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Equalities, Human Rights and Civil Justice Committee

Pre-Budget scrutiny 2026-27: Human Rights Budgeting



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Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Home Affairs.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.

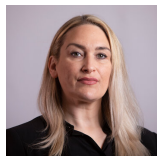


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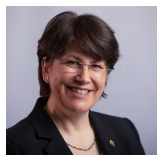
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Membership Changes

1. The following changes to the Committee's membership occurred during the Committee's inquiry:
 - On 3 December 2025, Paul O'Kane replaced Rhoda Grant as a member of the Committee.

Introduction

2. In line with the recommendations of the Budget Process Review Group (BPRG) report, the Scottish Parliament's subject committees undertake pre-budget scrutiny in advance of the publication of the Scottish budget. The intention is that committees will use pre-budget reports to influence the formulation of spending proposals while they are still in development.
3. This parliamentary session the Committee has focused its pre-budget scrutiny on human rights budgeting. This is the third and final year of the Committee's agreed focus on human rights budgeting, and the final budget of Session 6, and accordingly the Committee focused on accountability and consolidating the Committee's scrutiny over the session. Over the course of the session the Committee has focused on different strands of human rights budgeting.
4. This year, as part of its focus on accountability, the Committee returned to look at the issues and themes that have emerged over the course of its work on human rights budgeting this session. In this report the Committee examines what progress has been made in relation to those themes. In addition, in this report the Committee reflects on its own processes this session and in particular its use of citizen participation to shape its work and recommendations. Specifically, the Committee looks at the work it undertook with the Commission Advocating Rights for Minorities (CARM) this year, a group largely consisting of individuals the Committee had already worked with as members of the Whole Family Equality Project in 2023. This report also contains joint recommendations with (CARM).

Background

5. As noted in the introduction to this report, this is the final year of the Committee's session long focus on human rights budgeting, with a particular focus on accountability this year. Each year has had a specific focus.
6. In 2021, the Committee began work on human rights budgeting, with a focus on the anticipated incorporation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) into Scots law. A call for views was held, and three panels gave evidence before the Committee heard from the Cabinet Secretary.
7. In 2022, the Committee undertook an in depth look at human rights budgeting and using principles of participation, transparency and accountability as a framework for scrutiny.
8. 2023 was the start of the Committee's 3-year approach to human rights budgeting, with a focus this year on participation. This included a broad public survey aimed at understanding the way in which the public understand the budget and the way in which it connects to their lives. This was followed up by deliberative work with the Whole Family Equality Project, during which the Committee took part in a facilitated workshop with citizens exploring the spending areas which impact most on human rights, using the lived experience of participants. The participants then went on to draft questions for the Minister, which the Committee asked after taking evidence from the participants to understand how questions were developed.
9. Transparency was the focus for 2024. An initial public survey was run exploring the Scottish Government's Capital spending plans through a human rights lens and was expected to inform evidence taking and further participation work. However, the UK election led to delays to the Programme for Government and uncertainty about the Committee's work programme, resulting in a truncated scrutiny process.
10. Across each of those years, several common themes emerged:
 - The implementation of, or more accurately the lack of implementation of, the recommendations made by the Equality and Human Rights Budget Advisory Group (EHRBAG), which were set out in 2021 with the aspiration of the Scottish Government delivering on human rights budgeting.
 - Data gaps and data use, including disaggregation and the use of lived experience.
 - Transparency in budget documents, including accessibility and clear links between budget documents, the Programme for Government and the National Performance Framework.
 - The need for the Scottish Government to demonstrate how decisions are made, such as the use of EQIAs and data in decision-making, measurable outcomes, and demonstrating where evidence has informed policy.
 - Mainstreaming of equalities across portfolios.
 - The participation of citizens in developing and evaluating policy in a meaningful

way.

11. Issues around support for the third sector in both its advocacy and delivery role, and gender budgeting, have also been a session-long interest, but have not featured in recommendations every year.
12. A common theme in Scottish Government responses has been to flag upcoming work, including anticipated legislation. In some cases, anticipated work and responses have come forward – this includes the Government’s responses to the EHRBAG recommendations and the National Advisory Council on Women and Girls, and the establishment of the Equality and Data Improvement Programme. In others, the course of action anticipated to address concerns has been aborted or delayed long term. This includes the anticipated legislation on incorporating human rights into Scottish law, which has been delayed until after the election, and the refresh of the National Outcomes, which was ultimately not implemented following the Government’s decision to conduct a wider review and relaunch of the National Performance Framework (anticipated in the next Parliamentary session). Several programmes and projects have been referenced without further or recent update, and there are few references to the outcomes and successes of planned work used earlier in the session as evidence of Scottish Government action.
13. As referenced in the introduction, in the remainder of this report the Committee examines progress in relation to these themes.

