



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 6 October 2016

Session 5



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EQUALITIES AND HUMAN RIGHTS COMMITTEE

5th Meeting 2016, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

*Mary Fee (West Scotland) (Lab)

David Torrance (Kirkcaldy) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Gozie Joe Adigwe (RNIB Scotland)

Anna Ritchie Allan (Close the Gap)

Tam Baillie (Children and Young People's Commissioner Scotland)

Rosalind Bragg (Maternity Action)

Chloe Clemmons (Scottish Churches Parliamentary Office)

Lorraine Cook (Convention of Scottish Local Authorities)

Sandra Deslandes-Clark (SEMPER Scotland)

Linda Fabiani (East Kilbride) (SNP) (Committee Substitute)

Lorraine Gillies (Audit Scotland)

Brandi Lee Lough Dennell (LGBT Youth Scotland)

James Morton (Scottish Transgender Alliance)

Suzanne Munday (MECOPP Carers Centre)

Judith Robertson (Scottish Human Rights Commission)

Maureen Sier (Interfaith Scotland)

Kayleigh Thorpe (Enable Scotland)

Glenda Watt (Scottish Older People's Assembly)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equalities and Human Rights Committee

Thursday 6 October 2016

[The Convener opened the meeting at 10:07]

Decision on Taking Business in Private

The Convener (Christina McKelvie): Good morning and welcome to the committee's fifth meeting in session 5. This is our first meeting since the committee's name and remit changes.

The Equalities and Human Rights Committee is known as EHRiC—I hope that you enjoy the acronym. That will help you to remember who we are. We will be filtering everything that we do through EHRiC because if it does not work for EHRiC, it does not work for anyone. We are really looking forward to that.

I ask everyone to put any electronic devices into flight mode. I am happy for you to use them, but you should turn off their sound, as it interferes with the broadcasting system.

You should be around a foot away from your microphone and you should not touch any buttons. The broadcasting team will deal with the sound for us. That is because you might switch your microphone on, the broadcasting team might switch it off, and you might switch it back on again, and we do not want that. That would not be good.

I am the convener of the committee. We have received apologies from our colleague David Torrance. Linda Fabiani is substituting for him. It is lovely to have her here.

Our first agenda item is a decision on taking items 3, 4, 5, 6 and 7 in private. Are committee members content to do that?

Members indicated agreement.

Work Programme

10:08

The Convener: Agenda item 2 is our substantive piece of work today. This is the committee's third round-table discussion of its work programme. We will look at priorities that the witnesses' organisations may have and at how we can maybe consider some of them in our work in order to move things forward.

I thank everybody who came along for this morning's breakfast meeting. I hope that you enjoyed it. It gave us a chance to get to know one another informally. As a result, I hope that you will feel a bit more relaxed and able to open up and tell us what we need to know and hear about formally in the committee. It was great to hear about some of your experiences and ideas.

We will go round the table for people to introduce themselves.

Chloe Clemmons (Church of Scotland): I am from the Scottish churches parliamentary office and am here to speak about work on strategic planning that the Church of Scotland has been carrying out.

Sandra Deslandes-Clark (SEMPER Scotland): I am from supporting ethnic minority police employees for equality in race Scotland, which is a police organisation that represents all minority ethnic police officers and staff on issues of equality and race. It ensures that Police Scotland and the Scottish Police Authority uphold the principles of race and equality.

Alex Cole-Hamilton (Edinburgh Western) (LD): I am the Liberal Democrat member for Edinburgh Western and also vice convener of this committee.

Maureen Sier (Interfaith Scotland): I am the director of Interfaith Scotland.

Gozie Joe Adigwe (RNIB Scotland): I am the senior eye health and equalities officer for RNIB Scotland.

Tam Baillie (Children and Young People's Commissioner Scotland): I am the Children and Young People's Commissioner Scotland.

Jeremy Balfour (Lothian) (Con): I am an MSP for Lothian.

Lorraine Cook (Convention of Scottish Local Authorities): I am from the Convention of Scottish Local Authorities and I sit within the migration, population and diversity team.

Kayleigh Thorpe (Enable Scotland): I am the campaigns and policy manager at Enable

Scotland, the organisation of and for people who have learning disabilities in Scotland.

Lorraine Gillies (Audit Scotland): Good morning. I am from Audit Scotland.

Annie Wells (Glasgow) (Con): I am a Conservative MSP for Glasgow.

Anna Ritchie Allan (Close the Gap): I am from Close the Gap. We work on women's labour-market participation.

Rosalind Bragg (Maternity Action): I am the director of Maternity Action. We work on maternity rights, particularly in the areas of employment rights and benefits, and also vulnerable migrant women.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I am the Scottish National Party constituency member for Kilmarnock and Irvine Valley.

Brandi Lee Lough Dennell (LGBT Youth Scotland): I am from LGBT Youth Scotland, the nation's largest youth and community based organisation for LGBT young people.

Suzanne Munday (MECOPP Carers Centre): I am the chief executive of MECOPP, which is a minority ethnic carers organisation.

Mary Fee (West Scotland) (Lab): I am an MSP for West Scotland.

Judith Robertson (Scottish Human Rights Commission): I am the chair of the Scottish Human Rights Commission.

Glenda Watt (Scottish Older People's Assembly): I am with the Scottish Older People's Assembly.

Linda Fabiani (East Kilbride) (SNP): I am the MSP for East Kilbride and I am pleased to be here.

James Morton (Scottish Transgender Alliance): I am the manager of the Scottish Transgender Alliance.

The Convener: Excellent. Now that we have had our introductions, we will try to conduct the round table in as free-flowing a way as possible. If you could give me a nod when you want to contribute, I have a wee tick list to make sure that everybody can have their say. If we channel things through me, we will get through much more.

