



Engender submission of evidence to the Scottish Parliament Equalities and Human Rights Committee call for evidence on delivery of national equalities and human rights priorities as part of its scrutiny of the Scottish Government's Budget for 2021-21

1. INTRODUCTION

Engender works in Scotland to advance women's economic, social and cultural, and political equality with men. We make visible the ways in which women's inequality impacts Scotland and bring women together to make change happen.

We welcome the focus of the Equality and Human Rights Committee this year on ensuring that there is both adequate resource to deliver equality and human rights outcomes in Scotland and sufficient scrutiny of how revenue raising and spending relates to these outcomes within and outwith the Budget process.

Our submission makes two key points. Firstly, we describe the way in which Scottish Government top line policy priorities around gender equality and women's human rights are not adequately reflected in the budget, and the consequential impact this has downstream on policy outcomes.

Secondly, we describe a solution that could integrate policy priorities with the budget process and ensure that public expenditure in Scotland was allocated in a way that reflected the needs of women and men in Scotland: adding gender budget analysis to the budget process. We describe the ways in which the existing equality budget statement process falls short of gender budget analysis.

Brexit, the UK Government's commitment to an ideology of austerity, and the profoundly gendered impacts of UK spending decisions around social security,¹ make it imperative that Scottish Government and the Scottish Parliament can take a cross-portfolio view of the ways in which the budget cumulatively impacts on women. The

¹ Engender. 2015. "A Widening Gap: Women and Welfare Reform."

Scottish Budget should advance equality between men and women, and not entrench it.

2. KEY ISSUES

2.1 What are the key public policy areas where individuals and protected groups are struggling to access their rights?

Women and men in Scotland do not enjoy equal access to power, resources, and safety. Women and girls in Scotland have yet to experience the full realisation of human rights enumerated across the international instruments to which the UK is a state party, including the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

In 2017 Engender produced a roadmap that would see Scotland make substantive progress towards women's equality by 2030.² *Gender Matters* describes the barriers to women's equality that persist. It also outlined the action that will need to occur across the following public policy areas in order to bring about equality: care; education and training; employment and labour market; health; media, arts, and sport; politics and public life; public space; social security; violence against women; women's rights; and fair economy. **There is no area of public policy where women's experience is not distinct and different from men's and no area, therefore, where it is not important to think about how these differences should shape revenue raising and expenditure across portfolios.**

Engender co-ordinated Scottish civil society's shadow reporting to the recent UN CEDAW Committee's examination of the UK. Our final shadow report,³ which was supported by 25 Scottish civil society organisations,⁴ set out a range of areas in which women's rights have yet to be realised. These included data collection and analysis, gender mainstreaming, violence against women and girls, access to justice, women's representation in public life and decision-making, stereotyping and sexism in the

² Engender. 2017. "Gender Matters Roadmap: Towards Women's Equality in Scotland."

³ Engender. 2019. "Convention on the Elimination of All Forms of Discrimination Against Women Shadow Report." <https://www.engender.org.uk/content/publications/CEDAW-Scotland-report-Jan-2019.pdf>.

⁴ Zero Tolerance, ALLIANCE, Inclusion Scotland, Rape Crisis Scotland, Equality Network, Coalition for Race Equality and Rights, Nourish Scotland, Scottish Women's Convention, YouthLink Scotland, EQUATE Scotland, Scottish Youth Parliament, Together, LGBT Youth Scotland, Poverty Alliance, Carers Scotland, Close the Gap, Women 50:50, Glasgow Disability Alliance, Scottish Council for Voluntary Organisations (SCVO), Scottish Women's Aid, Coalition for Ethnic Minority Voluntary Organisations, Women's Support Project, Scottish Women's Rights Centre, One Parent Families Scotland, and Women's Enterprise Scotland.

media, social care, education, childcare, equal pay and women's labour market participation, abortion and disabled women's reproductive healthcare, social security, and destitution of migrant women. The Committee's resulting calls⁵ for action to UK and Scottish Government require consideration of how action on women's rights and equality will be resourced as well as action on data gathering.

