Margaret McCulloch MSP,  
Convener,  
Equal Opportunities Committee  
Scottish Parliament,  
Edinburgh EH99 1SP  
22nd January 2016.  
Dear Convenor,  

RE - **Budget Review**

Thank you for your letter of 22nd December inviting the EHRC to comment on the draft budget for Scotland for 2016-17 and the associated Equality Statement, the budget process and potential changes for future improvement.

As members of the Committee may be aware the EHRC was a founding member of the Equality Budget Advisory Group (EBAG) and has retained both its place and its strong interest in this work to date. As such it is slightly difficult to comment on a body which is a member of the body that has an advisory capacity for the production of the equality budget statement. However within these constraints we are happy to provide the following comment.

The EHRC has found membership of EBAG to have been an extremely productive experience. As members will be aware EBAG’s role is to

- provide advice on considering the equality implications of budgetary decisions across all policy areas
- contribute to mapping the pathway between evidence, policy and spend
- improve the presentation of equality information in the Scottish budget documents
- contribute to improved commitment to, and awareness of, mainstreaming equality into policy and budget processes.

As EBAG has developed we have found that its influence has grown, especially with the input of equality budgeting thinkers such as the late Professor Ailsa McKay. We believe that Scotland now has one of the most advanced and sophisticated means of making assessments about the equality implications of
its budget, certainly in the UK and with few peers internationally. This is a credit to both the politicians and officials involved who continued engagement in the issues has strengthened and enriching discussions.

Inevitably there are limitations on what EBAG can achieve. Chief amongst these is the availability of high quality equalities data across all protected characteristics on which to make assessments. Whilst generally data on gender and age is available to planners, data on all other protected characteristics is often sparse or inconsistent meaning that it can be very difficult to make informed judgements about the potential impact of budget decisions on Scotland ethnic minority, disabled, or faith communities for example. EBAG has repeatedly called for greater equalities data to be made generated – both pre and post decision making. As one example through EBAG last year we looked at the potential impact of changes in stamp duty on protected groups and whilst as above we could be reasonably confident about age and gender predictions, potential impacts on other groups was much harder to assess.

In response to this issue of data gaps the EHRC yesterday published “Is Scotland Fairer?” the largest review of equalities and human rights evidence compiled in Scotland. The report sets our key data for the 9 protected characteristics across a range of domains including education, physical security, work and income and makes a series of 7 recommendations for priorities for action. These include closing attainment gaps in education, encouraging fair recruitment in employment, improving the availability and use of evidence, and tackling the harassment and abuse of people who share particular protected characteristics. We are sure that this report will be of assistance to the Committee in your consideration of the effectiveness of Government policy. As one example whilst we welcome the Governments investment in attainment amongst Scotland’s most deprived schools we note that it is disabled pupils and Gypsy Traveller pupils who have the lowest attainment of all. If this new funding is to be fully effective we would except that it will lead to demonstrable impact on such groups ensuring that they are not left even further behind than they currently are now. One criticism of the EBAG/EBS process that we raised in a review last year with the Government officials responsible for producing it is that it tends to focus on the positive impacts of the budget on people with, or who share protected characteristics, rather than overall impacts or indeed, negative impacts. One means of strengthening this might be to have a state of the nation summary of equalities data – positive and negative – appended to the document, to enable readers to make more informed judgements about the trajectory of Government thinking.
A second criticism that we raised was that the document at times makes assertions about the universal benefits of individual investments – for example in a new hospital – to be applicable for all protected characteristic groups without backgrounds evidence. However this has lessened over time and we feel that the current EBS is focussed and informative than previous versions.

Finally, the EHRC has also been working HM Treasury at a GB level on this issue of cumulative equality impact assessment which we feel are vital if we are to be able to make informed decisions about policies which might have multiple impacts on people because of their protected characteristics. For example, women may be disadvantaged by Welfare Reform proposals but disabled women may be doubly affected by such changes – impacts which might not be evident to policy makers conducting siloed impact assessments based on single protected characteristics. Further information about this work can be found here. Chapter 7 in particular focuses on multiple protected characteristic impacts and the cross impacts of related policies.

On means of making improvements to the process both the EHRC and we are sure EBAG would welcome any comments or recommendations that the Committee makes on the basis of the evidence presented and their own considerations.

We would be happy to provide further written or oral evidence of this issue if the Committee wishes it.

Yours sincerely

Alastair Pringle
Director