We are working on our work programme. The committee's remit has been expanded to include new responsibilities that were conferred on us under the Scotland Act 2016. We are looking at all that in the round and how we can take it forward. We want to hear from you about areas that you think we should be targeting and looking at. In the

course of that, members will come in with questions.

Essentially, I am asking what ideas you have for where the committee should go with its remit and how that ties in with your organisation's work.

Brandi Lee Lough Dennell: I will tell you about three issues for LGBT Youth Scotland. One is education: we want education that includes and reflects lesbian, gay, bisexual and transgender identities, with adequate and informative relationships, sexual health and parenthood education, as well as work on young people's health and wellbeing outcomes.

We also recognise the issue of mental health, particularly for LGBT young people. We welcome the fact that the mental health strategy is being revised, but we would really like to see a stronger focus on equalities and human rights in that strategy. At the moment there is not a clear recognition of the impact that discrimination can have on mental health, and we know that when support for mental health focuses on someone's experience but does not think about the discrimination that they are facing, that can be a barrier to their recovery and/or their ability to live with that condition. We would like the committee to ask the Scottish Government how it will ensure that equalities and experiences of discrimination will be made central to people's treatment plans and more visible in the strategy.

Finally, I will tip over to James Morton from the STA to talk a bit more about the equal recognition campaign, but I particularly want to say that for LGBT young people at the moment we really want to see non-binary gender recognition and gender recognition for those aged under 18.

James Morton: From a transgender perspective, education and mental health are major issues. However, the thing that we hope will fall across the committee's desk in this parliamentary term is reform of the Gender Recognition Act 2004. We are making three calls. One is about making the process easier and more self-declaration based. Ireland has moved to a process whereby anybody is allowed to change their gender on their birth certificate, just as it is possible for somebody to change their name in Scotland with a statutory declaration that says who they are and how they will live their life and identify. We want Scotland to do that.

10:15

We also want 16 and 17-year-olds to be able to change their birth certificate gender just as anybody who is over 18 currently can and under-16s to be able to do that if their parents agree that it is in their best interests. At the moment, under-16s can change their gender on other documents,

such as their passport. Their parents can apply for a new passport in the new gender, but that leaves the young person with a mismatch in their documents—some will say “female” and some will say “male”—which can lead to schools refusing to respect their gender identity.

Our third call, which is by far the most important, is about recognising non-binary trans people. They are people who experience gender not as fitting simply being a man or being a woman but in a more complicated way. They may see themselves as falling between or outwith those two terms. Increasingly, younger trans people—trans people of all ages, actually—are asking why they should have to move from female all the way to male or from male all the way to female when that is to exchange two different boxes that are uncomfortable in different ways. Instead, they would like to remove gender from their documents and, first and foremost, simply be seen legally as human beings.

Our key call is for people to be able to remove the M and the F from their birth certificates. That is international best practice. Different countries such as Australia and New Zealand, and two states in America, have allowed that. A number of countries in other parts of the world, such as Nepal and Pakistan, allow non-binary recognition. If we can get the Scottish Parliament and Scottish Government to lead the way on that, that will enable public bodies to take it more seriously.

At the moment, non-binary people are generally ignored even though they are probably a similarly sized part of the population as Gypsy Travellers in Scotland. Non-binary gender identity is just not considered to be real enough. However, we would not say to somebody that their religious faith was not real enough because they were not Muslim or Christian; we would recognise that there is a wide diversity. That should be the case with gender experiences and identities.

Kayleigh Thorpe: For Enable Scotland, education is a big priority. Although I recognise that there is an Education and Skills Committee, there is a huge equality and human rights issue about how people who have learning disabilities are included in the school.

Recently we engaged in a national conversation on life at school for young people who have learning disabilities. We had an unprecedented response, which tells us that it is an urgent issue that people want us to explore and talk about. I will give you some of the early findings from that conversation. More than 60 per cent of children who have learning disabilities do not feel part of the life of their school, while 25 per cent of them have been excluded from school trips because of a lack of support to allow them to be part of them. For me, that is an Equality Act 2010 issue that is

not being explored. It was the same with parents: more than half who responded said that their child felt that they were excluded from extracurricular activities at school.

I notice that the committee might be considering bullying and harassment in schools, so I highlight the point that more than 70 per cent of young people who have learning disabilities feel that people in school do not understand them and nearly half of them feel alone at school.

Those issues are part of the education experience but are a huge inclusion, equality and human rights issue. Another major human rights issue is the right to education. Through our survey—we had more than 800 responses from parents, families, young people, teachers and educators—40 per cent of parents told us that their child had been informally excluded from school. That should not happen. However, we knew anecdotally that it was happening and we now have figures to prove it. For 19 per cent of those people, their child was being excluded from education on a weekly basis because—we feel—the support is not there to allow them to stay in the classroom and the school environment, which means that they are missing out on their right to education.

Education is a huge issue that has knock-on effects; for example, fewer than 10 per cent of adults with learning disabilities are in employment. There is a continuous cycle for those people and others of on-going isolation and exclusion from the community and society. For me, that is a huge priority that I would love to see being explored.

Tam Baillie: First, I welcome the addition of human rights to the committee’s remit. That is a very welcome move, which provides a focal point for human rights considerations for the Parliament. Having said that, I would be wary of all human rights concerns somehow being filtered through this committee, because the committee has a responsibility to ensure that human rights are owned across the committee structure. That brings with it the challenge of how broadly the committee’s remit should be drawn. It is excellent that the committee has hosted a number of round-table meetings, but the number of people who are round the table here today—each with their particular interests and legitimate viewpoints to express—demonstrates that the committee will face a challenge in narrowing down its work.

