost moved accountability away from Government for delivering on the national outcomes. We need to recapture that. As an organisation, the commission has been grappling with that over the past year, as we have been looking at how we show our impact in an area in which lots of different actors contribute towards it. In a sense, that is what the national performance framework does. We need the Government to set out what its theory of change is and how it intends to deliver on the aspects of the outcomes that are its responsibility. The same applies to local authorities, public bodies and anybody who will help to deliver on the national outcomes. That lends itself to consideration of what evidence we need to look for to show progress.

12:15

As Lewis Ryder-Jones mentioned in the previous session, the indicators are not fit for purpose. The human rights ones are really not fit for purpose. They do not tell us a story that is helpful for making progress. I do not know what will come out of the reassessment of the indicators, but we need to have more cross-cutting indicators. We need a matrix of indicators that do not simply look at the outcomes; they must look at whether we have in place the right structures, processes and budgetary aspects, and at whether we have the right results.

We have always referred to that triple layer as the human rights-based indicators. The bit in the

middle is the effort—that is, are you putting in place the right structures? Are you then creating the right policies to achieve those outcomes? Are you putting the resources where those policies need them? What is the outcome of that in terms of results? It is about looking at all those different layers so that you can try to work out whether we are not putting in place the right policy or whether the policy is not being funded enough or in the right way, rather than simply looking at outcomes.

All that as a picture is quite a different way of approaching how we look at measurement for the national performance framework, but it might help with policy coherence and as a way of looking at the different layers that are needed to help to achieve the outcomes.

Tess White: We are about to go into a budgeting round. What you are saying has not been done before. For the rubber to hit the road, the committee must look at the budgets and see where the targets are, where they carry out an equality impact assessment and where they have some clear measured outcomes. That is what you are saying.

Dr Hosie: What are we trying to achieve? How are we setting out to achieve that? How are we funding that? What do we expect to see? Then, did we see what we expected and, if not, why not? If you have all that information set out, it is easier to identify why things have perhaps gone right but not for the reasons that you expected, or, if they have not gone right, to allow you to make changes.

Tess White: It seems so obvious.

Dr Hosie: It sounds really simple. I know that it is not.

Tess White: If it is so obvious, why have we not done it before?

Dr Hosie: Government is a big beast and it has been working in such a siloed way for so long. It is very difficult to break down those barriers. Budgets are protected within different areas, and appreciating where cross-department working can have much more of an impact is hard. That is a completely different way of working, and that requires capacity building and effort. The resources have to go into that capacity building as well. There is a gap in doing that at the moment.

Tess White: Sara Cowan, before I pass back to the convener, do you have any comments to add?

Sara Cowan: I want to come back to your initial question about the in-year budget changes. I completely agree with Alison Hosie's points about the analysis that was conducted on that. I add that we are told that the changes are emergency in-year budget changes. However, that has happened over the past three years; there had to

be an in-year change like that, which was referred to using the same language—that is, it was an emergency or an urgent requirement. Once something happens more than three years in a row, how much more process do we need so that we can be sure that the analysis really is being undertaken and that the reasoning given cannot be that there was no time to do that? An important role for the committee is to consider how that aspect is looked at as well.

Paul O’Kane: Good afternoon. We have covered a lot of ground and I would like to try to pull some of this together. I am interested to understand how we prioritise the identification of indicators and datasets to support revised national outcomes. Tied to that is the question whether we should have a specific national outcome on gender inequality. I think that we have begun to touch on that, but it would be useful if we could pull together thoughts on that.

Dr Hosie: As I just mentioned, we have long advocated for human rights-based indicators, looking at that tri-level of the structures, processes and outcomes that underpin the commitment, effort and result aspects. My concern about the current indicators is that we have been told in the expert advisory group, of which the SHRC is also a member, that there is no new resource, so there will be no new indicators that require resource. That fills me with a bit of dread. If the data that we need is not already collected, we are not going to get it. However, as earlier witnesses mentioned, a lot of data is collected in Scotland. Perhaps we could look a bit more at what we do not need to collect, as well as what we could improve in terms of collection, looking at the wide variety of qualitative data and not just at the numbers. As was mentioned quite eloquently by the previous witnesses, numbers tell only one part of the story and the qualitative and lived experience data is so important in being able to assess actual impacts on people’s lives.

However, our key priorities for the development of indicators are disaggregated equality and human rights indicators, indicators that are aligned better with national outcomes, and data on access to essential services and social protection. We have spoken to the committee before about minimum core obligations and looking at how we develop a way of measuring whether or not Scotland is meeting those obligations. There could be a big public participation discussion to galvanise our understanding of what are acceptable levels of service and provision in Scotland and perhaps what we could base our national outcome indicators on.

