

FIRST MINISTER'S NATIONAL ADVISORY COUNCIL ON WOMEN AND GIRLS

ACCOUNTABILITY DAY: Scottish Parliament – 6 November 2019

Chair, Louise Macdonald OBE

The session began with a welcome from the Chair of the First Minister's National Advisory Council on Women and Girls (NACWG) Louise Macdonald, and her fellow members Kara Brown, Katie Horsburgh, Emma Ritch and Talat Yaqoob, thanking the Minister for Older People and Equalities for championing gender equality and wider equalities issues. Louise thanked the NACWG invited guests and the Scottish Government for their work to date and explained the purpose of the Accountability Day – it is a tool for the Advisory Council to strategically check in on the progress of their 2018 recommendations. This event is the first of its kind and as such it will be treated as a learning experience.

Louise explained the ambition of the NACWG – *to make gender inequality a historical curiosity* – and their primary role is to listen, be curious and hear from as many voices and communities as possible. The First Minister invited the Advisory Council to be bold, ambitious and courageous and there is an opportunity for Scotland to be a leading nation in the advancement of gender equality.

The NACWG's initial three year strategy focuses on systemic change based upon three core themes: Leadership, Accountability and Creating Conditions and the model is based upon a community development structure to try and be as accessible as possible. Throughout the year the Advisory Council listen to and engage with communities across Scotland and this year they have hosted Round Tables with business, front line women's organisations and representatives from BAME communities. People from across Scotland have provided feedback via the digital platform and all of this insight has fed into the NACWG's strategy. The Advisory Council are fully aware that there is more they can – and must – do to hear the voices of intersectional communities.

Each year the NACWG explore an annual topic. In 2018 the topic was **Attitudes and Culture Change – in public life; in work; in learning systems....** In 2019 the topic is **Policy Coherence – how is policy made and do policies work against each other...** In 2020 the annual topic is **Creating an Intersectional Gender Architecture – the status of women in Scotland, structures and intersectionality...**

Accountability is of vital importance when working in such complex systems and on policy which affects the lives of the people of Scotland. Before inviting the NACWG members to share their ambition for the day, Louise reiterated the aim of the session: to be as open, constructive, and supportive as possible and focus on the opportunity to create long lasting systemic change for the future.

Welcome and introductions from NACWG members

The NACWG members in attendance introduced themselves and explained what they wanted to gain from the event (full bios can be found in [ANNEX A](#)). The NACWG thanked Ms McKelvie for rising to the challenge and for overseeing the bold and ambition recommendations. The Advisory Council reiterated a sentiment expressed at a Youth Circle, that the future of policy making should be kind, and their hope for a collaborative and supportive space at this event.

The NACWG wanted to understand the challenges Scottish Government have faced and how they have approached them. The NACWG understand that accountability is about asking tough questions, not just of government, but also of themselves, and reflecting on whether they got it right, and asked the right questions in the right way. The NACWG know that there are many eyes from civil society on them and the most important people to whom the Advisory Council are held account, is by those women and girls who are not in the room, and who have been waiting impatiently for their lives to change.

The NACWG wanted to know how young people and their voices will be included in all stages of development for each of the recommendations and not only for those that are 'youth focussed'. Members also wanted to know how expert equalities organisations from across the third sector can participate in the delivery of the recommendations and whether there will be adequate gender budgeting and equitable allocation of resources.

The NACWG members closed their introductions by highlighting the very rich ecosystem in the women's rights movement and recognising the un-parralled political commitment to gender equality in Scotland.

Minister for Older People and Equalities

Ms McKelvie thanked the NACWG and echoed the sentiment that we should all approach life and challenges in the spirit of kindness. She highlighted the breadth of policy areas in one room and everyone's mutual commitment to this important agenda. She pointed out that the NACWG's 2018 Report and Recommendations seeks to change attitudes and culture and that cannot be achieved by one person alone, this is a communal and progressive task, and the action needs to be sustainable and meaningful – of utmost importance is to keep listening.

Update on the progress of recommendations:

Detailed updates on each recommendation can be found in [ANNEX B](#). Below are the key points.

Updates:

- A number of policy areas have found developing and implementing the recommendations challenging.
- The desire for co-design and collaboration with members of the NACWG to understand the ambition behind the recommendations.