My particular concern is children and young people. We are signatories to international treaties, particularly the United Nations Convention on the Rights of the Child, and the UN Committee on the Rights of the Child has just produced its report “Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland”. That is a

useful starting point for the committee's work on children and young people, but particularly for holding the Government to account for its actions as a result of those concluding observations.

There is therefore quite a lot for the committee to sort out. If I were to give advice, it would be that the voices of children and young people will help the committee to pick its way through what are priorities or otherwise for the committee to look at. My office would be happy to lend whatever assistance is required for that, because in my view what is missing from the table so far is the voice of children and young people and people who are living with human rights issues on a day-to-day basis.

I have a very long shopping list of things that I would want to raise with the committee.

The Convener: Why am I not surprised?
[*Laughter.*]

Tam Baillie: I am respectful of the fact that other people want to get into the discussion, but if I was to pick one thing from my list it would be poverty, because it has the most corrosive impact on children's realisation of their rights in Scotland. It is hard to see past the issue of poverty in terms of this committee's work and considerations—actually, I would say that the issue of poverty goes right the way through for all human rights.

I will stop there, because other people want to have the opportunity to speak.

Maureen Sier: It is important that Tam Baillie mentioned young people and poverty. There is evidence that there is poverty among religious minorities and that Muslims, Sikhs and Roman Catholics are disproportionately likely to live in poverty in Scotland. Research data from the Equality and Human Rights Commission's report "Is Scotland fairer?" shows that, despite having a better school performance, people from ethnic minority backgrounds are twice as likely to be unemployed and twice as likely to be in poverty and to live in overcrowded and poor housing. Such people do not necessarily live in the areas of greatest deprivation, but we should not think simplistically about that because there is still poverty in ethnic minority communities and lesser likelihood of getting work. Some of the poorest income outcomes are for those of Pakistani, Arab and Roma descent.

Part of what the committee needs to look at is the important fact that every local authority, and the Scottish Government, has a duty to promote good relations among communities. The question is how we do that right across schools, local authorities and community groups. What structures are in place to promote good relations between all the different faith communities and between other communities, too? Having the

promotion of good relations as part of the equality duty is such a positive thing, but what structures are in place to do that? How do we promote good relations? We have to have things in place, rather than just a tick box to say that we want good relations.

A number of people have mentioned education. The religious and moral education system in Scottish schools is failing in some way. Forty minutes a week to look at the diversity of religion in Scotland and to promote good relations is probably just not adequate. Quite often, the subject is given to another teacher to do. They are not getting full training to deliver it well, thoughtfully and sensitively or in a way that takes into consideration the incredible diversity of religions out there. For example, the maths teacher might be told, "You take religious and moral education for 40 minutes a week." You can just imagine a biology teacher being asked to take a maths class and that being thought to be adequate.

Last night we had a dialogue on religion and human rights with our stakeholders and the issue of there being no adequate education in this area came up regularly. In order to have good relations, we have to start with the very young and promote it in our schools and across our local authorities and all our organisations. It would be helpful to have something that really looks at the promotion of good relations.

The Convener: Excellent. Thank you. Many of the aspects that we have spoken about in relation to children also affect our older people's groups, too, so this is a good time for you to come in, Glenda.

Glenda Watt: To pick up on Brandi Lee Lough Dennell's point about mental health and young people, mental health is certainly an issue for older people, too. I am not speaking about dementia; I am speaking about older people who have depression, anxiety and probably long-term conditions associated with mental health problems. We have been doing some work with Action in Mind and the age in mind project. They have consulted quite a lot of older people with mental health problems, who are telling us that they are not getting access to psychological and therapeutic services.

Health and social care services have been reduced across the board, and generally people are finding it very difficult to access services. That is a big problem for people with mental health problems. We have heard some quite sad stories. Some people have been on long-term medication, which is beginning to affect their physical being, with effects on their kidney and other systems. They are looking to explain the condition to medical people, but they are not understood or

they are not believed. We are beginning to get a feeling that ageism is behind that, and that it is not being taken into account that, as you get older, you still need to have someone to speak to and to listen to.

Last night, I was at an event that was run by the Royal College of Nursing. A counsellor spoke about meeting up with older people in their 80s and 90s who benefited from counselling and therapeutic interaction, because they needed a chance to speak about wanting to come to the end of their life with some peace.

Another issue that we are concerned about links into poverty. About 120,000 older people are in poverty. That is very sad. We know that many people do not take up their benefits, and I know from yesterday's launch of the fairer Scotland conversation and action plan that there will be actions to improve the situation. That is most welcome. There is a divide between the haves and the have nots, whether they are old or they are young. The gap is getting bigger, and we must do something about it. That would probably require a major structural change.

Judith Robertson: I am keen to set the conversation in the context of what is happening externally. Like Tam Baillie, I welcome the incorporation of human rights into the committee's remit, because the wider discussion about human rights in the United Kingdom is not particularly progressive at the moment and is threatening to claw back potential rights that we afford our citizens.

10:30

From my perspective, that presents a major opportunity for Scotland to do something differently and for this committee to play a role in shining a light on human rights that is progressive and moves the agenda forward in our society. A lot of the issues that people are talking about here come under what would be deemed the International Covenant on Economic, Social and Cultural Rights. The framing of our rights in that context is seldom done. Again, that is a role for the committee. The Scottish Government has said that it is interested in understanding, progressing and looking at that role.

We in Scotland do not have any kind of backstop of protection to enable a rights-based approach to helping people to access their rights in many of the issues that we have been talking about. From the perspective of the SHRC, the incorporation of the International Covenant on Economic, Social and Cultural Rights would move the terms of that debate to a different place in Scotland. It would mean that people could access some kind of redress when their rights are not

established. It would also provide a context whereby our legislative processes proactively bring to their mindset economic, social and cultural rights when legislation is being planned, designed and set. The terms of the debate around those rights in Scotland would be very different.