Evidence Gathering

14. The Committee took oral evidence as part of its pre-budget scrutiny for 2026-27 at its meeting on [9 September 2025](#). The Committee heard evidence from a roundtable of stakeholders who the Committee had heard from throughout the session to obtain their perspective on progress in relation to the themes that have arisen throughout the session. At the same session the Committee took evidence from the Cabinet Secretary for Finance and Local Government and the Minister for Equalities putting the issues identified by both the long-term stakeholders and CARM to the Cabinet Secretary and Minister.
15. A key feature of the Committee's work this year was its work with CARM, which emerged out of previous work the Committee had undertaken with the Whole Family Equality Project Citizens Panel.
16. As part of a long-term focus on Human Rights Budgeting, the Equalities, Human Rights and Civil Justice Committee [decided to focus its pre-Budget scrutiny in 2023 \(for the 2024-25 Budget\) on participation](#).
17. In this work, the Committee worked with a group of 12 members of the Whole Family Equality Project Citizens' Panel to explore the budget from a citizen perspective and understand the role of participation in budget scrutiny. In a deliberative exercise, the group generated six questions for the Scottish Government. The [panel gave evidence to the Committee](#), which then went on to ask the panel's questions directly during [pre-Budget evidence from the Minister for Equalities, Migration and Refugees](#). Full details of the process and outcomes can be found at Annexe B.
18. As part of exploring accountability in the Scottish Budget process, the Committee wanted to work with members of the Whole Family Equality Project again in 2025 for its pre-budget scrutiny 2026-27. The Project had concluded; however, several members of the project had gone on to form an independent advocacy and consultancy group. Support staff had maintained contact with members of the group, and as a result five members of the Commission Advocating Rights for Minorities (CARM) agreed to work with the Committee again.
19. Given that CARM was already familiar with the work of the Committee and the budget scrutiny process, this presented an opportunity to delve deeper into scrutiny. This was supported by Dr Alison Hosie, the SHRC's human rights budgeting expert, who worked with SPICe to develop an analysis exercise based on assessing the Scottish Government's narrative on employability services through an AAAQ framework analysis. AAAQ uses questions around Availability, Accessibility, Acceptability and Quality to interrogate data and gauge whether an administration is meeting its minimum core responsibilities on human rights realisation. The process also allowed an opportunity for the Committee and CARM to reflect on the previous participation work and its impact.
20. The outcome of the activity was a series of co-produced recommendations and conclusions, set out in full later report, reached by CARM and the Committee acting together. That also gives a fuller account of the process that led to the conclusions.
21. The Committee is immensely grateful to CARM and key stakeholders for their work


in shaping this report.

Key issues

22. As noted in the introduction to this report, over the course of this session several themes have consistently emerged in the course of the Committee's scrutiny of human rights budgeting.
23. As the session comes to an end, the Committee explored these issues with both key stakeholders, CARM and the Minister for Equalities and Cabinet Secretary for Finance and Local Government.
24. Before turning, however, to the specific issues the Committee has focused on, the Committee wishes to note in more general terms its disappointment in the progress made this session by the Scottish Government toward a human rights budgeting approach. It is disappointing to the Committee that that as we come toward the end of the session many of recommendations being made by this Committee to the Scottish Government could have been made at the beginning of the session.

EHRBAG Recommendations

25. The [Equality and Human Rights Budget Advisory Group \(EHRBAG\)](#) is a non-statutory advisory group, convened by the Scottish Government.
26. The remit of the group is to help shape the Scottish Government's equality and human rights approach to the budget.
27. In 2021, the group set out recommendations to the Scottish Government on equality and human rights budgeting. In 2023, a response was published outlining the actions that the Government intended to take to progress these recommendations.
28. As noted earlier, a common theme in evidence this session has been the lack of progress on these recommendations. The Committee explored this with key stakeholders at the Committee's meeting on 9 September.
29. Emma Congreave, the interim chair of EHRBAG, expressed frustration with the lack of progress:

 With progress not being made on the recommendations around changing practices in how budgets are made in Government, there is a feeling of frustration, with people asking, “Who is accountable for this? Why has there been a lack of progress, and what does that mean for the role of a group such as EHRBAG?” It is important to state up front that we feel that there has been a lack of progress, and I think that a lot of that is tied up with who is accountable for ensuring that progress is being made over time. ¹
30. Sara Cowan appearing on behalf of the Scottish Women's Budget Group, is also a member of EHRBAG and she highlighted a particular lack of progress on recommendations relating to outcomes:

” When we consider the EHRBAG recommendations around processes within budgets, which Emma spoke about, the ones that are about processes becoming outcome focused are the ones that we have not really seen any progress on. ¹

31. Professor O'Hagan, Chair of the Scottish Human Rights Commission (SHRC), stressed that there appears to be a gap between the narrative around practice and emphasis on process rather than outcomes. ¹
32. The Committee put these concerns to the Minister for Equalities. She highlighted that in correspondence to the Committee in February 2025 she had noted that of the 22 actions in the EHRBAG recommendations, nine had been completed, 12 were in progress and one was yet to get under way because it was contingent on the completion of another action. Moreover, she noted that progress been made since her last update. ¹

33. The Committee welcomes the Scottish Government's ongoing commitment to EHRBAG and its recommendations.

34. At the same time, it appears evident to the Committee that meaningful progress is not being made towards achieving the overarching aims of the EHRBAG recommendations. The Committee was struck by the sense that the Scottish Government's narrative that it is using a budget approach which supports it in meeting human rights obligations does not match the lived experience of service users. This sense is evident throughout many of the other issues explored in this report.

35. The Committee was also struck by the absence of accountability for delivering on these recommendations.

36. As we move into the next parliamentary session, progress on the recommendations made by EHRBAG must be delivered in practice. Moreover, the Scottish Government must take on greater accountability for the delivery of these recommendations. This theme of accountability is explored further in the remainder of the report.

Data Gaps

37. A recurring concern this session has been about the absence of data to inform policy making and budget allocation, and to understand the outcomes of spending decisions.
38. This concern was emphasised to the Committee again this year. Stakeholders

suggested that progress on data collection and use of that data in policy making has been limited.