Also, on participation and inclusivity in the budget process, somebody mentioned earlier people’s participation in the budget process. As

Sara Cowan said, we did some research five years ago on people’s experiences of giving either oral or written evidence to the committee and we got a feeling from people that they felt that decisions had already been made. Quite often, they found out about giving evidence by pure chance. Our current chair says that the budget process is a big open secret. It is really easy to access and be part of the process, but only if you know about it and there needs to be more done about that. Having some measures for progress on participation and inclusivity in the budget process would be helpful.

To very quickly address your latter point about a gender inequality outcome, at the last review prior to this one—as well as at this one—we mentioned the lack of cohesiveness between the national outcome indicators and the SDG indicators and the significant lack of a national outcome on gender equality or gender inequality. That is and remains a gap. Having a specific national outcome on gender inequality could indeed support better gender budgeting. It would clarify Scotland’s commitment to addressing gender disparities and could also provide clear benchmarks for evaluating budget allocations. The challenge, as with any policy goal, lies in ensuring that the action to deliver the policy goal and achieve the outcomes is meaningfully implemented and that the budgetary commitments genuinely reflect that aim. The implementation gap is the key issue at hand for any of the outcomes.

Sara Cowan: It is probably not a surprise that we believe that a specific national outcome on gender equality would support gender budgeting. Most importantly, we think that there is a need for strong and clear indicators linked to budgets and monitoring systems that would drive action, for example, in embedding gender analysis across the policy areas. Without a specific national outcome on gender equality, there is a lack of consistency in the way that gender analysis is used in policy making, making it difficult to tackle systemic issues affecting women and girls. That is partly about a lack of specific targets that can be in place to drive actions across different policy areas.

We also think that a specific national outcome would help to increase policy coherence across existing and forthcoming Scottish Government policies and strategies. That could particularly be around the public sector equality duty, the equality mainstreaming strategy and the national strategy for economic transformation.

The short answer is that we think that a specific outcome on gender equality is needed and that all the outcomes need to link back to budgets, within the detail that is given in the indicators.

Paul O’Kane: That is very helpful, thank you.

The Convener: The open budget survey makes several recommendations for the Scottish Government on improving transparency. Has the SHRC engaged with the Scottish Government on approaches to implementing any of those recommended changes?

Dr Hosie: I can outline some of the key engagements that we have had with the Government. Obviously, implementing the recommendations lies with Government. However, the first time that we did the open budget survey in 2019, we had no engagement from Government. We made many approaches to the Exchequer, but we got no engagement at all in terms of it being good practice to engage with the Government around making sure of data checking and fact checking, but also so that we could share what we were finding in terms of key recommendations.

However, this time round we achieved a commitment through the open Government partnership that the budget improvement department would work with us and they very successfully worked on the open budget survey this time—I wanted to make a point about that. The relationship was instrumental in providing insight into the budgetary cycle and enhancing our understanding of the Government's approach to fiscal transparency. We value that collaboration and it has fostered a good open dialogue, which is continuing. The commitment to continued engagement was formalised within the EHRBAG recommendations, where we requested that that be the case, and the Government's response was that they would engage, which they did.

Since the publication of the results, we have done an open budget survey workshop with Scottish Government officials. That was set up by the Scottish Government and had appropriate deputy-director level representatives from the Exchequer present, despite being the day that the financial changes were announced. I was quite impressed that they still turned up to my meeting. There was good and positive engagement and a lot of interesting questions around the results and the recommendations and how the Government could take those on board. The next step is to see what they actually do with that, but there was good engagement.

The engagement also continues through the open Government action plan, of which we are a member, and we have presented to both EHRBAG and the open government partnership on the findings.

Lastly, we provided a detailed briefing to all MSPs, including Government ministers. We had quite a detailed reply from the Cabinet Secretary for Finance and Local Government, indicating a commitment to review and consider the recommendations that we had made, but the

assurances of future action were somewhat vague, so we are still wanting to see more action there.

The Convener: Thank you. That is us coming to the close of the meeting. Do any members have any other questions that they would like to ask the witnesses or are you all content? You are all fine. Everybody online is nodding.

Is there anything that the witnesses feel has not been covered that you would like to raise with us before we close the meeting?

Dr Hosie: I do not think so from me. We have covered everything.

The Convener: Thank you so much for your time. We will go into private to consider the evidence that we have taken today.

12:28

Meeting continued in private until 12:47.

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