We are signed up to do that through our obligations to the human rights treaties. Tam Baillie has already referred to the concluding observations of the UNCRC and how they make the point that the UK Government and the Scottish Parliament and Government have not fully incorporated those rights into Scottish law. If the committee was to deliberate on, reflect on and advocate for that, it would not just be an important thing to do for us to meet our international obligations, which is clearly important, it would challenge the terms of the wider debate in the UK.

The Convener: A lot of the information and ideas that we have got from many of the groups have directed us towards the UNCRC concluding observations and we are looking forward to working with you on how we can extract the ones that are relevant to Scotland. We will do that going forward.

I want to focus a wee bit on women's issues. I am conscious that we have here a wee conclave of some of the areas and ideas that I have worked on over the years with many of you. It gives another perspective to the rights agenda and how it affects discrete groups.

Rosalind Bragg: One of the really big issues at the moment is maternity rights in employment. Earlier this year, the EHRC released research showing that three quarters of pregnant women and new mothers in the workplace experience some form of discrimination, and one in nine loses her job as a result of discrimination, either by being sacked or by feeling compelled to leave their job. In Scotland, that means that 5,000 women a year lose their jobs as a result of pregnancy discrimination. There is no problem with the law, which is very clear. It is just not being complied with.

There have been some welcome initiatives from the Scottish Government on that, which is fantastic, and they have started to address the problem. However, it is quite a large-scale problem. One in 25 pregnant women and new mothers leaves her job because of health and safety concerns. It would be particularly useful if the committee was interested in pursuing that, because it is an area in which some concrete work could be done to document practice and look at strategies to improve it.

A second issue that we would encourage the committee to look at is access to maternity care for vulnerable migrant women. They are the

women who have the highest rates of maternal morbidity and mortality and yet there are significant barriers to them accessing NHS maternity care. Some of those barriers sit with midwives and maternity services, but others sit outside the immediate remit of maternity services. The practice of charging for NHS maternity services affects a number of vulnerable groups that have high maternal mortality and morbidity. Alongside that, some of the practices of the Home Office, under its asylum support system—particularly the practice of dispersal or forced relocation—can have a concrete effect on women's ability to access maternity care or have continuity of care. That would be a useful issue to explore.

Anna Ritchie Allan: I want to mention a couple of issues, starting with poverty, which others have mentioned. Certainly, women's higher levels of poverty are intrinsic to our world of work, where two thirds of those earning less than the living wage are women, and women's employment is concentrated in low-paid jobs and sectors.

With regard to women's employment in general, we have particular concerns about the public sector equality duty. I understand from discussions this morning that that has been raised in other meetings as well. In particular, we do a lot of work on the gender and employment aspect of the duty, whereby public authorities are required to publish information on equal pay, on the pay gap and on occupational segregation. The work that we have done—in the form of bits of assessment work and focus groups—shows that, overall, the system is failing with regard to that aspect because, from 2013 to 2015, there has been a regression. In 2013, there had already been a regression in terms of the gender equality duty.

We have significant concerns about the lack of progress in reducing pay gaps and occupational segregation across the public sector. I would also point out that the gathering and use of data on pregnancy and maternity is extremely lacking. The vast majority of the organisations that we looked at in our sampling do not collect any data on pregnancy and maternity. If the findings of the EHRC's assessment work and compliance work that will be published in April 2017 reach similar conclusions—that is, if they show that the sector overall is not making sufficient progress—we would welcome there being a review to consider the regulations again to see how they can better realise change for women.

In the private sector, we are particularly interested in the Scottish Government's business pledge initiative. We have concerns about the small number of companies that have signed up to take action to advance gender equality. We understand that the initiative is a voluntary one,

but we have concerns that the organisations that are administering the initiative—Scottish Enterprise and Highlands and Islands Enterprise—lack the gender competence and understanding to effectively influence the account managed companies that are often the target of such schemes. In that regard, one of our key requests would be for the account management function of those enterprise companies to be examined and for consideration to be given to how conditionality can be attached to public money that is being spent on providing support for businesses in order to encourage them to better engage in the equalities agenda.

Skills Development Scotland has already taken tentative steps to include conditionality when providing funding to training providers, with the aim of requiring them to demonstrate how they are advancing equality. We think that there should be more accountability in terms of the public money that is spent by the enterprise companies when they provide funding to companies, and the responsibilities of companies that are in receipt of public funding to advance equalities.

The Convener: I do not know whether Audit Scotland has done any analysis of this issue. Perhaps Lorraine Gillies can speak about that.

Lorraine Gillies: I do not know, because I am a fairly new girl at Audit Scotland. However, there are some things that it is important to say at this point. Audit Scotland has a rolling work programme that is set for the next five years. The first two years are pretty much set in stone, but there is an opportunity to influence what is in our work programme for the few years after that. We are keen to have dialogue with equalities groups on what sorts of things we need to take account of when we are auditing and when we are deciding what will be in our work programme.

Our work programme is available on the internet. Some of the things that will be considered over the next few years will be of interest to an awful lot of folk in this room, including issues such as mental health, early learning and childcare, community empowerment and self-directed support—I had a conversation with James Morton earlier about self-directed support and the need to understand the equalities issues around that area.

From our perspective, there is a lot that we can do through the use of data and the triangulation of evidence, but we are keen to get past that process and speak to people. We need to have dialogue with equalities groups and organisations in a different way. We are also keen to work alongside the committee in looking at our work programme to see whether there is anything in it that would be of mutual advantage. I am happy to have that discussion.