39. Professor O'Hagan stressed to the Committee the need for reliable, relevant and consistent data in order for the Scottish Government to make decisions and for the Parliament to be able to scrutinise those decisions. She lamented that we are currently far from having this kind of data:

” There are inconsistencies in data across all aspects of public service delivery regarding who is collecting what data, how it is collected, the extent to which it is disaggregated by protected characteristics—which is relevant to the Equality Act 2010—and the extent to which it is informing what we would need to do an effective human rights analysis on availability, accessibility, affordability and quality. If we do not have the data, how will we direct public resource to meet policy objectives? ¹

40. Professor O'Hagan also emphasised that it is not only a case of having that data, but of how that data is used:

” We need to understand the role that data plays for policy makers at whatever level and the interrelated nature of different policy areas... We need to have clearly identified objectives that are based on analysis of relevant and accurate data that reflects people's lived experience, the lived realities of people's lives and the extent to which rights are being realised. ¹

41. This sentiment was echoed by Sara Cowan who stressed that data should be analysed and used to inform decision making, not just stated. ¹

42. The Minister for Equalities acknowledged the importance of data and highlighted progress being made:

” Improvements are being made to the availability and analysis of equality data across the Scottish Government through the equality data improvement programme and the equality evidence strategy for 2023 to 2025. That includes improvements to the collection and analysis of disaggregated and intersectional data across policy areas. Good progress has been seen across the strategy as of July 2025. Of the strategy's 45 actions, 17 are complete, 20 are in progress and officials are supporting the remainder to be delivered within the strategy period, where possible. ¹

43. The Cabinet Secretary for Finance and Local Government echoed the Minister's recognition of the importance of data and highlighted how the Scottish Government is using it in seeking to measure policies it is implementing to close the child poverty gap. ¹

44. While the Committee welcomes the Scottish Government's recognition of the importance of data, the evidence the Committee heard did not suggest that a satisfactory level of progress has been made in the collection and use of data.

45. As Professor O'Hagan stated, "If we do not have the data, how will we direct public resource to meet policy objectives." The Committee urges the Scottish Government to invest in better data collection and moreover to make better use of that data.

46. The Committee does acknowledge the progress the Scottish Government has made in building its data knowledge and infrastructure through its Equality Data Improvement Programme. However, the Committee is concerned at the lack of clear outcomes from this work and lack of detail on how the process has addressed concerns raised by the Committee and stakeholders earlier this session.

47. The Committee recognises that we are now too late in the session to see this kind of progress in this year's budget, but there must be a change in approach as move into session 7.

Transparency

48. Another frequent concern this session has been about the lack of transparency in the budget documents. In particular, concerns have been expressed about the accessibility of documents and clear links between budget documents, the Programme for Government and the National Performance Framework. These concerns have been echoed by the Finance and Public Administration Committee.

49. Key stakeholders stressed to the Committee how difficult it is to follow the money across budget documents to see how money has been dispensed and discharged. Professor O'Hagan provided the Committee with an example of how difficult it is to follow the money:

” Earlier this year, the Scottish Human Rights Commission produced a spotlight report on learning disabilities, and one of the things to highlight in the context of this discussion...is how difficult it has been to follow the money, given the lack of transparency in how resources have been dispensed and discharged from the £20 million coming home budget to support the coming home implementation plan. ¹

50. Moreover, she stressed to the Committee that the transparency is still not there in the budget documentation that would make it possible to drill into how spending has been allocated, to whom, in what way and with what outcome.

51. Witnesses did recognise that there has been some progress in transparency, although at the same time they did stress that progress has been slow.

52. For example, Emma Congreave highlighted to the Committee the progress made in relation to level 4 budget figures:

” Much more information was produced, both on what the budget was in the previous year and what the revisions had been in-year, so that people could look at what had been spent over the previous budget year, up to the autumn revisions, and compare that with what was in the budget for the following year.¹

53. However, she stressed that there is still so much more that could be done on transparency.
54. The Committee also explored links between budget documents with stakeholders.
55. Stakeholders told the Committee that there is a lack of fluency between the national performance framework, the budget and the programme for government.
56. Emma Congreave suggested to the Committee that greater clarity and connection between those documents would potentially help in relation to tackling the implementation gap and how the budget is progressing with the set outcomes.¹
57. Allan Faulds of the ALLIANCE, also noted that lack of joined up thinking is apparent not just in documentation, but also across different areas of Government:

” ...there is an increasing understanding of human rights in certain areas of Scottish Government activity and spending— social care, social security and maybe a little bit of housing—but it exists only within those specific policy areas and portfolios. It does not feed out to the wider budget process, so that the Scottish Government takes an approach whereby human rights are understood to be relevant to everything and the whole budget has to work towards achieving those rights. That connection is not really there yet. There are some areas where human rights are recognised and some where they are not so much, and it does not feel like a coherent whole yet.¹

58. Professor O’Hagan also lamented the failure to advance the mainstreaming of equality and human rights in the Scottish Government:

” For the past 25 years, there has been a lot of talk about mainstreaming equality and human rights, but, yet again, the Government is pondering on a new mainstreaming strategy. I have always said that equalities and human rights budgeting activates mainstreaming because, by bringing together decisions on resource allocation, it brings together the whole policy process. However, as Allan Faulds has said, resource revenue raising, policy objectives and resource allocation must be viewed in the round as part of a human rights based approach. The biggest crack is that that latter part is seen as the secondary, not the primary, activity.¹

59. The Cabinet Secretary recognised and welcomed this challenge to the Scottish Government:

” It is a fair challenge. One of the reasons that the national outcomes are being overhauled is that we want them to work better. The challenge that you present is one of the reasons why we want to have a refreshed set of national outcomes. A lot of work has gone on to gather evidence from experts and public consultation. Getting that right has meant a delay, but getting it right is the most important thing. The Deputy First Minister has been clear that the national performance framework remains an important vision and can create the thread that you mention. There are regular holding-to-account sessions with senior civil servants, cabinet secretaries and ministers on the delivery of the national performance framework and where we are on the outcomes. That is an important, high level mechanism to hold ourselves and others to account, because getting the outcomes right is very important. You are right to challenge us, but that is exactly why the substantial overhaul of the NPF is being undertaken. There absolutely has to be a thread and a linkage to the missions and priorities. I hope that, when the refresh is concluded, the committee will see the benefit of it. ¹

60. The Minister for Equalities also stressed her commitment to mainstreaming:

” I take very seriously the right demand for mainstreaming. With my support and challenge to colleagues, I can say that, yes, they are speaking to one another, and they always have done. ¹

61. The Committee welcomes the Cabinet Secretary’s intentions in overhauling the national outcomes.

62. The Committee also welcomes the Minister’s commitment to mainstreaming.

63. At the same time, the evidence presented to the Committee made clear that any progress in transparency has been slow in coming and limited.