2.2 Which groups of people are most likely to be affected and why?

The ongoing breach of women's rights is experienced more extensively and more emphatically by women who face multiple inequalities in the UK. Disabled women, women from black and minority ethnic (BME) communities, LGBT women, younger and older women, migrant, refugee, asylum seeking and stateless women, low-income women, women with minority faiths, unpaid carers, care experienced girls and women,⁶ and women in rural areas all experience gender inequality in particular ways.⁷

It is vital that scrutiny applied to the Scottish budget considers the needs of different groups of women. To achieve this, sufficient data about men's and women's different life experiences and experience of public services must be gathered and analysed.

It is imperative that data-collection about women and men is competent and gender-sensitive. We use the terminology "gender-disaggregated", which is an internationally-used (if somewhat inaccurate) shorthand for "gender-sensitive sex-disaggregated data".⁸ Gender-disaggregated data about women and men is produced using concepts, definitions and methods that reflect gender roles, relations, and inequalities in society. For example, Scotland produces sex-disaggregated data on transport use by reporting on women and men's longest journeys, as gathered by transport diaries. However, this is not gender-sensitive or gender-disaggregated because it only includes the longest element of any journey, which discounts the way that women are more likely to chain trips together to drop

⁵ UN Committee on the Elimination of Discrimination against Women. 2019. "Concluding Observations on the Eighth Periodic Report of the United Kingdom of Great Britain and Northern Ireland." United Nations.

⁶ Women and girls who have spent time in foster, residential or kinship care.

⁷ Engender. 2019. "Convention on the Elimination of All Forms of Discrimination Against Women Shadow Report." <https://www.engender.org.uk/content/publications/CEDAW-Scotland-report-Jan-2019.pdf>.

⁸ OECD. 2019. "Gender-Disaggregated Data - Organisation for Economic Co-Operation and Development." Accessed July 19. <http://www.oecd.org/gender/governance/toolkit/government/assessment-of-gender-impact/disaggregated-data/>; UN Stats. 2019. "What Are Gender Statistics." Gender Statistics Manual. Accessed July 19. <https://unstats.un.org/unsd/genderstatmanual/What-are-gender-stats.ashx>.

children at nursery or school on the way to work and to run errands in their local communities relating to care for older and disabled people.

It is disappointing to see the concepts around sex, gender, and gender identity inaccurately collapsed on one another in the 2019-20 Equality and Fairer Scotland statement⁹ (previously the Equality Budget Statement):

The Scottish Budget 2019-20 builds on a range of policies and legislation seeking to address inequality between men and women. The Act states sex as the protected characteristic but for any data collection where people are asked to self-identify it tends to be the social construct of 'gender' rather than biological sex that is being collected.

We welcome the statement by the Cabinet Secretary for Social Security and Older People to the Scottish Parliament on 20 June 2019, which announced the creation of a working group on sex and gender in data that will “consider what guidance should be offered to public bodies on the collection of sex and gender information, including what form of data collection and disaggregation is most appropriate in different circumstances”.¹⁰

In our submission to the Budget Process Review Group we identified the need for more gender-disaggregated data¹¹ to be available and used throughout the revised Budget process. This was reflected in Recommendation 43 in the Budget Process Review Group’s final report, which proposed that “additional equalities information” be published “prior to the summer recess” as part of work towards “a cycle of ex-ante, concurrent, and ex-post equalities scrutiny of the budget process as recommended by the OECD”.¹² Information on timing of key budget documentation that SPICe sets out in its guide to the new Scottish budget process includes “additional equalities information” that will be published “prior to the summer recess”.¹³ There is some discussion referenced in the minutes of the Equality Budget Advisory Group meeting in March about the production of a “summer equality product”, with agreement that this would be circulated to EBAG members in mid-April.¹⁴ Information that aligns with either of these descriptions has yet to be

⁹ Scottish Government. 2018. “Scottish Budget 2019-2020: Equality and Fairer Scotland Statement.” <https://www.gov.scot/publications/equality-fairer-scotland-budget-statement-scottish-budget-2019-20/>.

¹⁰ Cabinet Secretary for Social Security and Older People. 2019. “Statement on Gender Recognition to the Scottish Parliament.” Scottish Government News. <https://gapi.io/6OD7>.