While I have the microphone on, I make a bit of a plea. We have invited a range of groups and organisations to a round-table session tomorrow. I am aware that some of the people here are going to come, but I am also aware—shamefully—that we have missed some people out. We are having that round-table discussion at Audit Scotland, 102 West Port, tomorrow with a range of equalities groups because we want to understand how we can have a dialogue with them and include that dialogue in our audit work. I am making a shameless plug—if I have asked you to come, please come; if you cannot come, please send someone else; if I have not asked you to come, please grab me at the end of this discussion.

The Convener: Excellent. The more collaborative work we do, the better. I am happy for you to make that shameless plug.

I wonder whether this would be a good opportunity for Lorraine Cook to talk about where COSLA is in all this.

Lorraine Cook: In previous evidence sessions, there has been a lot of discussion of the public sector equality duty. We agree with what has been said, and we welcome the EHRC's comments on the need for a review of that duty—a review of what is and is not working, focusing on the impacts on communities rather than on what some public bodies see as an overly bureaucratic process and the England-centric structure and focus of the duty. There is mention of education authorities and licensing boards as if they are all separate bodies, but if they are in the same local authority why should there be separate reports for those different aspects? We would wholeheartedly support a review of the public sector equality duty.

Going back to the issue of poverty, we have supported the devolution of power over the socioeconomic duty since our Smith response. We need to tease out what that looks like and what it will involve, and there should be guidance on it. Public bodies and wider communities should be involved in producing that guidance and determining what it looks like, so that they can get the most out of it in terms of tackling poverty.

James Morton talked about non-binary trans people. When I knew that I was going to give evidence to the committee, I consulted our local authorities through the Scottish councils equality network and they raised the issue of children identifying as non-binary and the transition to the jobs market. The barriers that they face can be as simple as difficulties in getting their national insurance number and the bureaucratic processes that do not recognise them. Those issues were raised by equality officers, and there was a lot of discussion and acknowledgement of them around the table.

Another issue is loosely linked with what Glenda Watt said about health and social care. I am also a member of COSLA's migration, population and diversity team, and we have been looking at the impact of Brexit on EU nationals in local communities and their rights to live and work in Scotland. They are voicing growing concerns to local authorities about their place in Scotland and their right to work here. For local authorities, there is also the impact that Brexit will potentially have—nobody knows at the moment whether we are going to get a soft or hard Brexit—on freedom of movement and the demographic benefits that those people bring. Around half of local authorities are looking at how they can grow their population and EU nationals and their families are key to that. Other benefits that they bring include the economic impact that they can have.

10:45

From the feedback that we are getting from local authorities, Brexit would have a huge impact on the health and social care workforce, but there would be an impact across the board. It would affect the agricultural sector, for example. We are hearing from local companies in different local authority areas and we have lists of companies that Brexit could impact on hugely. There is the impact on community cohesion as well. The people who are affected have a range of skills and include teachers, so there is the impact on the education sector as well. There is the issue of community cohesion and the rights of EU nationals to live and work in Scotland. We need to promote the benefits that they bring to Scotland.

The Convener: You have touched on a topic that I think is on everybody's mind right now—how things may change and the impact that that will then have on people. Suzanne Munday, I knew that you would want to come in on the committee's remit because I know that you have some quite interesting and strong views on it.

Suzanne Munday: I have. We have two main asks of the committee. The first one is to ask for a continuing focus on the lives and experience of Gypsy Travellers in Scotland. You will see from the recently published Scottish social attitudes survey that Gypsy Travellers continue to be among the most marginalised and demonised populations in Scotland. Despite two very welcome previous inquiries by the Equal Opportunities Committees, we have seen very little progress that directly impacts on and improves the lives of Gypsy Travellers.

One of our particular concerns is the on-going refusal of local authorities to build sites for Gypsy Travellers, which then forces them into a range of other circumstances that impact on the settled population. It goes to what Lorraine Cook was

saying about community cohesion. That is one of the issues that we would welcome a continuing focus on.

The second issue is not new either. It is to ask for a continuing focus on equalities evidence and data collection. The fairer Scotland action plan was published yesterday and commitment 12 is to implement the race equality framework. Equalities evidence gathering is part of that. I would remind the committee that, since the Equality Act 2010, there has been a requirement to collect that data. We know that practice across the country is very patchy. There are some examples of good practice, but it is not uniform. Our concern is that, although we have robust information on poverty in Scotland, it is not matched by equalities data. The danger is that a lot of policy is driven by poverty data and poverty indicators and the balance is going too far in one direction. That is not to say that poverty is not important; it absolutely is. However, we still need to get the evidence gathering and the data gathering on equalities.

The Convener: Thank you very much—that was some good advice. I am conscious that we have not dealt with some of the other barriers that people face. Gozie Joe Adigwe will speak first about the barriers that the people whom she works with face, then we will come back to Sandra Deslandes-Clark and Chloe Clemmons.

Gozie Joe Adigwe: I work for RNIB Scotland. My remit is broadly around prevention of avoidable sight loss, with a focus on particular groups who are at greater risk. Generally, groups in high deprivation, some ethnic groups and people living with a learning disability are all defined by our organisation as being at risk.

There are roughly 188,000 people living with significant sight loss in Scotland—every day, roughly 10 people are diagnosed with significant sight loss in an eye clinic. We feel that there is a really strong link between sight loss diagnosis and mental health, and the potential for depression and isolation is significantly higher in this group of patients.

In some eye clinics we offer a vision support service—essentially, a member of staff sits in, or close to, the clinic and can take some of the emotional and practical burden from people who have been newly diagnosed, and can respond to their queries. We have that service in roughly 40 per cent of eye clinics across Scotland. We would like to see the number increase in order that we can catch people early and support them.