64. It is clear to the Committee that significantly more work is required to ensure greater transparency in budget documents, thereby allowing anyone to follow how the money has been spent.

65. There must also be a much greater emphasis on a more joined up approach between the budget, the Programme for Government and the National Performance Framework.

66. That joined up approach must also be applied within the Scottish Government more generally. The Committee has heard a lot of positive narrative about efforts

to progress with equalities and human rights across portfolio areas in the Scottish Government. It is clear to the Committee, however, that that ambition has not been realised and the Scottish Government must do more to match the narrative.

The participation of citizens in developing and evaluating policy in a meaningful way

67. Throughout the session the Committee has expressed concern about the limited extent to which citizens have been involved in developing and evaluating policy in a meaningful way.
68. In a human rights budgeting approach, participation means that “Civil society and the public should have opportunities for meaningful engagement in the budget process”.
69. The Committee has not been persuaded that the Scottish Government has been applying such an approach.
70. The Committee explored this ongoing concern with key stakeholders. Further reflections on this are also included in the section of this report considering the Committee’s work with CARM.
71. Allan Faulds told the Committee that in not engaging with people in shaping the decisions that effect them the Scottish Government is failing to meet a minimum core standard:

” I refer back to the committee’s session on participation a couple of years ago, in which Pam Duncan-Glancy referred to a then-recent report about people with learning disabilities not being able to choose where they live. We have discussed that theme today with regard to people being inappropriately institutionalised. If a group of people in society is not able to have a choice over where they live, is that an acceptable minimum core standard? Do we just accept that there is such a group and allow that to be the case? That is obviously a problem. ¹

72. Professor O’Hagan also stressed the importance of the participation of those with lived experience in the Parliamentary scrutiny:

” Ultimately, it comes back to Parliament’s scrutiny of duty bearers, and the participation of those with lived experience is key to that. Having long been an advocate thereof to the committee and elsewhere, I really welcome the existing progress on participation, but it is also worth noting that the Parliament’s ability to support effective participation is under resourced. That is something else to consider. ¹

73. The Cabinet Secretary contended, however, that good progress was being made in participative budgeting. She noted SHRC’s report last year on how the Scottish budget for 2021-22 stacked up against international best practice showed that scores were up across the board on participation, transparency and oversight.

When compared with the latest country rankings in the OBS global rankings for 2023, she noted that all three of Scotland's scores sit higher than the respective global averages.

74. The Minister for Equalities also highlighted the strong emphasis that the Scottish Government is placing on participation.^{1 1}

75. The Committee was not convinced by the Minister's assertion that the Scottish Government is placing an emphasis on participation in the development and evaluation of policy. As the Committee has noted elsewhere the narrative does not appear to be matched by action.

76. The Committee notes that in her evidence to the Committee, the Minister did not highlight any specific examples of participation.

77. Moreover, the modest progress in fiscal transparency is not yet translating into opportunities for meaningful public engagement with the budget. Progress also remains insufficient to facilitate a rights-based analysis of the budget, which is concerning as Scotland progresses to incorporate Economic, Social and Cultural rights into domestic law

78. The Committee encourages the Scottish Government to reflect on its approach to development and evaluation of policy and place a new emphasis on participation in a way that it has not achieved to date.

79. The Committee also reflects on its own experience of participation and co-production working with CARM this year. That input was critical to the Committee's enhanced understanding of how to scrutinise the Scottish Government's budget effectively. The Committee draws this work to the attention not only its successor committee, but to committees more generally in session 7. Effective scrutiny should be shaped by lived experience.

Work with CARM

80. As set out at the beginning of this report, the Committee worked with CARM in its scrutiny this year. This process included a collaborative workshop on 2 September, using a facilitated scrutiny activity which is described in the next section of this report, followed by conclusions that the Committee has reached in co-ordination with CARM.

81. Full details of the participation approach is set out in more detail in Annexe A. Annexe B gives comparative detail for the process used in 2023, along with an impact note on that work which demonstrates how the Committee and CARM were able to reflect on their work together.

AAAQ exercise description

82. As part of the workshop of 2 September, Dr Alison Hosie of the SHRC gave a presentation on exploring the budget through the lens of minimum core responsibilities. This was followed by a facilitated exercise (supported by Dr Hosie and Committee support staff) which gave the Committee and CARM an opportunity to collaboratively explore a case study from last year's Equality and Fairer Budget Scotland Statement in a carousel activity.

Case study aims

83. The case study chosen focused on Employability, as this was the focus of the work which originally brought members of CARM together as the Whole Family Equality Project, working with Capital City Partnership, the delivery body for Edinburgh's job strategy. Employability was also the focus of one of the questions that the Whole Family Equality Project developed for the Committee to ask the Minister in their work with us in 2023.
84. The carousel activity aimed to explore the Employability case study through the lens of four criteria, as recommended by the SHRC. These criteria are Availability, Accessibility, Acceptability and Quality, otherwise known as an AAAQ analysis. This approach gives a structure to consider whether there is evidence that minimum core responsibilities on human rights realisation are being met by a Government or public body.
85. These criteria can be explained as:
- Availability - Enough services and supports exist and coverage is stable.
 - Accessibility - People can reach and use support without discrimination or unaffordable costs.
 - Acceptability - Design and delivery are appropriate and respectful with adaptations where needed.
 - Quality - Support is competent and safe and achieves outcomes.

