Scottish Parliament Equalities and Human Rights Committee
Draft Budget Scrutiny 2020/21
Committee Engagement with Glasgow’s Third Sector
Monday 16 September 2019, 9.30am – 12.10pm at the The Albany Centre Learning and Conference Centre

1. Introduction

1.1 Glasgow Council for the Voluntary Sector (GCVS) was pleased to host four members1 of the Scottish Parliament Equalities and Human Rights Committee and a Clerk as part of the Committee’s Draft Budget scrutiny work.

1.2 The event aimed to provide a deeper insight into the issues and concerns we raised in our response to the Inquiry. Primarily though, it provided the sector with an opportunity to speak directly to Committee members about the questions raised in this inquiry, to talk about the specific issues and challenges they face, hopefully helping to shape the direction of evidence sessions and the inquiry as it proceeds.

1.3 The session was built around the Equalities Committee’s call for evidence in relation to its scrutiny of the Scottish Government’s Draft Budget.

1.4 The event was attended by charities of all shapes and sizes from Glasgow and we also had representatives from national charities. Over 40 attendees from over 30 charities - all are at the forefront of working with citizens who are struggling to access key rights. A list of organizations attending was provided to MSPs in a pre-event briefing.

1.5 GCVS took the lead, working with the Scottish Parliament Outreach team to plan and shape the event. The feedback which we receive from our members and from the wide group of charitable organizations which attend our numerous training and policy events helped as we built links with the Committee in the early stages of this. It also helped us shape the nature and agenda of the event with the Outreach Team and Committee Clerks.

1.6 We are grateful to the Parliament for covering the costs of this event, enabling a diverse group of charities to come together to feed into this timely and important Parliamentary inquiry. We would like to formally record our thanks to Ruth Maguire MSP (Convener); Mary Fee MSP; Fulton Macgregor MSP and Oliver Mundell MSP for taking part in this consultation event and spending so much time with those attending. We would also like to thank Claire Menzies, Clerk, for her support and interest in the work of the third sector in Glasgow and beyond.

1.7 This is a report of the event and covers:

• Key points from the opening session led by Liz McEntee and Committee Convener, Ruth Maguire MSP.

1 Ruth Maguire MSP, Oliver Mundell MSP, Mary Fee MSP, Fulton McGregor MSP. Claire Menzies was the Clerk from the Committee and the event was also supported by Leoncha Levy from the Parliament Outreach team.
• Responses to the first five inquiry questions discussed within the speed dating group session
• General points of discussion and issue emerging from groups
• Key asks of Committee Members and MSPs

1.8 In pulling this report together, we want to acknowledge and range and complexity of the Committee’s inquiry. This document does not present one view from the whole sector; rather, it seeks to capture the wide ranging themes and debates which emerged during this engagement event and we believe that there is cross over with other reports and responses from across the third sector.

2. Opening Session

2.1 The event was opened by Liz McEntee, Director for External Affairs, GCVS. Liz outlined some of the key points from our inquiry response, which build on feedback from the charitable and community sector in the City. The key message coming to us and a message reiterated at the Committee session was this:

• *There is a significant gap between national language and rhetoric on human rights, and families and communities’ experience on the ground;* between often good national laws and policies and how these are delivered on the ground by public services.
• *We know that people in need can be turned away from the very services that are meant to help them.* We know that families can be denied the right to a family life; to care and support which enables them to be part of their communities.
• *The third sector is often there to pick up the pieces* and finds itself firefighting when it could do more to prevent crisis and help communities to thrive. The sector is expected to do more with less – this cannot continue.
• *Yet even in challenging circumstances, the sector is open to new approaches, to new partnerships and to working with local authorities, HSCPs and other bodies* to secure change and ensure that no single citizen is left behind.”

2.2 Liz also outlined the ways in which the third sector has fed back its concerns to GCVS through surveys and through the numerous engagement events held on policy issues such as health and social care, social security and poverty.

2.3 She shared the sense of frustration at the national/local disconnect and the increasingly challenging and hostile environment which can make it difficult for charities to meet increasing demands or indeed to continue operating. Access to sustainable funding remains a key concern for the third sector and it’s clear that this affects the sector’s ability to respond to people in need and to develop and provide preventative support.

2.4 *Ruth Maguire, the Committee Convener,* outlined the work of Scottish Parliament Committees in holding the Government and others to account, and the overarching role of the Equalities Committee in ensuring other Committees are building human rights considerations and budgeting into their work. The Equalities Committee can share good practice with other committees.