The other point that was made quite frequently was about poverty. We believe that there is the potential for an increase in eye-health inequality in Scotland, especially given the increasing diversity of the population and the growing older-people

demographic. We have some evidence to show that, despite the fact that the eye exam has been free in Scotland for the past 10 years, there has been an increase in eye-health inequality. The uptake of the test seems to be increasing among people in higher economic brackets rather than among those in lower brackets. For us, that suggests a potential time bomb in terms of how we manage to treat people in the lowest edge of society and effectively deliver social care services to them.

The Convener: Do you have any detail on the reasons for that? Are people not going for the sight test because they cannot afford the equipment that they would need after it?

Gozie Joe Adigwe: There is anecdotal evidence that the environment of the community optometrist creates a perception that you have to spend money there. We have discussed the issue with Optometry Scotland, which acknowledges that that is a potential barrier. However, there is a range of other barriers. Deprivation just brings with it ill health and the potential for a range of conditions and lifestyle patterns that mean that preventative health-seeking approaches are not a high priority for certain members of society. I suppose that we need to get a greater understanding of that.

The third area is digital inclusion. We have strong policy, drive and momentum in Scotland on digital inclusion. It is important to realise that people with sight loss, particularly in rural areas, are being left behind in that respect. RNIB and its partners have been granted three years' funding by the Big Lottery Fund to train 10,500 people with sight loss across the UK in how to use accessible smart technology. However, the cost of that technology and the inconsistent network coverage across Scotland make it very difficult for people to take up those lifestyle-enhancing technologies. We ask the Scottish Government to keep that on its radar.

The Convener: Glenda Watt wants to come in on a particular point.

Glenda Watt: I really just want to support what Gozie Joe Adigwe was saying about older people. Highland Senior Citizens Network has been tracking the growing waiting list of older people needing cataract operations, which is causing a lot of concern. A letter was written to the Cabinet Secretary for Health and Sport, Shona Robison. It has been discovered that the waiting list for cataract operations being on the increase is a problem not only in Highland but in other local authority and health board areas. There was something about it in *The Guardian*, I think, a couple of weeks ago, so it seems to be a national UK problem. The point is that if we are looking to help people to be as independent as possible as

they grow old, those are the kind of issues that need to be addressed quickly.

Gozie Joe Adigwe: I agree very much. Also, the focus of health and social care integration has to start shifting to preventative approaches so that we can anticipate who the at-risk groups are and target public health input at issues such as sight loss. That would be a good starting point for health and social care integration.

The Convener: Thank you for that. We are getting a lot of work to do.

I would like to ask Sandra Deslandes-Clark about a particular aspect of the work that she does that may present us with a different dynamic for the work that we need to do.

Sandra Deslandes-Clark: I am afraid that I am only going to give you more work. [*Laughter.*]

The Convener: We are up for it.

Sandra Deslandes-Clark: Some of the areas that we would love the committee to focus on relate in particular to the police service, but also to other public service bodies. One area is the use of positive action. If we are talking about having in the police a diverse and inclusive workforce that reflects the community that we serve, it is important that we monitor the usage, the extent and—most important—the success of positive action initiatives. A lot of the time we talk about that but we do not put resources behind it. If we are committing to the outcome, the committee should perhaps monitor that.

Another area is retention strategies. A big issue for the police is the need to retain the minority ethnic officers and staff whom we already have. We need to conduct meaningful exit interviews and inform management where we are failing and where we are not failing. However, that should be the case not only in the police but in the general public sector. The committee might want to inquire about that.

Thirdly, on the inquiry into the public sector equality duty, we need to ask how robust the data collection and performance indicators are. It seems that, in some instances, it is just a box-ticking exercise, because nobody follows it up and evaluates what anybody gives them. For some people, it is just a paper exercise, and the time has come either to drop it or to take it very seriously. We would be delighted to work with EHRiC on that.

The Convener: A key theme that has come through in the evidence that we have taken over the past few weeks has been equality impact assessments—specifically, how well they are done and the impact that they have on how well strategies and policies are put in place. That is a thread of work that has been knitted through

everything that we understand needs to be done. Equality impact assessments are a huge part of it, including the need for decent data collection.

Chloe Clemmons: About a year ago, the Church of Scotland decided to ask people in churches and the communities that those churches serve what they thought should be the priorities for the work of the church. We called the initiative, “Speak Out: 10,000 Voices for Change”. We set the optimistic target of hearing from 10,000 people; in fact, we heard from nearly 11,000 in six months to the end of last year.

We asked people to imagine that it is 2035 and Scotland is a fairer, more equal and more just society in a fairer, more equal and just world, and we asked what one thing the church should do to make that happen. If members are familiar with the “Is Scotland Fairer?” report, it might sound quite similar. We had a number of conversations about that as we went along, and two overriding issues came out of the discussions when we analysed them. The first was relationships, which echoes what other witnesses have said today. A lot of people who replied to our question told us that one cause of injustice and inequality is relationships, and that we need to ensure that relationships are better, because that would be a way of solving some of the problems that people are experiencing.

The other issue that we heard about overwhelmingly is the need to tackle poverty and systemic injustice. All the work that we will do as we move forward will be in the context of relationships and tackling poverty and injustice in our systems. Within that, we have seven themes. At present, we are developing a work plan that will last about 10 years, to address some big issues. Our themes are: building local communities where people flourish; doing politics differently, which is about participation and engagement; investing in our young people, which will include, but will not be limited to, education; ensuring health and wellbeing for all; caring for creation; building global friendships; and creating an economy that is driven by equality.

11:00

We will be interested to talk to anyone around the table about the detail of that, because we are very much considering the practical action that we can take, including with others. We will be interested in the committee’s developing work plan and in finding out whether there is work that we can do with you.