¹¹ Engender. 2017. “Engender Submission to the Budget Process Review Group Consultation.”

¹² Budget Process Review Group. 2017. “Budget Process Review Group: Final Report.”

¹³ Burnside, Ross. 2018. “Guide to the New Scottish Budget Process.” SPICe.

¹⁴ Scottish Government. 2019. “Equality Budget Advisory Group Minutes: March 2019 - Gov.Scot.” Accessed August 9. <https://www.gov.scot/publications/equality-budget-advisory-group-minutes-march-2019/>.

published, at time of writing, on the Scottish Government's Scottish Budget webpage¹⁵ or within publications tagged 'equality' or 'EBAG'. The early publication of "additional equalities information" will directly support committees and external organisations in the Budget development and scrutiny envisioned in the new process.

2.3 What type of public sector funding (European, national or local) is provided to your organisation to support vulnerable groups and those with protected characteristics to access public services?

2.3.1 Engender's funding

Engender is a policy advocacy organisation. We work to gather and present evidence and analysis to enable the development of policy, legislation, programmes, and services that advance women's social, political, and economic equality with men.

A significant proportion of this work relates to women's access to public services. Current work areas include economic development, mental health, public health, housing, employability, criminal justice (specifically hate crime and women's experience of the criminal justice system), and social security. We also have a focus on public bodies' response to the requirements of the public sector equality duty, which has the intention of mainstreaming gender equality considerations into the design of policy, programmes, and services.¹⁶

We currently receive funding (£157,741) from the Scottish Government's Promoting Equality and Cohesion Fund (PECF) strand for intermediary bodies that "provides resource to organisations working across the equality sector in Scotland to reduce discrimination".¹⁷ Among other outcomes, it "provide[s] funding for gender equality organisations to help improve the lives of women and men in Scotland, increase access to services and promote equality".¹⁸ We also receive a smaller grant (£67,610) from a strand of Scottish Government funding for national equality initiatives, which has the same outcomes.

¹⁵ Scottish Government. 2019. "Scottish Budget." Accessed August 10. <https://www.gov.scot/budget/>.

¹⁶ EHRC Scotland. 2016. "Technical Guidance on the Public Sector Equality Duty: Scotland." https://www.equalityhumanrights.com/sites/default/files/redraft_of_psd_tech_guidance_-_v6sc.pdf.

¹⁷ Scottish Government. 2019. "Gender Equality: Gender Equality Funding - Gov.Scot." Accessed August 9. <https://www.gov.scot/policies/gender-equality/gender-equality-funding/>.

¹⁸ Ibid.

Engender's Scottish Government funding requires us to work towards these very broad outcomes, but the grant making process does not direct or deflect our focus to or from particular policy areas, or require us to support any position that the Scottish Government may take. We are clear that our funding resources our work as a 'critical friend' to the Scottish Government, and we consistently challenge them, as we do other stakeholders, to develop policy, legislation, and programmes which advance equality between men and women.

Other sources of our funding we receive are principally project-oriented,¹⁹ reflecting the global challenge for women's organisations of securing core and programme funding. Association for Women's Rights in Development (AWID) research on financing for women's rights organising and gender equality found in a global survey of over 1,000 women's organisations that 48 per cent had never received core funding and 52 per cent had never received multi-year funding.²⁰ This is important because of the critical role that women's organisations play in driving policy change. Analysis of the evolution of policies on violence against women over four decades, for example, showed that "a strong, autonomous feminist movement is both substantively and statistically significant as a predictor of government action to redress violence against women".²¹

2.3.2 Women's sector funding in Scotland

2.3.2.1 Central equality budget

There are relatively few elements of spend earmarked for activity to advance women's equality and rights in the Scottish Budget. In the 2019-20 Budget, as in previous years since devolution, there is a central Equality budget. This increased in size to £22.7m in 2018-19 and then to £24.6m in 2019-20 after being frozen at £20.3m for some years.²²

¹⁹ Other funders over the last decade have included: Equality and Human Rights Commission, ROSA, SCVO, Big Lottery Fund, European Women's Lobby, Community Safety, Esme Fairbairn Foundation, and EU Interreg IVA. We also raise funds through delivery of consultancy projects that are strategically aligned with our work and via membership and donations.

