

Engender submission of evidence to the Finance and Public Administration Committee inquiry on proposed National Outcomes

June 2024

1. INTRODUCTION

Engender is a leading feminist policy and advocacy organisation, working to secure women's social, political and economic equality and realise women's rights in Scotland. We aim to make visible the impact of structural inequality on women and wider society and work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.

2. THE NATIONAL PERFORMANCE FRAMEWORK AND NATIONAL OUTCOMES

1. What do you think of the changes being proposed?

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We recognise the Scottish Government's efforts to improve the gender analysis and mainstream equality in the revised National Outcomes. However, significant aspects still require strengthening to ensure the National Performance Framework (NPF) will work effectively to secure gender equality and not simply replicate existing biases in decision-making architecture.

We are calling on the Finance and Public Administration Committee to recommend that the Scottish Government:

- Improves alignment with Sustainable Development Goal (SDG) 5 on gender equality and the empowerment of women and girls.

- Strengthens policy coherence across existing and forthcoming Scottish Government policies and strategies, particularly the Public Sector Equality Duty (PSED), the Human Rights Bill, the Equality Mainstreaming Strategy and the Equally Safe Strategy.
- Allocates adequate resources to improve gender competence and other equalities-competence across the public sector.
- Improves gender-sensitive statistical indicators across all of the National Outcomes.
- Strengthens the NPF's capacity to promote a 'Scottish Approach to Gender,' as recommended by the First Minister's National Advisory Council on Women and Girls (NACWG).

When scrutinising the Scottish Government's proposed National Outcomes, we also ask that the Committee:

- Examines how the Scottish Government addressed data gaps on marginalised women's experiences of the National Outcomes in the thematic gender review
- Explores the extent to which intersectional gender analysis informed the revised National Outcomes
- Examines the Scottish Government's rationale for excluding certain gender equality targets found in the United Nations Sustainable Development Goals (SDGs) from the proposed National Outcomes and their extended definitions

2. Are there any policy priorities that should be reflected in the proposed National Outcomes but which you consider are not?

The Scottish Government has committed to tackling deep-rooted gender inequality that continues to exist in Scotland.¹ In addition, one of the stated aims of the current NPF is to 'reduce inequalities'.

As this response outlines, we believe the proposed NPF could be strengthened to better reflect gender equality as a policy priority. A critical step towards this would be having a National Outcome on Gender Equality and incorporating the current NPF's aim to "reduce inequalities" into the new NPF's purpose.

These steps would ensure the original ambition of SDG 5 on gender equality is fully integrated into the NPF while also strengthening policy coherence across the Scottish Government's existing and planned work on gender and equality mainstreaming. Furthermore, these steps will ensure gender is mainstreamed in government policies that are developed in line with the NPF. This would promote the integration of gender analysis in the policy process to ensure policies will benefit women and girls equally.

¹ Scottish Government (2023) Equally Safe: Scotland's Strategy for Preventing and Eradicating Violence against Women and Girls. Available at: <https://www.gov.scot/publications/equally-safe-scotlands-strategy-preventing-eradicating-violence-against-women-girls/>

3. What are your views on the Scottish Government’s consultation on the proposed National Outcomes?

We welcome the fact that the Scottish Government’s consultation process on the proposed National Outcomes included a thematic gender review. As we highlighted in our response to the call for evidence, women and men experience the National Outcomes differently due to structural gender inequality. However, the NPF fails to capture these gendered differences in the current National Outcomes or their associated statistical indicators. The thematic gender review hopefully represents a positive step in addressing these knowledge and data gaps to ensure the revised National Outcomes reflect women’s experiences better. This aligns with the 2018 recommendation from the First Minister’s National Advisory Council on Women and Girls (NACWG) to conduct such a review “as a catalyst for system analysis and change.”²

The report from this thematic review is not publicly available, making it difficult to comment on the process and its findings. Nevertheless, our understanding is that the review did not cover intersectional data and only focused on available sex-disaggregated data.