Carousel activity

86. Groups, formed of 1-2 members each of CARM and the Committee, started at one of four stations, each representing one of the criteria. There were then four rounds of analysis, with the groups rotating to the next criteria station between each round. CARM and the Committee had been given background reading in advance explaining what each criterion meant, what the case study detailed on the criterion and giving some wider statistics which could help to provide context. These were available for reference during the activity, and support was given by a facilitator at each station.
87. The questions groups were asked to explore each round were the same for all four groups, and were as follows:
- Round 1 – “Are minimum core responsibilities being met in this context?”
 - Round 2 – “Does the Scottish Government's narrative match the statistics?”

- Round 3 – “Could more be done to demonstrate this?”
 - Round 4 – “What conclusions and recommendations might be drawn on whether the Scottish Government is meeting its obligations?”
88. The activity meant that all groups got to work on each criterion and build on each other’s discussion. Discussions and recommendations were recorded on flip charts by facilitators, and recommendations presented back by each group at the end.
89. Following the workshop, the SPICe researcher for the Committee wrote up and summarised the notes, and, with agreement to do so from both the Committee and CARM, drafted suggested conclusions and recommendations. This was a similar process to the work carried out in 2023 on question development. This draft was given to both the Committee and CARM, and amended through discussion. Crucially, CARM members agreed that the draft represented both the conversations at the workshop, and felt like their voice and perspective was represented in language they could take ownership of.
90. The activity was a new and unique approach, which meant that:
- Citizens and MSPs worked together as ‘participants’ in the exercise.
 - Recommendations and conclusions were drawn and agreed collaboratively, rather than citizen experience being filtered through the committee.
 - A new approach to analysing budget documents, and to involving citizens, was trialled.
 - Additional expertise and support was added to scrutiny through collaborating with SHRC.

Conclusions and recommendations co-produced and agreed by CARM and the Committee

Overarching conclusions:

91. Using an AAAQ analysis, we (the Committee and CARM) found that the employability case study we explored does not demonstrate clearly that the Scottish Government is meeting its minimum core responsibilities. The evidence presented in the case study is lacking and fails to provide evidence to suggest that the measures of Accessibility, Acceptability and Quality are being met. We felt that there was evidence to suggest that the measure of Availability is being met, but we had concerns around the sustainability of this.
92. The Scottish Government’s narrative in the EFSBS is positive, but it fails to give enough detail to show meaningful results, and it does not disaggregate to a useful enough level. For instance:
- Whilst the data demonstrates coverage, it doesn’t show who services are not reaching, or the reasons why services are, or are not, working well.
 - The statistics available on employability services which relate to protected characteristics suggest that accessibility remains an issue with disabled people and people with long-term ill-health.

- The fact that statistics suggest that users of employability services are most likely to be white, male, under 20 and not disabled suggests that the reach of services is not effective.
 - There is no geographical or characteristic-based breakdown of ‘experience of service’ data, and statistics and measures of success focus on the people who are using services, instead of understanding the people who aren’t using services.
 - The statistics available can’t tell us about who might be accessing services, but then dropping out of either employability programmes, or employment, and why.
93. Working together again, we were reminded of the importance of understanding services from a cross-portfolio perspective. We discussed how poor-quality housing inhibits access to both education and employment and agreed that it should be seen as an essential foundation when improving access to work.
94. Before people reach the stage of being able to access employability services, they need to live somewhere safe and habitable and have access to good quality education. We felt, therefore, that statistics on both housing and education services should be looked at in the context of employability. The case study does reference work on child poverty, but it does not explicitly draw the link between employability and the barriers people face before they reach employability services, and how those barriers may cause drop-off even once employment is achieved.
95. Throughout all areas of the AAAQ analysis, it was clear to us that the input of service users and lived experience is lacking in both policy and service development, and in evaluation. This is an essential part of developing an intersectional approach which puts service users, consent and respect at its heart. Qualitative evaluation of services, which is as mindful of those who don’t use a service as it is of those who do, is needed to begin to demonstrate that minimum core is being met. There must also be a clear understanding of services across different geographical areas, and how these services interact with different communities.
96. In this work, the public sector should lead by example, and there should be a clear expectation placed on private sector partners and employers of what is expected, with a feedback and monitoring system in place. The quality of jobs and the lived experience of those in them, for instance in nursing, cannot be ignored – the whole journey, from the foundations of housing and education, through to the destination of sustainable, valued and fairly paid employment must be taken into account to achieve both minimum core, and the aspirations of No One Left Behind.

Recommendations

97. **We identified several ways in which the Scottish Government could improve both the Equality and Fairer Scotland Budget Statement, and the data which contributes to understanding and demonstrating how effective services are. We hope to see the Scottish Government take steps to further**

improve the EFSBS and the data used to assess services going forward.