²⁰ Arutyunova, Angelika, and Cindy Clark. 2013. "Watering the Leaves, Starving the Roots." Association for Women's Rights in Development (AWID).

²¹ Htun, Mala, and S. Laurel Weldon. 2010. "When Do Governments Promote Women's Rights? A Framework for the Comparative Analysis of Sex Equality Policy." *Perspectives on Politics* 8 (1): 207–216. doi:10.1017/S1537592709992787.

²² Scottish Government. 2018. "Scottish Budget 2019-2020."

As above, this funds strategic equality intermediary organisations²³ across the protected characteristics,²⁴ including Engender and Scottish Women’s Convention, to develop policy and advocacy work. It funds national equality projects that organisations bid for on a competitive basis, including AMINA Muslim Women’s Resource Centre, Close the Gap, EQUATE Scotland, and Glasgow Women’s Library. It includes violence against women funding, which funds the policy, advocacy, and development work of Scottish Women’s Aid and Rape Crisis Scotland, and their networks of member services, as well as Zero Tolerance and other local initiatives.

2.1.2 Ad hoc programme spend

The spending period 2019-20 saw £18m “in support for victims of crime and tackling violence against women and girls”. There are other pieces of gender equality funding that are earmarked for specific purposes, including £5m over three years to support around 2,000 women return to work after a career break. There are also mentions of programmes targeted at women that do not have spending amounts attached, such as a commitment to “promot[e] women’s golf to ensure a legacy from the Solheim Cup” and “expand the range of perinatal [mental health] support available to women”, as well as a long list of actions relating to the delivery of Equally Safe, the violence against women strategy. Engender has excerpted specific mentions of women and gender in our ‘Gender Edit’ of the Budget document,²⁵ which only runs to six pages in length.

2.1.3 Mainstreaming

Outside of these specific and ad hoc funds, spend around women’s equality is supposed to be mainstreamed across portfolios. Thus, transport funding is intended to meet women’s and men’s needs for public transport provision, funding for economic development agencies is intended to meet the needs of female entrepreneurs, and so on. Our submission to this Committee on the 2019-20 Budget last year provided two detailed case studies of the ways in which gender

²³ “Equality Funding 2016 to 2017 - Gov.Scot.” 2019. Accessed August 10. <https://www.gov.scot/publications/equality-funding-2016-2017/>.

²⁴ The Scottish Government’s list of intermediary bodies includes organisations working around the protected characteristics of age, race and ethnicity, sex, sexual orientation, religion and belief, disability, and gender reassignment. It also includes funding for the Scottish Refugee Council.

²⁵ Engender. 2019. “Gender Edit of the Scottish Government Budget 2019-2020.” <https://www.engender.org.uk/content/publications/GENDER-EDIT-OF-THE-SCOTTISH-GOVERNMENT-BUDGET-2019-2020.pdf>.

mainstreaming within the Budget process and downstream policy development is not taking place.²⁶

2.4 Is the level of public sector funding provided enough to deliver national priorities and better outcomes for people and communities, please provide evidence?

2.4.1 What are 'national priorities' on women's equality and rights?

Scotland does not have a cohesive set of national priorities and outcomes around women's equality and rights.

Only two of the 81 indicators in the National Performance Framework (NPF)²⁷ relate specifically to women,²⁸ and to view sex-disaggregated data about individual indicators requires a visit to the separate Equality Evidence Finder website.²⁹ More fundamentally, it is Engender's view that the NPF is not well-gendered.³⁰ It is possible, and indeed likely, that progress will be made towards NPF outcomes in a way that entrenches and deepens women's inequality.

For example, the indicator on 'skill profile of the population' is the proportion of adults aged 16-64 with low or no qualifications at SCQF level 4 or below. As we note in a paper on employability, Modern Apprenticeships are an intermediate skills programme that acts as a key entry point to the labour market but spend on this programme is currently widening the gender pay gap because of the starkly different experiences for women and men.