This is disappointing in terms of the scale of its ambition. Women are not a homogenous group. Compounding, intersecting inequalities and systems of oppression, like racism and ableism, have a significant bearing on the ways in which different groups of women experience and can benefit from the National Outcomes. These differing experiences are excluded from the current statistical indicators due to a lack of intersectional, sex-disaggregated data. For example, in their call for evidence response, Close the Gap highlighted the lack of intersectional data to measure the cost of living indicators in the current Poverty National Outcome. This means that the experiences of marginalised women, who are disproportionately affected by the current cost of living crisis, are not specifically monitored or recognised when measuring progress towards this National Outcome.³

The exclusion of intersectional experiences of inequality from the NPF risks delivering only superficial progress towards the National Outcomes, which will fail to deliver substantive equality and could further entrench inequality for different groups. It is, therefore, vital that the impact of intersecting inequalities informs changes to the NPF and that the revised National Outcomes better reflect marginalised women’s realities. Focusing only on sex-disaggregated data risks understating the true scale of change required for the revised National Outcomes to achieve meaningful equality in Scotland. The Committee should examine how data gaps on marginalised women’s

² NACWG (2018) First Minister’s National Advisory Council on Women and Girls 2018 First Report and Recommendations. Available at: <https://www.generationequal.scot/app/uploads/2022/03/2018report.pdf>

³ Engender (2022) Women and the Cost of Living. A Crisis of Deepening Inequality. Available at: <https://www.engender.org.uk/content/publications/Women-and-the-cost-of-living---updated-copy.pdf>

experiences were addressed in the thematic review and the extent to which intersectional gender analysis informed the Scottish Government's proposals.

3. THE ROLE OF THE NATIONAL OUTCOMES IN REDUCING INEQUALITIES

4. How do you think the proposed National Outcomes will impact on inequality?

Evidence from across the globe indicates that to achieve gender equality, it is critical that governments effectively integrate gender into policy decision-making and prioritisation processes. The primary means to achieve this is gender and equalities mainstreaming. Gender mainstreaming, defined by the United Nations Economic and Social Council (ECOSOC), is "...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's and men's concerns and experiences an integral dimension of designing, implementing, monitoring and evaluating policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."⁴

Gender mainstreaming requires political leadership and integration across accountability structures to succeed. The NPF is, therefore, critical to the ultimate success of equalities mainstreaming within the Scottish Government as it underpins decision-making, prioritisation, and accountability across government.

There are still significant areas where the Scottish Government's proposals must go further to ensure the NPF reaches its full potential to drive progress on tackling inequality in Scotland forward. As previously set out, these include:

- Improving alignment with Sustainable Development Goal (SDG) 5 on gender equality and the empowerment of women and girls
- Strengthening policy coherence across existing and forthcoming Scottish Government policies and strategies, particularly the Public Sector Equality Duty (PSED), the Human Rights Bill, the Equality Mainstreaming Strategy and the Equally Safe Strategy
- Allocating adequate resources to improve gender competence and other equalities-competence across the public sector
- Improving gender-sensitive statistical indicators across all of the National Outcomes
- Strengthening the capacity of the NPF to promote a 'Scottish Approach to Gender' as recommended by the National Advisory Council on Women and Girls (NACWG)

⁴ United Nations Economic and Social Council (1997) Extract from Report of the Economic and Social Council for 1997 (A/52/3, 18 September 1997). Available at: <https://www.un.org/womenwatch/daw/csw/GMS.PDF>

Without these improvements, the NPF's impact on intersectional gender inequality will remain limited and serve to maintain the status quo, which will only benefit those already closest to power and privilege in Scotland.

4. UN Sustainable Development Goals

5. Do you think the proposed National Outcomes align with the UN Sustainable Development Goals? Please explain your answer.

We recognise that the Scottish Government has taken steps to strengthen the proposed National Outcomes' alignment with SDG 5 on achieving gender equality and empowering women and girls. This is significant as SDG 5 is among the least well-represented in the current NPF.⁵

We particularly welcome the Scottish Government's intention to integrate SDG 5 targets on gender equality into various National Outcomes – including those on health, poverty, communities and care – in addition to having a specific National Outcome on Equality and Human Rights. This better resembles the UN's twin-track approach to gender mainstreaming, whereby SDG 5 represents a specific, focused goal for gender equality that is further supported by embedding gender into the other SDGs. This dual approach, which is absent from the existing NPF, is recognised internationally as a necessary and effective strategy for achieving transformative intersectional equality.⁶ However, we are disappointed that the Scottish Government decided against creating a specific National Outcome on Gender Equality, as called for in our call for evidence response. We acknowledge that the proposed National Outcome on Equality and Human Rights now reflects, to varying degrees, targets from SDG 5. However, we are concerned that placing different strands of inequality together under one National Outcome risks replicating the generic approach to tackling inequality that has proven ineffectual in other government policies and legislation.