98. Using the employability as a case study as a start point, we recommend that the Scottish Government:

- Provide evidence that there is ongoing scrutiny of the quality of services at a local and national level.**
- Publish an Acceptability annex in the EFSBS with Shared Measurement Framework experience tables by group and area, plus dated examples of changes.**
- Evidence voluntariness and consent processes used alongside employability services, and alongside this, confirm that there are no sanctions for those who opt out of using employability services.**
- Introduce retention and exit analysis at 3, 6 and 12 months, with actions taken, to give a better picture of service experience and why services are or are not working.**
- Publish employer-side support measures used to inform adjustments, Occupational Safety and Health (OSH) and anti-harassment approaches used in placements.**
- Ensure that each Local Employability Plan demonstrates both rural and urban adaptations and links to local Customer Charters.**
- Recognise the connections between employability and the wider circumstances in geographical areas, by creating links to data on housing quality and education standards. Understanding the wider picture will help to show where employability services need to be tailored and connect to the wider circumstances of people's lives and strengthen the local design and delivery approach.**

99. We recognise that the EFSBS can only snapshot a handful of policy areas. However, we feel strongly that this level of policy evaluation and monitoring should be happening across all areas of service delivery. These suggestions, and the ethos behind them, should be used by the Scottish Government to inform changes within delivery, monitoring and evaluation of other policy areas.

100. The Scottish Government presents a positive narrative, but we have found the evidence behind this lacking. What is unclear from case studies is where the Government has considered where things aren't working, what lessons have been learned, and what could be done differently. This detail is crucial to understanding how the Government is taking accountability for the implementation of its policies. We recommend,

therefore, that the Scottish Government use case studies which show the spectrum of experience instead of using the EFSBS case studies as a vehicle to highlight only success stories.

Wider recommendations

101. In our discussions, we were able to see employability policy from a lived experience perspective. Having constructive conversations meant that we were better able to explore what improvements could be made outside of our recommendations on data and budget documentation. It's clear to us that grassroots organisations such as CARM and community groups, can play a valuable role in the accountability process when exploring services at both a local and national level.

102. We agreed that processes and employability policy should be developed based on qualitative lived experience, using co-design to ensure that the experience and circumstances of both service users, and those that the service does not reach, informs the design and delivery of employability services. This statement could easily apply to other policy areas. Therefore, we ask again that the Scottish Government commit to increased use of lived experience in policy development and evaluation.

103. As part of this commitment, the Scottish Government should act as both a role model and lead for public sector and delivery partners. As a first step, we recommend that the Scottish Government ensure that guidance to LEP's is clear on expectations around service reach and evaluation, including the need for there to be clear channels for feedback from both those who do and don't use the service. Partnership approaches to service development and evaluation with grassroots and community organisations is one area which we feel the Scottish Government could encourage LEPs to undertake pilot activity on.

104. Finally, we urge the Scottish Government to continue to invest in the foundations needed for employability programmes to be successful – housing and education, and on the destination – fairly paid, valued, secure and sustainable employment.

Conclusion

105. **This is the last report in the Committee’s three-year focus on human rights budgeting and also the final pre-budget scrutiny report for session 6.**

106. **The Committee considers that using human rights budgeting as a framework and taking a progressive and long-term scrutiny approach has been a worthwhile exercise. While the Committee’s work might not have resulted in a radical shift in how the Scottish Government has approached human rights budgeting this session, the Committee believes that the process has been an effective one and one that it hopes will bear fruit next session.**

107. **The Committee also hopes that the human rights budgeting model it has used, with its focus on lived experience can also be drawn upon by committees next session.**

108. **The Committee will reflect further on this process in its legacy report.**

109. **Notwithstanding this positivity about the process, it remains disappointing that the Scottish Government’s progress toward a human rights budgeting model has been so slow. The Committee urges the Scottish Government to re-double its efforts to move to this model.**

Annex A

Equalities, Human Rights and Civil Justice Committee

Overview of process with CARM

Pre-session meetings

110. An informal hour-long Zoom meeting took place on 23 July between staff and members of CARM. This was a chance to refresh and build the relationship between the group and support staff, share updates on work, and establish the level of support needed to prepare the group for the workshop. It was also an opportunity to confirm with the group that they agreed with the approach of using employability as a case study focus (given that this was the main overlap between their previous areas of interest and the case studies in the 2025-26 EFBSS).
111. Following this meeting, SPICe held a separate meeting with one member of CARM, who had not been part of the previous work, to provide Committee and Budget awareness.

Session 1 (21 August 2025)

112. CARM were sent some briefing materials which they had identified would be useful in advance as a reminder of the budget process and committee's role, work done in 2023, the outcomes, and context for the preparation session.
113. This in-person preparation session facilitated by PACT, and supported by SPICe and Clerking. To provide additional support on the case study work and exploring whether the Scottish Government is meeting its minimum core human rights obligations, Dr Alison Hosie from the SHRC also attended.
114. One of the aims of this preparation session was to give CARM an opportunity to co-design the workshop and agree how they wanted to reflect on the impact of their former work with the committee. During this 2-hour meeting, the following areas and activities were covered and discussed:
 - Refresher of the role of the Committee and the Budget process, and the EFBSS and case study.
 - Discussion on defining 'success'.
 - Presentation and learning discussion on minimum core (led by Ali).
 - Exploring different facilitation methods which could be used in the workshop.
 - Agreement on how each aspect of the workshop could be best explored, and on what materials might be needed.

Session 2 (2 September 2024)

115. CARM took part in a deliberative workshop session with the Committee, which was facilitated by PACT along with SPICe, Clerks and Dr Ali Hosie, allowing committee members to take part as participants alongside

CARM.