There is acute and chronic gendered segregation in Scotland's Modern Apprenticeship programme. The frameworks in which men are concentrated, such as engineering and construction, are also those which are the most resource intensive, longer in duration on average, and lead to better labour market outcomes associated with higher rates of pay. The frameworks in which women dominate, such as early years care and education and

²⁶ Engender. 2017. "Engender Submission to the Equality and Human Rights Committee Scrutiny of Draft Budget and Spending Plans 2019-20."

²⁷ Scottish Government. 2019. "National Indicator Performance." Accessed August 10. <https://nationalperformance.gov.scot/index.php/measuring-progress/national-indicator-performance>.

²⁸ These are the gender pay gap and the difference between women's and men's labour market participation rates (called 'organisational gender balance').

²⁹ Scottish Government. 2019. "Equality National Performance Framework Dashboard." Accessed August 10. <https://scotland.shinyapps.io/sg-equality-evidence-finder/#equality-npf-top>.

³⁰ This position is shared in the analysis of Dr Graham Long, who notes that the NPF's alignment with the UN Sustainable Development Goals is weak when it comes to gender equality and its indicators. Accordingly, Scotland currently appears unlikely to meet SDG 5; Dr Graham Long. 2019. The SDGs and Scotland: a discussion paper and initial analysis

hairdressing, are shorter in duration, have lower rates of pay, higher drop-out rates, and poorer labour market outcomes.³¹

If efforts to reduce the proportion of adults with low or no qualifications involve expansion of existing skills programmes, then these may intensify the gender segregation that is a feature of the Scottish labour market.

In our submission to the Budget Process Review Group we called for the Scottish Budget Process to be strategically linked to a well-gendered National Performance Framework.³² If the NPF is not well-gendered then linking the Budget process to it will reduce the gender-sensitivity of the Scottish Budget, which is likely to exacerbate existing inequalities between women and men.

2.4.2 How is the Budget linked to Scottish Government's priorities of women's equality and rights?

There is no single Scottish Government logic model, strategy, or action plan on women's equality and/or rights. Scottish Government's priorities on women's equality and rights are set out in individual policy frameworks, including Equally Safe³³ (Scottish Government and COSLA's joint strategy on ending violence against women) and the Fairer Scotland for Women action plan on the gender pay gap.³⁴ As we described in our submission to the Committee last year, we see very little connection between Scottish Government's policy frameworks that include women's equality and rights and spending allocations in the Budget.³⁵

Civil society has generated plans for action on women's equality and rights that span policy domains. These include Engender's Gender Matters Roadmap³⁶ and the Scottish National Action Plan on Human Rights.³⁷

³¹ Engender. 2016. "Unblocking the Pipeline: Gender and Employability in Scotland."

³² Engender. 2017. "Engender Submission to the Budget Process Review Group Consultation."

³³ Scottish Government, and COSLA. 2018. "Equally Safe: Scotland's Strategy for Preventing and Eradicating Violence against Women and Girls." Scottish Government.

³⁴ Scottish Government. 2019. "A Fairer Scotland for Women: Gender Pay Gap Action Plan." <https://www.gov.scot/publications/fairer-scotland-women-gender-pay-gap-action-plan/>.

³⁵ Engender. 2018. "Engender Submission to the Equality and Human Rights Committee Scrutiny of Draft Budget and Spending Plans 2019-20."

³⁶ Engender. 2017. "Gender Matters Roadmap: Towards Women's Equality in Scotland."

³⁷ Scottish Human Rights Commission. 2019. "Scotland's National Action Plan for Human Rights." Accessed August 10. <http://www.snaprights.info/>.

3. INTEGRATING GENDER BUDGET ANALYSIS INTO THE SCOTTISH BUDGET

3.1 What is gender budget analysis?

Gender budget analysis is a gender mainstreaming tool. It is designed to ensure that adequate resources are allocated to meet women's and men's different needs and can expose unwitting bias within budgetary processes that are otherwise assumed to be gender neutral. Used well, it will strengthen gender equality of outcomes across all public expenditure and government departments. An established definition of gender budgeting refers to "a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process and restructuring revenues and expenditures in order to promote gender equality".³⁸ It is not a separate budget for women, nor is it about governments spending the same on men and women: it is a process that ensures that spending reflects both men and women's needs.