For example, the Public Sector Equality Duty (PSED) in Scotland has been criticised for taking a similar homogenised approach to tackling inequality. In work on reforming PSED, we have repeatedly outlined how this approach has resulted in public authorities diluting their focus on identity-based equality.⁷ This is done in favour of an approach that attempts to consider multiple characteristics simultaneously without adequate data and equalities-specific expertise. Consequently, public bodies are developing policies and practices that fail to address intersectional discrimination. In

⁵ Dr Graham Long (2019) The SDGs and Scotland: a discussion paper and initial analysis. Available at: <https://globalgoals.scot/wp-content/uploads/2019/02/SDG-Discussion-paper-February-2019.pdf>

⁶ UN Women (2020) UN Strategic Planning and Gender Equality and the Empowerment of Women: Guidance. Available at: <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/How%20We%20Work/UNSystemCoordination/UN-SWAP/UN-SWAP-2-Guidance-on-UN-strategic-planning-and-gender-equality-and-empowerment-of-women-en.pdf>

⁷ Engender (2022) Engender response to the Scottish Government's consultation on the operation of the Public Sector Equality Duty (PSED). Available at: <https://www.engender.org.uk/content/publications/Engender-response-to-PSED-consultation.pdf>

the context of significant cuts to public authorities' funding and capacity, there is a high risk of an inadequate, one-size-fits-all approach to inequality when pursuing progress towards the National Outcome on Equality and Human Rights.

This homogenised approach also weakens the original ambition of the SDGs in the National Outcomes. For example, targets in SDG 5 on women's participation in decision-making have been translated into the Equality National Outcome using more generalised terms like "We actively enable citizens to participate in democratic processes" and "empowering communities."

This extended definition fails to recognise the distinct barriers to decision-making that women in Scotland continue to face. Our research shows that men in Scotland hold two-thirds of positions of power and are over-represented in 33 out of 38 areas examined. Women who experience intersecting discrimination are less likely to be promoted to positions of power and are more likely to face discrimination and harassment in the workplace, making it more likely that minoritised women are even more severely underrepresented.⁸ This imbalance requires targeted interventions and strategic action to tackle the structural barriers that exclude women from all levels of power and decision-making. We are not confident that the proposed extended definition of the National Outcome on Equality and Human Rights would promote such interventions or act as an accountability mechanism to ensure they are progressed.

We would recommend that the Committee's inquiry should also explore why the Scottish Government has omitted significant targets on gender equality, which can be found in SDG 5 and SDG 3 on health and wellbeing. This is important because decisions to exclude certain SDG targets may be indicative of a lack of intersectional analysis. For example, while Scotland has a low maternal mortality rate, data from across the UK has shown that there are significant disparities for different groups of women. The maternity mortality rate for Black women in the UK is three times higher than for white women, while for women from Asian backgrounds, it is two times higher. The maternal mortality rate among women living in deprived areas is also more than twice as high as women living in the least deprived areas.⁹ While the headline figure may suggest this isn't an urgent issue requiring attention in the NPF, it is clear that this is a significant health priority for particular groups of women. We ask the Committee to scrutinise the extent to which the Scottish Government used intersectional gender analysis when deciding which SDG targets are relevant for the NPF.