116. Members repeated an exercise that CARM had carried out at the preparation session on defining success. There was then a round table discussion reflecting on the experience and impact of involving the Whole Family Equality Project in pre-Budget scrutiny, covering the perspective of the participants and the Committee, the impact of the work on scrutiny, and the extent to which the process strengthened accountability.
117. After a presentation by Dr Hosie, the Committee and CARM explored the case study included in the 2025-26 Equality and Fairer Scotland Budget Statement on employability, which was one of the priority policy areas in the Whole Family Equality Project's questions in 2023. The aim was to answer the question "does the Equality and Fairer Scotland Budget Statement demonstrate accountability in the budget process" by exploring how well the case study demonstrates that the Scottish Government's spending choices protect basic rights in real life for the people who face the greatest barriers. Groups, formed of 1-2 members each of CARM and the Committee, started at one of four stations, each representing one of the criteria. There were then four rounds of analysis, with the groups rotating to the next criteria station between each round. CARM and the Committee had been given background reading in advance explaining what each criterion meant, what the case study detailed on the criterion and giving some wider statistics which could help to provide context. These were available for reference during the activity, and support was given by a facilitator at each station.
118. The questions groups were asked to explore each round were the same for all four groups, and were as follows:

Round 1 – "Are minimum core responsibilities being met in this context?"

Round 2 – "Does the Scottish Government's narrative match the statistics?"

Round 3 – "Could more be done to demonstrate this?"

Round 4 – "What conclusions and recommendations might be drawn on whether the Scottish Government is meeting its obligations?"
119. The activity meant that all groups got to work on each criterion and build on each other's discussion. Discussions and recommendations were recorded on flip charts by facilitators, and recommendations presented back by each group at the end.
120. Finally, there was a discussion to reflect on progress made since 2023 on the six key questions agreed by the Committee and Whole Family Equality Project.

Post-workshop

121. Following the workshop, the SPICe researcher for the Committee wrote up and summarised the notes, and, with agreement to do so from both the Committee and CARM, drafted suggested conclusions and recommendations. This was a similar process to the work carried out in 2023 on question development. This draft was given to both the Committee and CARM, and amended through discussion. Crucially, CARM members agreed that the draft represented both the conversations at the workshop, and felt like their voice and perspective was represented in language they could take ownership of.

Annex B

Equalities, Human Rights and Civil Justice Committee

Participation in budget scrutiny with the Whole Family Equality Project – refresher on 2023 work

122. This document gives an overview of the work that the panel from Whole Family Equality Project took part in with the Committee in 2023. This is to give context to the 2025 work by acting as a reminder to those participants, members and staff who did take part, and an explainer of past work to those who did not.
123. A separate document sets out the impact of the work on the Committee and the Scottish Government.

Overview

124. As part of a long-term focus on Human Rights Budgeting, the Equalities, Human Rights and Civil Justice Committee decided to focus its pre-Budget scrutiny in 2023 (for the 2024-25 Budget) on participation.
125. The activity aimed to explore what impact more involvement of citizens in the scrutiny process might have on the Scottish Government's response to Committee recommendations, and how using deliberative approaches (where people have a decision-making role) might help to enhance and reframe pre-budget scrutiny.
126. As well as running a public survey on people's understanding of the Budget, the Committee asked a group of volunteers from an existing citizens' panel to work on helping the Committee to understand how best to use participation in a budget scrutiny context. The Whole Family Equality Project Citizens' Panel was set up by Capital City Partnership to embed a human rights-based approach to service design by bringing together representatives from ethnically diverse and economically disadvantaged communities where they can combine their lived experience to advise on better practice for service providers.
127. A group of 12 participants from this existing panel met over three sessions to learn about the Scottish Budget, explore barriers to participation and meeting human rights obligations with the Committee, and use their learning to generate and prioritise a set of questions for the Scottish Government. The panel gave evidence to the Committee, which then went on to ask the panel's questions directly during pre-Budget evidence from the Minister for Equalities, Migration and Refugees.
128. This process helped the Committee to understand how citizens interpret and engage with the Budget process, and gave the people involved a direct and meaningful way to take part in scrutiny. It was also a Scottish Parliament first – whilst committees have crowdsourced questions using online platforms before, none have used a deliberative process to build capacity within a group and support them to collectively agree their scrutiny priorities before.
129. In its letter to the Scottish Government (15 November 2023), the Committee's recommendations drew heavily on the panel's work, and reflected:

- “The Committee learned a great deal from its experience of engagement on the budget process with members of the public through the online survey and from direct engagement with the Citizens’ Panel. Significantly, it notes the difference in the way the public view the budget in comparison to the Scottish Government and local authorities. In relation to equalities and human rights issues, these are not viewed on a portfolio basis but are linked, and universal. The Panel were clear, for instance, in showing how they saw the levers of equal opportunities begin with support for families, move into education and cultural awareness, and then transition through into adulthood through skills development and employment.”
- “Engagement with the Citizen’s Panel highlighted the importance of keeping people as the central focus when looking at issues, that we all belong to the same “community” and that decisions made by local authorities and the Scottish Government should involve the voices of communities and have the protection of others at its core. Our experience highlighted that, even in an area of scrutiny which does not change a great deal over time, working with citizens can give a fresh perspective. In this case, it shone a new light on how the Scottish Government approaches equalities mainstreaming and where that may not be working effectively.”
- “The Citizens’ Panel presented innovative ideas which it considered could improve engagement and build trust with communities such as providing opportunities for communities to join meetings with Members to discuss issues Page 12 of 16 and working with its organisation and others to provide a bridge between elected members and communities so that they may be empowered to engage in decision making processes.”

130. The Minister’s response to the Committee said:

” I especially welcomed the focus on participation and having questions asked that were developed in collaboration with the Citizen's panel.”.

131. In feedback from panel, the participants acknowledged disappointment in the Minister’s responses during the Committee meeting, but otherwise gave overwhelmingly positive feedback.

Overview of process

Session 1 (29 August 2023)

132. After being given a welcome pack with some briefing and preparation material, the panel attended a session in the Scottish Parliament delivered by PACT, with support from SPICe and the committee clerks. This session focused on building capacity among panel members, and covered the role of the Parliament and Government, and the Committee, and an introduction to the budget process.