3.2 Gender budget analysis in Scotland

Since devolution, Scotland has made some progress towards gender-responsive budgeting, primarily in the form of the Equality and Budget Advisory Group and Equality Budget Statement (EBS),³⁹ which is now the Equality and Fairer Scotland Statement. Published in parallel to the Draft Budget, the EBS assesses the Ministerial Portfolios' proposed spending plans for their impact on equality and socioeconomic inequality. It is currently the only process of its kind in the UK.

However, at present, the EBS is a list of gender and equalities-inflected spend, describing spending decisions that have already been made. It has limited impact on the budget process itself. The EBS requires a clearer purpose and better timing to substantively inform development of the Scottish Draft Budget, and to be used more effectively by MSPs and parliamentary committees in their budget scrutiny. As we set out in section 2.2 of this submission, the revised Budget process does appear to include the publication of additional equalities information prior to the summer recess.

In Engender's 2017 *Gender Matters* roadmap,⁴⁰ we called for the Scottish Government to extend the Equality and Fairer Scotland statement process into a full

³⁸ Quinn, Sheila. 2009. "Gender Budgeting: Practical Implementation." Directorate General of Human Rights and Legal Affairs, Council of Europe.

³⁹ Scottish Government. 2018. "Scottish Budget 2019-2020: Equality and Fairer Scotland Statement." <https://www.gov.scot/publications/equality-fairer-scotland-budget-statement-scottish-budget-2019-20/>.

⁴⁰ Engender. 2017. "Gender Matters Roadmap: Towards Women's Equality in Scotland."

gender analysis of the Scottish Budget, where the cumulative impact of spending decisions on women's equality is considered. GBA should become embedded within the Scottish Government's normal annual routines of budgeting and of policy-making, rather than be used only as an extrinsic form of analysis,⁴¹ and Government should be able to demonstrate how GBA has informed resource re-prioritisation and re-allocation decisions across spending portfolios.⁴² We have, along with Scottish Women's Budget Group, also been calling for the resourcing of demonstration programmes to develop good practice in Scotland and to identify key intervention points throughout the year.

One of the key roles that Parliament can play is to scrutinise this process, ensuring that Government officials are undertaking adequate gender equality analysis in each department and across each spending portfolio, and holding government to account for the promotion of gender equality in activities and investments across all sector areas.⁴³

3.3 Creating a statutory footing for gender budget analysis in Scotland

Legislation and regulation could be used to make clear the requirements on Scottish Government to undertake gender budget analysis (GBA) in all public spending and revenue-raising. This would strengthen accountability and make robust equality budgeting a legal obligation in Scotland. For example, amendments could be made to the Public Finance and Accountability (Scotland) Act 2000, or the Scottish-specific duties under the Public Sector Equality Duty (PSED).⁴⁴ A planned review of PSED in Scotland is overdue.

4. RECOMMENDATIONS

The Scottish Budget process is currently not working for women and women's equality and rights. There is a disconnection between Scottish Government's policy programmes for women's equality and rights, such as Equally Safe and the Fairer Scotland for Women action plan, and adequate resourcing for the systems change that they describe.

⁴¹ Downes, Ronnie, Lisa von Trapp, and Scherie Nicol. 2017. "Gender Budgeting in OECD Countries." *OECD Journal on Budgeting* 16 (3): 71–107. doi:10.1787/budget-16-5jfq80dq1zbn.

⁴² *ibid*

⁴³ *ibid*

⁴⁴ The Public Sector Equality Duty was created under the Equality Act 2010. The requirements of the Scotland-specific duties are contained in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, which have been amended in 2015 and 2016.

Engender recommends that the Equality and Human Rights Committee considers two key issues during its budget scrutiny:

1. How the 2020-21 Budget can more adequately reflect Scottish Government's specific commitments to women's equality and rights; and
2. How future Budget processes can build Scottish Government's capacity to integrate gender budget analysis.

FOR FURTHER INFORMATION

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ABOUT US

Engender is a membership organisation working on feminist agendas in Scotland and Europe, to increase women's power and influence and to make visible the impact of sexism on women, men and society. We provide support to individuals, organisations and institutions who seek to achieve gender equality and justice.