Panel members talked about human rights, which is a core issue in all the things that we are doing. We are keen to work on how Scotland can take forward the human rights agenda, particularly

in relation to the socioeconomic duty, which is another priority area for us.

Alex Cole-Hamilton: I thank all our panellists for their full presentations. We have our work cut out for us.

An emerging theme in several presentations is access to justice. I was struck by what Rosalind Bragg said about maternity rights and the number of people who are dismissed from workplaces in Scotland for maternity reasons. In other presentations we heard about a similar lack of access to justice. If we are to make rights real, that is a big problem.

I come from the children's services sector—I declare an interest as a former convener of the Scottish Alliance for Children's Rights. The failure of Scotland to incorporate the United Nations Convention on the Rights of the Child means that children do not have access to justice in that respect.

What other barriers make access to justice so difficult? Are there matters that this Parliament should take on, such as the incorporation of certain treaties? Are there wider practical issues in that regard?

Rosalind Bragg: It is useful to have the issue so clearly put. It is one thing to have rights on paper; it is a very different thing to have rights in practice. What needs to be done to ensure that individuals can exercise their rights?

For pregnant women and new mothers in the workplace and their partners, lack of information is certainly a factor, as is lack of access to advice services and to someone who can talk to them about their situation, advise them on what to do and assist them in taking forward a grievance, for example. I think that most cases are resolved before people reach tribunal stage, but currently only 8 per cent of women who experience discrimination even raise a grievance, so intervention is needed well before the point at which a tribunal is considered. We need to look at the practical advice and support that we can give pregnant women and new mothers and their partners, which is critical.

Maureen Sier: Most people here will be aware of the rise in hate crime, particularly against the Muslim community—and the Jewish community, to a degree. Fear is an issue for people in the context of access to justice. For a person who is a victim of hate crime and is perceived as a target, it is frightening to come forward to access their rights to protection.

Members are probably aware that next week is hate crime awareness week—Police Scotland will be with us at Interfaith Scotland on Monday to do awareness raising on hate crime. It is about being

aware of what causes hate crimes, who the targets are and what a third party can do to report crime if a victim does not want to go directly to the police. It is about what can be done when someone in the minority faith communities in particular is a target of hate crime. The Sikh community is impacted by the issue, too, because of people's perceptions—men who wear turbans can be perceived as Muslims, and there has been a rise in Islamophobia.

Scotland has to remain outward looking and have a global perspective. When things happen to communities abroad, they impact directly here: terrorist attacks abroad impact on the faith communities and other people here. We do not exist in isolation. Everything that we consider in relation to equality and human rights should be placed in a global framework, so that we think about how things that happen internationally impact on our communities locally. That is important.

Tam Baillie: Of course we want the committee to press for the incorporation of our international obligations in the longer term. Judith Robertson has already indicated that. In the short term, there is a role for the committee in addressing the threat to the Human Rights Act 1998. It can act as a bulwark against some of the developments in other parts of the United Kingdom. That will become important work for the committee.

On access to justice, there are issues with regard to legal aid, particularly children's access to legal aid. That is a helpful reminder.

I return to my list. We are still allowed to hit our children in Scotland, which puts us to shame in the rest of Europe, so we must look at something in terms of equal protection.

We still have the lowest age of criminal responsibility, despite the Government's efforts to consult on it, and I want the committee to keep a watching brief on raising it.

We still have women and children suffering as a result of domestic abuse, which is an infringement of their rights. Again, I want the committee to take up that serious matter.

The mental health of children and young people—indeed, the whole of our population—has already been mentioned.

There are particular issues for children with disabilities.

There is a growing problem of refugee families who have no recourse to public funds, which may well become a matter of increasing concern.

I think that I have finished my list.

The Convener: I do not believe that for a second. [*Laughter.*]

Tam Baillie: That is just for starters.

Judith Robertson: On access to justice, I reiterate the point that, if we do not have the backstop of the protections that something like the incorporation of the economic, social and cultural rights provides, there is no chance for people living in poverty. There is no route through for them to get access to the justice that those protections might afford. At the moment, it does not exist.

If we were to genuinely map how someone who is living in poverty might access justice in relation to their rights, we would find many barriers in their way, at many levels. If we mapped that journey and looked at the protections that are afforded along it, we would see how discrimination comes into play on some of the routes that are available—it is not that there are no routes, but discrimination plays a significant role in preventing people from equally accessing justice. That might be justice via a financial route or just the prejudice that people meet with in the court system, the police system, or the other vehicles available.

That is so even within the complaints mechanisms, which are the initial line of justice that is provided for some of the issues that we have been talking about. The capacity of people to use those complaints mechanisms even to get their complaint assessed can be limited. Rosalind Bragg mentioned advocacy support, such as citizens advice bureaux, for people to take those routes. CABx do amazing work in communities, but the resources and capacity that they have to do that reliably in a context in which need and demand are increasing require serious consideration.

There is a landscape around access to justice, from the end at which nobody wants to be, involving justiciability and court cases, to the complaints mechanisms. The question is how quick and accessible the complaints mechanisms are, how much remedy they provide and how much change they get on behalf of the person who experiences the grievance.

I will set that difficult landscape in the context of a wider issue that I saw when I worked for Oxfam, as I did previously. There is an almost systemic reluctance to absorb and acknowledge accountability and to understand properly that, as not only public authorities but all kinds of authorities, we are accountable to the people to whom we are providing services or whose lives we are trying to improve. We systematically weaken the accountability structures, particularly as they go through legislative processes. I have seen that time and again, and we see it in the incorporation of the United Nations Convention on the Rights of the Child.