2.5 Ruth also spent some time outlining the new Scottish Budget scrutiny process and the important scrutiny role of parliamentary committees across the full parliamentary year. Committees have more influence on formulation of the budget and to feed in the evidence they have heard as a result of their pre-budget scrutiny.
2.6 Ruth highlighted the importance of events like this in supporting the Committee’s work\(^2\) – the value of information and experience shared by the third sector. She emphasized that the Committee was in listening mode today.

2.7 Previous work by the Equalities Committee seeks\(^3\) to ensure that human rights considerations are built into all that the parliament does, and that the work of other Committees takes into account the rights of citizens, and how these are being met.

3. Group discussions

3.1 MSPs and a clerk from the Equalities Committee took part in a speed dating session where they worked their way around a number of groups and met/talked with charities, community groups and activists. Each group was asked in the first part of the session to focus on one question from the Committee’s call for views. The following points were recorded by groups as they discussed these questions:

3.2 *Question 1 - What are the key public policy areas where individuals and protected groups are struggling to access their rights?*

One participant said that:

“The bits of the system that should be best at rights don’t seem to be”

This was a recurring theme during the discussion sessions. Specific services and systems were mentioned in the discussion:

**Social security and welfare reform** – there is no real safety net and people do not have enough to live on. Whilst there was limited discussion of the new Scottish social security system, participants did say that learning what not to do from the UK system was important.

**Basic needs are not being met** in a number of areas and services – **social care, education, transport** were mentioned during the discussion with Committee members. Some examples of what this means:

- Disabled women not having access to key health services/screening;
- Women fleeing violence not being able to access housing or other key services;
- Disabled people losing critical overnight support; social care being deemed too costly and therefore increasing institutionalization which goes against wishes of people/families to stay together;
- People not being fed properly as paid carers have limited time in their homes.
- The poorer outcomes for disabled children in education; was the Pupil Equity fund fully responding to this inequality?
- The poor experience of children and young people in the justice system.
- The continued existence of poverty and deprivation in Scotland and particularly in Glasgow – how that erodes access to rights for women, children, refugees/asylum seekers and others.
- The specific experience of asylum seekers was mentioned particularly in relation to those affected by lockouts when their claim for asylum is denied.


\(^3\) https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/106453.aspx
The impact of recent changes in funding for homelessness projects was mentioned and the impact this might have on people who are already vulnerable.

A number of participants described those they support as being “afraid” of public services – housing, immigration, social security, criminal justice and social care were mentioned specifically. They face bureaucracy, gatekeeping and a lack of respect. Decisions about access to services can be based on ‘panels’ who have not met individuals and on costs rather than what the person needs. There was some concern that people are afraid of asserting their rights and worry about consequences of doing so.

Participants mentioned that they frequently hear talk of the importance of early intervention but then eligibility criteria are tight and apply even to services which are meant to be universal e.g. free personal care. Practice is often not based on evidence or research; poor impact assessments create poor decision making which in turn affects people who already struggle to enjoy the same key rights as other citizens.

**Legislation is great, practice less so.** Participants described lengthy waiting lists (6 months plus) for mental health services, adaptations in housing, in accessing self-directed support and across other policy/service areas.

Getting access into key public services was mentioned at a number of table discussions e.g. poor access to interpreters, for people with disabilities, in accessing care reviews or within the justice system.

More widely, there was discussion about consultation and engagement and participants highlighted that this is often ineffective at both national and local levels. Some felt that we hear the same voices and don’t engage enough with those in the frontline of fighting for key rights. People are not hard to reach – we just need to reach out and go to where they are!

**Participatory budgeting** – where this is being rolled out, there are real challenges for equality/under-represented groups to participate and therefore they have no voice or choice in how money is spent locally. If disabled people/older people in particular are losing social care support, how can they then take part in participatory budgeting discussions? People are “dislocated from wider budgeting processes” and pushing surveys and budget debates online excludes those who don’t have internet connections or who can’t use computers.

**3.3 Question 2 - Which groups of people are most likely to be affected and why?**

A number of group discussions described how individuals and families feel “downtrodden” and are continually told they are not entitled to support – despite the existence of legislation which states the contrary.

Even where families or individuals have a knowledge of human rights, the professionals still say that you are not entitled to support, so, where do you go? Public bodies’ complaints procedures are viewed as being loaded against families. Participants talked about how people who do challenge such bodies are treated and see families being branded as being “difficult” and “combative”.

Public bodies see human rights as a risk, yet we believe that ensuring services start from an inclusive, rights based approach could be a game changer!

