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Equalities, Human Rights and Civil Justice Committee
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22nd February 2022

Dear Convener,

Further to my letter sent 13 December 2021 responding to the views of the Equalities, Human Rights and Civil Justice Committee as part of its pre-budget scrutiny, as promised please find enclosed a substantive response to the Committee's third recommendation on gender budgeting.

This follows the publication of the Scottish Government's response to the third report of the First Minister's National Advisory Council on Women and Girls. I am grateful for the Committee's patience and hope that you find this response helpful.

Yours sincerely,

SHONA ROBISON

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SCOTTISH GOVERNMENT RESPONSE TO EQUALITIES, HUMAN RIGHTS AND CIVIL JUSTICE COMMITTEE 2022/23 PRE-BUDGET SCRUTINY RECOMMENDATION THREE

3. The Committee asks the Scottish Government to take renewed steps to strengthen the (intersectional) gender analysis of the budget, and specifically to set out the options for putting intersectional gender budgeting on a legal basis, as proposed by the Advisory Council, and whether that would be an effective way of driving better informed analysis to underpin decisions on the budget.

The Scottish Government set out its response¹ to the Year 3 report of the First Minister's National Advisory Council on Women and Girls (NACWG) on 22 December 2021. In relation to the NACWG's recommendation that the Scottish Government integrate intersectional Gender Budget Analysis into the Scottish Budget process we accepted the principle of the recommendation and will engage with the NACWG, the Equality Budget Advisory Group (EBAG) and others, to develop an approach as part of our wider work on equality and human rights budgeting. We will also consider giving this a statutory footing, including through our work to review the Public Sector Equality Duty (PSED) as it operates in Scotland.

Recognising the complexities of what may be required to integrate intersectional gender budgeting as part of wider work to embed equality and human rights budgeting, we have engaged with EBAG on the NACWG recommendation to seek their expert views. EBAG have highlighted a number of points, including the necessity of aligning work around intersectional gender budgeting with our broader work to embed equality and human rights budgeting, and improving the collation and use of data. We are considering next steps in the context of EBAG's recommendations and will respond to the recommendations in spring 2022.

In relation to the NACWG recommendation to place intersectional gender budgeting on a statutory footing, we are exploring this in the context of our work to review the PSED as it operates in Scotland. The Scottish Government published a consultation² on reforming the operation of the PSED on 13 December 2021, which, amongst other things, seeks views from stakeholders on the feasibility and practical implications of placing intersectional gender budgeting on a statutory footing through the PSED Scottish Specific Duties and the potential actions required to develop the culture and capability for these approaches. Following the consultation, we will carefully consider next steps before bringing forward regulations later this year to reform the operation of the PSED in Scotland.

¹ [National Advisory Council on Women and Girls report: Scottish Government response - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/nacwg-report-2021-22/pages/100-102.aspx)

² [Public sector Equality Duty in Scotland: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/public-sector-equality-duty-consultation-2021-22/pages/100-102.aspx)

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