We seem to be very cautious and risk averse when it comes to building accountability structures that genuinely enable people to access those processes in a way that delivers for them fairly, equitably and accessibly. We need to think about that and reflect on what accountability really means. The UN in particular has strong messages on that. It has done a lot of work to look at and really understand how state legislatures and states can build accountability into their systems to enable people to access those justice processes.

There is an attitudinal aspect around accountability that would be, across all these pieces, beneficial to tackle, change, understand and transform.

The Convener: Absolutely. That is a really good piece of advice.

Suzanne Munday wants to come in, and then Brandi Lee Lough Dennell. We have only five minutes left and I have got to get Willie Coffey in as well.

Suzanne Munday: I will be quick. I am going to do what Tam Baillie did and come back to my shopping list.

With my carers hat on, I note that we are absolutely delighted with the Carers (Scotland) Act 2016, which will come into force on 1 April 2018. We are delighted to have worked with the Parliament and Government on achieving, in essence, an equalities provision in the act. My ask is that, perhaps towards the end of the committee's work programme, you look at the impact of having that provision in legislation.

With the 2001 and 2011 censuses—even the 2011 census is already five years out of date—we have seen a doubling of the number of carers in minority ethnic populations.

To go back to an earlier point, I note that we have only limited data, if any, on carers in LGBT communities and carers who have a disability or a long-term condition themselves. There are evidence and information gaps, but the equalities provision might be a route to getting that information and—to pick up on the point about accountability—to having an opportunity to see what the impact is further down the line.

The Convener: I am sure that we would all be interested in that piece of work.

Brandi Lee Lough Dennell: I will be brief, too. I want to pick up on Tam Baillie's point about children's rights, particularly in relation to the Equality Act 2010. Young people are not protected from harassment by their peers in schools, and that is an issue.

On domestic abuse, a particular issue for LGBT people, in addition to the barrier of not being

aware of or not having access to know-how about how to go about reporting, is that there can be a fear that, if someone reports, they will be outed in court. Courts are open, and if someone goes and talks about their relationship and the abuse that they are experiencing, that experience can be shared. That can be a large barrier for LGBT people.

The Convener: Thank you, Brandi.

Willie Coffey: I echo the comments of my colleague Alex Cole-Hamilton in thanking everybody for the range of wonderful contributions that have been made today. It gives us a huge problem, convener, does it not? I suppose that that is an understatement.

I am so proud that the Scottish Parliament, at least, is and will remain a champion of human rights. That is in stark contrast to events elsewhere.

One of the many items in Tam Baillie's list was domestic abuse. A bill will be going through this Parliament to tackle that, and our hope is that we will be able to address some of those concerns.

I sometimes think, "Where will we be in five years' time?" We have a long time to look at many of these issues. Where will we be in five years' time and how will we judge whether we have made any progress? As I listened to everyone this morning, I wondered what the key drivers are that might influence change and improvement in all these areas. Do they include tackling poverty? I heard that mentioned by a number of colleagues round the table. Do they include education in equalities, and tackling mental health issues?

I am trying to help the committee here, convener. How will we gather some of the key drivers that will help all these agendas to move forward? Our colleagues who are here this morning will be the judge of how successful we are over the five years of the current session of Parliament. I very much look forward to the opportunity and the chance to continue to participate in that agenda with you all.

11:15

The Convener: Does anyone have an idea of what the key drivers would be?

Tam Baillie: There have been a lot of powerful presentations, and themes such as poverty, incorporation and ensuring that people have access to justice have come out. One of the key points for the committee is to make the link between communities and human rights, so that everybody feels that the concept matters to them, because it does. If the committee gets that message across, we will be in a better place in five years' time.

The Convener: Excellent—that is right on time. Is there anything that we have missed?

Lorraine Gillies: I draw attention to the Community Empowerment (Scotland) Act 2015. We have a really good piece of legislation to work with, so that is a good starting point, but we have not talked an awful lot about what that might bring.

Secondly, I am keen to look at the role of audit and scrutiny as a driver for change. Audit Scotland is keen to start discussing that, as we are very aware that audit has an impact on how public services are delivered. We are keen to be involved in the process of delivering better public services, and there is a discussion to be had about how we understand people's experience and the impact that public services have on people, in addition to using our usual audit methodologies.

The Convener: Excellent—that is a good push in the right direction.

Glenda Watt: My point follows on from what Lorraine Gillies said—it is about connections with the other committees in Parliament. Other committees are covering many of the issues that we have raised today, and I know that reports are produced. If there are synergies between committees, that would be good.

The Convener: We are doing a lot of work on that. The clerking teams are working to ensure that we complement rather than duplicate the work of other committees.

Linda Fabiani can have the final word.

Linda Fabiani: I will be quick, because I am aware that I am an interloper today.

I have found the session absolutely fascinating. To pick up on the last points from Tam Baillie and Lorraine Gillies, one of the things that underpins the whole agenda is what Judith Robertson referred to as the attitudinal aspect of accountability. We can talk about all these things all we like, but until people really understand what we are talking about, and until people are accountable for making sure that the things that we have talked about are happening, we will not get anywhere.

The accountability aspect means that people will start to understand human rights rather than seeing the concept simply as some sort of airy-fairy thing that does not affect them day to day. I thank everyone for their evidence.

The Convener: For an interloper, that was a fantastic final point—thank you.

I thank all the witnesses for their evidence. This is not the end of our process together—it is just a start. I hope that we will all work together on all the aspects that we have covered this morning, including the many interests of MSPs on the

committee. We are looking forward to pushing all the agendas forward as far as we can and being a bit more radical in what we do here. If anyone goes away thinking, "I should have said this", please write to us and let us know. Tam Baillie can send us his longer shopping list.

11:18

Meeting continued in private until 11:38.

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