Specific groups were discussed during this session, with participants considering the experiences of these groups and why they struggle to access key human rights:
• The poorer outcomes for Deaf/deaf young people in school were highlighted in at least one group discussion – education services not geared up still to ensure these children have the same chances and opportunities as hearing children. Where is the Pupil Equity Fund in this? How is tackling this poorer experience?
• Communication barriers still exist in accessing key public services so this automatically makes life worse for people who are deaf, deafblind and hard of hearing or where English is not your first language. Examples given of people being expected to source their own interpreters or not being provided with information in a way that works for them. This can prevent them from even approaching services in the first place.
• More broadly, the poorer experiences of disabled children on a number of fronts was mentioned across a number of groups. Children in general may not be aware of the rights they have and can be excluded from e.g. planning decisions and how places are designed (so few decent play areas). Some highlighted that the right to education was denied for some groups e.g. those with Autistic Spectrum Disorders/learning disabilities.
• Older people can be prevented from accessing the support they need to have quality of life and to stay connected – but poor literacy, anxiety and poorer mental health are key factors which ensure they are less likely to engage. They often think their views won’t be listened to and can be treated with disrespect.

There was a strong feeling that we are seeing an erosion of access to basic rights for far too many of our fellow citizens.

3.4 Question 3 - What type of public sector funding (European, national or local) is provided to your organization to support vulnerable groups and those with protected characteristics to access public services?

A whole range of funding sources exist. Even charities who are developing a strong fundraising strategy to reduce dependence on public funding are often still at risk of having to cut services/go under.

Any move by public bodies and other funders to combine a variety of funds into one pot can have the effect of cutting the total amount of funding available. People in Communities fund mentioned by one table as an example of this.

The constant scrabbling for (often) short term, one year funding limits our ability to plan ahead and really develop. Compare with transport and longer term strategies and infrastructure funding. Some of the services and supports affected are often life-saving and life enhancing but are not funded to the level and length of time which mirrors their importance.

Increasing and disproportionate time is spent chasing funding and then reporting on multiple funding streams – all takes time away from delivering services which help people struggling to access key human rights.

3.5 Question 4 - Is the level of public sector funding provided enough to deliver national priorities and better outcomes for people and communities, please provide evidence?

Generally, the answer here is no. Participants felt strongly that the role of the third sector was changing. Charity workers are increasingly expected to work with people and communities with complex needs; doing what was done previously by local authorities or health services, but they are not funded enough to enable them to provide the same security and terms/conditions as their public sector colleagues.
Continuous standstill funding for at least ten years means there is nothing left to cut for many charities. The increasingly challenging funding environment has a knock on effect on how the sector operates, on turnover, on staff morale and wellbeing.

This also limits the sector’s ability to intervene and support those facing human rights challenges. A number of participants described the operating environment for charities as difficult, “hostile” and as “pushing competition rather than collaboration”.

Third sector interface funding and limits in funding affects their ability to be a true voice for the sector and defend the sector’s work/challenge poor treatment.

3.6 Question 5 - Are there public funding challenges for the third sector; if so what would be the implications for delivering equalities and human rights outcomes?

The answer from participants was yes!

The following challenges were outlined by groups in their discussions.

- One year funding and framework agreements (often used in social care, education, tendering situations) don’t work well for the third sector. How providers are ranked to access such frameworks (and therefore provide services) often makes no sense.
- In some cases, some pots of funding are structured in ways that mean it makes no economic sense for charities to apply for them.
- Impact is on staffing; organizations may be forced to effectively employ supply workers (zero hours’ contracts) which is not how we would wish to operate. Losing staff/placing them under notice of redundancy can be common when funding agreed does not come quickly or there is a delay in tendering.
- Participants queried the necessity of tendering formally when public authorities know that services as working well or there is no other provider.
- All of these factors serve to reduce our ability to plan ahead; to reach further into communities. We can see ‘mission creep’ – charities tempted to stray away from purpose and mission in order to survive and continue supporting people.
- A number of participants described an increasingly hostile environment which can leave them ‘in the cold’ or having an implicit threat of funding changes/cuts when they challenge public bodies where action or inaction has threatened the basic rights of their service users. This further reduces their ability to represent groups and communities which do not enjoy equality or equal opportunity.
- Funders and service commissioners do not often encourage and SUPPORT joint working. This needs to change e.g. development funding, time/space to develop partnerships rather than having to focus on the next funding deadline/report.
- Funding challenges take capacity and resources away from the frontline.

A number of participants talked about a “democratic deficit” e.g. integration of health and care. New structures exclude the voice of citizens and the sector as key representative of communities and people who require support to live a full life. There was a strong call for the Committee to hold Integrated Joint Boards and Health and Social Care Partnerships to account for failing to meet the rights of disabled and older people and unpaid carers e.g. loss of overnight care.