Similarly, SDG 5's target to "eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation" has not been incorporated into the Equality and Human Rights Outcome. It is not clear whether this target has been wholly omitted or whether the Scottish Government will convert it into a statistical indicator to measure progress towards the Equality and Human Rights Outcome's

⁸ Engender (2023) Sex and Power in Scotland 2023. Available at: <https://www.engender.org.uk/content/publications/SP2023NEW.pdf>

⁹ MBRRACE-UK (2024) Maternal mortality 2020-2022. Available at: <https://www.npeu.ox.ac.uk/mbrance-uk/data-brief/maternal-mortality-2020-2022>

ambition to create a Scotland where “we live free from all forms of violence, including violence against women.” We urge the Committee to seek clarity on this as the Scottish Government has previously recognised the need to “prioritise protection from, and prevention of, FGM” and act to prevent forced marriage, including through its Equally Safe Strategy.¹⁰

We are also concerned by the decision to omit the targets on access to sexual and reproductive healthcare found in both SDG 3 and SDG 5 from the extended definitions for the Equality National Outcome and the Health National Outcome. According to the Scottish Government’s own Women’s Health Plan, improving access to specialist menopause services, abortion care, and contraception services are priority areas.¹¹ In recent years, particularly post-pandemic, there have been concerning reports of increasing barriers to sexual health and abortion healthcare in Scotland,^{12 13} combined with significant increases in abortion rates.^{14 15} The omission of these SDG targets is a missed opportunity to strengthen the policy coherence between existing health policy and the NPF.

Overall, we believe a dedicated National Outcome on Gender Equality is needed to directly translate the original ambition of SDG 5 into the NPF and avoid the pitfalls of a homogenised approach to tackling inequality. This would also enable a more robust twin-track approach to mainstreaming gender equality throughout all Scottish Government policy development and ensure greater policy coherence with existing gender equality initiatives, such as health and violence against women policies. This would also align with the Scottish Government’s existing commitments to tackling deep-rooted, systemic gender inequality. We outline the importance of gender policy coherence in response to the next question.

5. JOINED-UP POLICY MAKING

¹⁰ Scottish Government (n.d.) Violence against women and girls (VAWG). Minority ethnic women and girls. Available at: <https://www.gov.scot/policies/violence-against-women-and-girls/minority-ethnic-women-and-girls/>

¹¹ Scottish Government (2021) Women’s Health Plan. A plan for 2021-2024. Available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2021/08/womens-health-plan/documents/womens-health-plan-plan-2021-2024/womens-health-plan-plan-2021-2024/govscot%3Adocument/womens-health-plan-plan-2021-2024.pdf>

¹² The Young Women’s Movement (2022) The Status of Young Women in Scotland 2022-2023: Experiences of Accessing Healthcare. Available at: <https://www.youngwomenscot.org/research-reports/the-status-of-young-women-in-scotland-2022-2023-experiences-of-accessing-healthcare/>

¹³ The Scotsman (2024) Left ‘in agony’ why Scottish women are being forced to travel to England for abortion healthcare. Available at: <https://www.scotsman.com/health/left-in-agony-why-scottish-women-are-being-forced-to-travel-to-england-for-abortion-healthcare-4663700>

¹⁴ The Scotsman (2024) Why are abortion numbers rising in Scotland? Available at: <https://www.scotsman.com/health/why-are-abortion-numbers-rising-in-scotland-4665542>

¹⁵ Public Health Scotland (2024) Termination of pregnancy statistics. Available at: <https://publichealthscotland.scot/publications/termination-of-pregnancy-statistics/termination-of-pregnancy-statistics-year-ending-december-2023/>

6. To what extent do the proposed National Outcomes support joined-up policymaking in Scotland?

One of the primary concerns we raised in our submission to the Scottish Government was the lack of gender policy coherence within the current NPF. This is enabling the development of policies that may be in line with the NPF but that work against the Scottish Government's broader commitments to gender equality and, therefore, ultimately perpetuate inequality. Consequently, this policy incoherence actively undermines the NPF's capacity to embed an integrated, intersectional, and gendered approach to equality in Scotland.

This is why we highlighted the NACWG's recommendation for a "Scottish Approach to Gender Coherence" to "feed into the NPF" in our original response. A fundamental tenet of this approach involves "creating a culture of gender equality policymaking in the Scottish Government."¹⁶ The NPF should serve as the foundation of this approach by ensuring that intersectional gender analysis is mainstreamed into all policymaking and there is greater accountability for gender-competent decision-making.