Session 2 (12 September 2023)

133. The panel took part in a deliberative workshop session with the Committee. Collette Stevenson, the Convener of the Social Justice and Social Security Committee also took part, as a reflection of the shared interest in human rights budgeting across both committees.

134. The workshop took the form of group discussions, with the panel and Committee members split into two groups. Both groups discussed the same questions. The first discussion focused on how and when people should be able to participate in the budget process, and what the barriers to this are. The second discussion focused on the policy areas highlighted in the Committee's survey work, and which of the areas may be where human rights aspirations are the hardest to meet. This was an opportunity for panel members to share their own lived experience if they felt comfortable doing so, but also emphasised where there may be the most need to focus participation.

Session 3 (3 October 2023)

135. The panel attended a deliberative session at the Scottish Parliament. The aim was to create a set of questions that the Equality, Human Rights and Civil Justice Committee would ask the Minister for Equalities, Migration and Refugees on the panel's behalf on 24 October 2023.
136. After a short presentation from SPICe on how to turn evidence into questions, and a reminder of the remit of the Minister, the participants split into two groups to consider the evidence they had generated through their own discussions with MSPs on 12 September, and to turn this into potential questions for the Minister. One group looked at the barriers to participation in the Budget process, and solutions that had been suggested, and the other looked at human rights and the areas of policy where they thought achieving equality and human rights aspirations were most at risk.
137. Support staff wrote the questions generated onto cards and grouped similar questions. They were then discussed by the whole panel at random so as not to favour the work of one breakout group over the other, with participants explaining their reasoning, suggesting refinements, and voting on whether to shortlist questions or agree to merges and changes. Through two voting rounds the panel prioritised and merged questions and continued to discuss and debate the merits and focus of the questions. There was a resulting list of 6 question groups, which the panel agreed to SPICe merging together into final wording (which the panel could review and edit if needed).

Committee meeting (24 October 2023)

138. On 24 October, the Committee took formal evidence from five panel members on their deliberation process and priorities, with additional members of the citizens' panel sitting in the public gallery.
139. After giving evidence, the five witnesses then moved to the public gallery to observe the Committee taking evidence from the Minister for Equalities, Migration and Refugees. During this, the Committee members asked the panel's questions in full and stated which panel member had introduced that question during their evidence session.
140. The video of the full meeting is available at: [Equalities, Human Rights and Civil Justice Committee | Scottish Parliament TV](#)
141. And the Official Report (written record) is at: [Official Report - Parliamentary Business : Scottish Parliament](#)

Additional support

142. In addition to the sessions noted above, the following support was given between Session 1 and the Committee meeting:
- Evening drop-in session online with all of group before Session 2
 - Four meetings with the partners/co-chairs to facilitate their support etc
 - One in-person meeting at the Parliament to prepare panel members giving evidence for the Committee meeting.
 - An online meeting to prepare those who couldn't make the in-person session for the Committee meeting, which was also an opportunity for a final check-in with the panel before the meeting.

Questions generated by the panel

143. The panel think it's important that Scottish Government Ministers work together to find ways to close the poverty gap without people having to rely on charities and social security payments. Keeping the Promise is one way that children and families could be supported, but it must be delivered by a diverse workforce. **Can the Minister explain how she is working with the Minister for Children, Young People and Keeping the Promise to ensure that The Promise considers, reflects, and supports the cultural and ethnic diversity of all of Scotland's children?**
144. The Panel has strong concerns about the ethnic minority pay gap, both for children growing up in Scotland, and for New Scots, and feel that closing this gap is crucial to closing the poverty gap and supporting people from ethnic minorities throughout their lifetime. We know that two thirds of immigrants to Scotland have a degree, yet there still remains a significant pay gap. **How is the Minister taking a cross-portfolio approach to closing the ethnic minority pay gap, including working with Ministerial colleagues to make sure there are equal employability opportunities for school-leavers and monitoring the ethnic minority pay gap, especially in the context of the anti-racist employment strategy?**
145. The panel feels that many people, especially those from diverse ethnic backgrounds, are unaware of what constitutes their basic human rights, especially when they have moved to Scotland as adults. **Can the Minister outline her commitment to ensuring all communities and people of all ages, including New Scots, are educated on their human rights by explaining the opportunities that the upcoming Human Rights Bill will bring, including how the Bill might link to national indicators and measuring the progress of existing equality and anti-racism strategies?**
146. The panel think that the universal bus pass policy has been a great way to tackle inequality and poverty, and that it is a similar approach should be used for free school meals, including removing stigma and barriers by taking away token schemes and raising the age of free meals to 18. **What has the Minister done to work with the Minister for Children, Young People and Keeping the Promise to understand the equalities impacts of the current approach to free school meals, and will she commit to carrying out work on understanding how cross-cutting successes like the universal bus pass can be replicated in other**

policy areas to alleviate inequality?

147. The panel has concerns that even though diversity education in PSHE classes has a lot of detail on issues like sexuality, race and gender, there is little reflection or understanding of cultural differences. **How is the Minister working with the Minister for Children, Young People and Keeping the Promise to ensure that teachers have the appropriate equalities and diversity training to fully support the teaching of cultural diversity and delivering PSHE in a culturally sensitive way?**

148. The panel feels very positively about the opportunity it has had to participate in the Budget process and would like to see more of this work being done, especially by the Scottish Government. **How does the Minister connect directly with communities, and how will she work with colleagues to make sure that there are more participation opportunities across portfolios, including policy education, awareness raising of engagement opportunities, and feedback on the outcomes of engagement?**

- [1] Equalities, Human Rights and Civil Justice Committee. (2025, September 9). Official Report, 9 September 2025. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/EHRCJ-09-09-2025?meeting=16567> [accessed 10 December 2025]