The ability of the third sector to influence for change and fight for better rights at national and local level is limited by the environment it inhabits and continued funding cuts. It cannot continue to do more with less or respond fully to an increasingly complex public policy environment.
3.7 Wider discussion – key points

The groups then widened out discussion to talk about other questions raised by the Committee, to answer specific questions from MSPs and to consider wider equality issues and the experience of specific groups e.g. women affected by violence/domestic abuse; people with disabilities, children, BME communities etc.

In these debates, participants identified ideas for improving the rights of the groups mentioned above at question one and their top ‘asks’ of Committee members as they go back to Parliament and to the formal part of the Draft Budget inquiry.

On a general level, participants welcomed the national thrust of debate about rights, but challenged the Scottish Government to do more than talk. If the Scottish Government and other public bodies talk about rights at national level and the infrastructure and investment is not in place to help realize these rights, then the national debate becomes almost pointless. Policy does not always equal delivery and more needs to be done by the Scottish Government to get out and filter down its vision for human rights. Values are fine – we need clear rights and rights frameworks.

3.8 Following the money from principle to outcome is impossible at the moment. Small pots of money given out to try to change the experience of unequal groups e.g. homeless people, are not always conducive to system and culture change. We need to see real investment in areas such as social care, housing, family support, and community services. This may seem an obvious point – but a critical one nonetheless.

Equalities groups should not be pitted against each other in funding streams. Tendering and procurement leave equalities and rights ‘to the market’. That doesn’t work well for people.

Participants talked about cross sectoral and cross body working – that public services need to look out and not inwards.

A number queried how public services could work better with e.g. planning, acoustics and digital industries to help improve public services e.g. education for Deaf and disabled children? Are there partnerships here which could genuinely improve people’s lives?

Participants also recognized that the third sector can work better. E.g. better representation of all communities on their boards and a participants suggested that funders could ask better questions and focus more on equality issues. There was concern raised about national charities being better able to operate and compete for local contracts, often at the expense of smaller groups. But, there is evidence too that they are handing contracts back* because they can no longer deliver good quality services with the funds being made available.

Finally, participants emphasized this specific point:

Government will not meet its strategic objectives on health, inequalities etc. without an adequately resourced voluntary/third sector.

Some participants raised the point that the third sector’s impartiality is important. We are not an arm of public services but can work in partnership to achieve better outcomes and equality for all.

4. Top “Asks”

In the final part of the discussion session, groups were asked to identify top ‘asks’ or ideas for the Committee to consider as it moves into the formal part of its inquiry. These are summarized below:

4.1 National principles and outcomes e.g. from the National Performance Framework must feed directly into funding for public bodies and down into local services and commissioning.

Particularly:
We respect, protect and fulfill human rights and live free from discrimination.

Until that happens, we can expect to see the same challenges outlined above continuing for the people supported by charities in Glasgow.

4.2 The human rights of citizens and ensuring greater equality must be the foundation for and connecting thread throughout public services. Equality, rights and inclusion are ‘added on’ after services and frameworks are delivered, redeveloped or cut. That requires investment in public services to change the culture and change practice. It requires sustainable investment in the third sector. We cannot continue as we are.

4.3 Equality impact assessments must be taken forward across all public services – they happen rarely just now or are partial/don’t consider actual impact. Decisions about financial frameworks, service redesign, service cuts can be made without full information or any real attempt to understand the human costs. Participants believe that this cannot continue if we are truly to be a progressive country. Human rights duties are often “missing in action”.

4.4 Linked to this point was the accountability of public bodies when they breach key human rights. There were concerns raised about existing complaints processes and the real difficulties which exist in trying to secure judicial review. We believe the Equalities Committee may have an important scrutiny role and can ask questions on this issue. There were concerns raised that judicial review may lead to a positive outcome for individuals but do not lead to system change.

4.5 Public bodies need to cede power to people and communities. Letting go and enabling rather than being completely risk averse is critical to ensuring that all citizens enjoy full rights to life, to participate, to being economically secure and so on.

4.6 Funding asks: Procurement/tendering – the focus is often on costs and not on quality or equality. Contracts do not include costs that might accrue in making services more accessible. Charities are often left to fundraise. Full cost recovery is necessary but rarely happens. We need to see longer term contracts, we need to fund access and equality.

Cost based tendering risks losing valued local and specialist services. Core funding and giving grants are not ‘bad’ – they show that public bodies value the third sector as an important partner.

Fund partnership working – it cannot happen on its own. Provide space and time too, to allow more effective working across the third sector and with public service partners.