It is, therefore, disappointing that the 'Consultation with Parliament in connection with the Review of the National Outcomes' report makes no mention of this recommendation or gender policy coherence more generally. It is also unfortunate that the parliamentary report fails to outline how the revised National Outcomes will align with the Scottish Government's planned work to:

- Reform the operation of the PSED
- Develop a national Equality Mainstreaming Strategy
- Improve the Equality Evidence Strategy
- Develop a Human Rights Bill that incorporates key group treaties related to equalities: CEDAW, CRPD and CERD
- Embed the Equally Safe Strategy to end violence against women and girls into all policy development

It is particularly striking that the forthcoming Human Rights Bill is not mentioned in the extended definition of the National Outcome on Equality and Human Rights. This represents a significant missed opportunity for the Scottish Government to reiterate its commitment to incorporating these key human rights treaties.

Integrating gender equality into the NPF would also improve policy coherence with the Equally Safe Strategy, Scotland's strategy for preventing and eradicating all forms of VAWG. Equally Safe has been commended for adopting a gendered analysis of this violence that recognises the root cause to be women's inequality. Within the Strategy, the Scottish Government and COSLA commit to prioritising a primary prevention approach, which means tackling this inequality to stop VAWG before it occurs. However, in the decade since the first iteration of Equally Safe was published, a critical

¹⁶ First Minister's National Advisory Council on Women and Girls (2019) 2019 Report and Recommendations. Available at: <https://www.generationequal.scot/app/uploads/2022/03/2019report.pdf>

implementation gap has emerged around this primary prevention approach. This is due to a lack of coordination and integration of this work across policy decision-making, specifically beyond justice and education. The NPF has the potential to deliver this approach by prioritising mainstreaming across government policymaking and, most significantly, creating accountability mechanisms to ensure this.

The NPF must enable joined-up policymaking on gender equality; however, we are not convinced it will deliver this in its current or proposed iteration. The Committee should urge the Scottish Government to strengthen the proposed NPF's capacity to facilitate this. A critical starting point must be more clearly articulating the links between the above policy areas and the revised NPF.

6. IMPLEMENTING THE NATIONAL PERFORMANCE FRAMEWORK

7. What should the implementation plan contain to ensure that the National Outcomes are used in decision-making?

The implementation plan provides a crucial opportunity to set out how the Scottish Government and other organisations can embed gender equality into their work in line with the revised NPF. To ensure policy coherence, this implementation plan must be informed and aligned with existing Scottish Government commitments and legal obligations to advancing gender equality. As covered, these include, the PSED, the Equality Evidence Strategy, the forthcoming Equality and Human Rights Mainstreaming Strategy, the Human Rights Bill and the implementation of the Equally Safe Strategy.

The implementation plan should also embed the NACWG's vision for a "Scottish Approach to Gender Coherence" across the Scottish Government and public sector more generally. In line with this, the implementation plan should set out how the NPF will facilitate a culture of gender equality policymaking, ensure scrutiny of gender-competent policymaking and adequately resource the collection and analysis of robust intersectional data.¹⁷

A particular priority for the implementation plan must be to build gender and equalities competence, including across other protected characteristics, within the Scottish Government and public sector. The failure to gather, analyse and use gender-sensitive data that is intersectional and sex-disaggregated has so far inhibited the NPF's effectiveness in reducing inequalities in Scotland. As highlighted previously, these data omissions mean that the experiences of marginalised women are effectively obscured within progress measures towards the National Outcomes, which risks further entrenching the inequality experienced by these groups in policy and programme design.

¹⁷ First Minister's National Advisory Council on Women and Girls (2019) 2019 Report and Recommendations. Available at: <https://www.generationequal.scot/app/uploads/2022/03/2019report.pdf>

The availability of gender-sensitive sex-disaggregated data depends on those responsible for its production and analysis having sufficient gender competence. In the implementation plan, any action to develop this gender competence across the public sector must be accompanied by sufficient resourcing to make it a reality.

FOR FURTHER INFORMATION

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ABOUT US

Engender is Scotland's feminist policy and advocacy organisation, working to increase women's social, political and economic equality, enable women's rights, and make visible the impact of sexism on women and wider society. We work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.