Longer term funding approaches are welcome and can make a real difference in terms of supporting people.

For funders – including the Scottish Government. Try to fill in your own funding application forms! They are off-putting, difficult and ask the wrong questions. This applies to all funders – and
charities in Glasgow will be looking closely at the replacement for the Integrated Grant Fund and how the new application process works.

**Fund human rights work** – fund education, fund compliance, scrutiny and accountability. The ambitions of the Scottish Government cannot be achieved without this. People struggle to make sense of language, or what rights mean in practice. They struggle to know what support is out there; where “rights expertise” lies.

Bodies which are meant to hold public authorities to account when people’s rights are breached need to do more. There was a very strong message from participants that duty bearers are not listening to/acting on concerns.

**4.7 Invest to Prevent:** We need to see **effective investment** in education, social care and other key public services. Tinkering is not enough and we need to prevent crises rather than the third sector having to help people “pick up the pieces”.

There needs to be real “pump priming” investment in front line community services which can prevent families reaching crisis. The sector has lots of evidence of what works – how do we build the infrastructure to gather and use this to improve services and ensure better rights for all?

We also need to recognize soft outcomes for people and communities supported by charities in the City e.g. ability to use transport; the ability to continue caring or developing increased confidence, for example. Funders must recognize that such outcomes can be transformative.

“Silo funding” leaves some groups out in the cold. Cross cutting approaches are still rare still, but necessary if we are to achieve the systems and approaches outlined by the Christie Commission.

**4.8 Lived experience/people first:** A term often bandied about politically but a critical one. Participants argued that we need to **start with equality and human rights first, policy and planning next.**

**What kind of country or community do we want to see? What rights are needed to ensure this happens? What needs to be put in place to achieve that vision?** Starting from here, we recognize and acknowledge that people and communities of place and interest are multi-layered and have complex, cross cutting issues.

**Rights based language creates better outcomes** – ensuring our citizens all enjoy the same rights to a good quality life, to housing, to work, to community life has to be the starting point for all services and budgets. Let the sector work with you to achieve this.

**Ensure existing systems work better,** people still have to tell and retell their stories – even within the same services.

**4.9 When laws don’t work:** Statute isn’t always on the side of people – e.g. European ruling allowed resources considerations in social care, leading to cuts e.g. in overnight care. Also, it is incredibly difficult to secure legal challenges in Scotland e.g. judicial review, which is dependent on access to legal aid (not easy) and advocacy organizations being able to support people through the legal process. Enforcement processes should be free and accessible.

Participants raised the possibility of the Committee or another body developing a **strategic overview of legal challenges to public services where people’s rights have been breached.**
What would that overview tell us about gaps in services; areas where further investment needed; which groups are less likely to access what they need to achieve key rights? Can the Committee inquire about this?

Participants also raised the need for consequences for public bodies which fail citizens. People were not aware that cases can often be settled out of court so there is no public accountability or “follow through” to allow us to see if systems respond/improve.

4.10 Education – participants talked about how rights holders could be better supported to understand and pursue rights, and to challenge public services when they don’t deliver. This must be matched with infrastructure to support people where necessary e.g. advocacy and legal advice. Are these the kinds of challenges that the new Advisory Group on Human rights (established following the work instigated by the First Minister) can pick up in its work?

5. What else can the Committee do?

Ask if Ministers can direct or encourage a greater focus on human rights and partnerships with the third sector within the budget process. Can this be done when public bodies find out their funding settlement through budget letters/guidance as a ‘starter for 10’?

MSPs are in the frontline – find out what’s happening on the ground. Use the intelligence from casework better to hold Ministers and public bodies to account. Is there a way of building an overview of the experience of MSPs and what key issues emerge time and time again from work with constituents? What does this tell us about human rights in Scotland?

Revisit the asks and recommendations in the GCVS response to the Committee’s call for evidence and in particular, respond directly to third sector evidence and concerns about areas of policy which seem continually to let citizens down.

Ask questions about the plans for next phases of work being led by the First Minister and the new Human Rights taskforce. How can it support charities and people to work directly with it from the outset of its work?

Keep engaging with the third sector – the input of the Committee and the time it took to meet and talk with community groups and charities was greatly appreciated.

An example of good practice is the way in which Children’s Services in Glasgow work with the third sector via the GCVS project “Everyone’s Children” and the Citywide Forum. There are some good developments happening here – and MSPs from the Committee will be aware of others. Sharing these as part of your final report would be helpful.

Lynn Williams
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Glasgow Council for the Voluntary Sector, 22/09/19