- The inclusion of experts and those with lived experience in co-design from the outset and not as an addition at the end.
- Policy makers need to work across boundaries and sectors to understand the complexities of issues and include civil society in policy design.
- An intersectional approach needs to be taken to policy making and include all protected characteristics.
- The use of qualitative data and lived experience as well as quantitative data.
- There were conversations around the appropriate actions to be taken in the 4 cases where the ambition behind the recommendation has been accepted but the powers to legislate are reserved; should the policy be developed with the hope that the legislation follows or vice versa and wait for the powers to be devolved and then develop the policy.
- New posts have been funded and created across numerous policy areas (or are planned) to resource the recommendations.
- The development of some of the recommendations is outside the scope of this budget due to their huge financial cost and the scale of commitment would involve a major pledge to re-open the funding commitment.

Following Q&A Session – key points:

- In many cases the onus is on women and girls to speak up however they cannot be asked to “lean in” to a hostile environment – we need to change the culture and system.
- Energy and resource is being invested by organisations to assess policies to determine their gender sensitivity however this resource could be better used if experts are invited to the table and involved in co-design.
- Adequate resources need to be invested.
- We need an early learning and child care system that delivers for women and children whether it’s expensive or not and the failure to do so has its own societal and economic costs.
- Local authorities have seen a reduction of people entering the adult social care sector as a result of recruitment to other areas – the unintended effects of policy needs to be considered.
- The government has made commitments to gender equality, and they have a specific level on influence, however this has not – and does not – necessarily trickle through society.
- Literacy in equalities issues is low in many areas and can be a barrier to success.
- Gender neutral often translates as ‘gender blind’ which lacks equity.
- Marginalisation and racialisation needs to be understood and managed.
- All policies need to be assessed through a youth lens, every one of the recommendations affects young people, so they need to be involved in these conversations.
- Community learning and development needs to be included at the table.
- Policy cannot be developed and delivered in isolation by the Scottish Government; internal and external co-design is needed, as well as equalities literacy and engagement with experts.

- If the Scottish government is talking about balancing priorities – gender equality is not a priority to be balanced. The benefits need to be thought about more widely both macro and micro.

Minister for Older People and Equalities

Ms McKelvie thanked all and reiterated the importance of accountability, as ultimately, we will all be judged by the difference we make. The positivity to make change in this area is tangible across government.

Permanent Secretary

Permanent Secretary spoke of gender equality as a personal priority which will be part of her legacy. The National Performance Framework is an opportunity and asset. The government is still in a transitional phase from a passion to make change to gender equality literacy and expertise. Lastly, the Permanent Secretary asked the NACWG that they continue to hold Scottish Government to account and maintain their ambition, tenacity, and impatience for change.

Close from the Chair of the NACWG

Louise closed the session by thanking everyone for their input, and requested that delegates feedback on their experience of the Accountability Day, as the Advisory Council too want to be held to account on their work.

ANNEX A

Biographies of NACWG Members in Attendance

Kara Brown, International Legal Officer, Children and Young People's Commissioner Scotland



At 28, Kara was the youngest Director in the 160 year history of YWCA Scotland - The Young Women's Movement. Kara and team launched the second ground-breaking Status of Young Women in Scotland report in January, with a foreword by First Minister Nicola Sturgeon. In 2015 Kara co-created #FeministFest - a project raising diverse women's voices through writing, social media and poetry at Edinburgh's summer festivals.

Kara was the Chair of Scotland's FGM charity DARF over the past three years and founded the very first PEER research project in Scotland creating a new space for young African diaspora voices on FGM. She has experience in international development, gender-based violence and communications from China, India and Ethiopia. In 2015 Kara was awarded YWCA Scotland's Champion for Young Women's Equality Worldwide and sat on the World YWCA Envisioning 2035 Working Group, to help shape the World YWCA movement's goal for 2035. This year, Kara was named one of The Scottish Review's Young Scots of the Year and a Scottish Women's Awards 2017 Finalist for her services to the community. Under her leadership, YWCA Scotland attracted acclaim as a With & For Girls 2017 Finalist for their unique young women-led work. Her message to her younger self is "Ignore the voices that say you can't. You can. Your inner voice or people around you may lead you to doubt yourself at times. Don't let doubt derail you; you are much stronger than you think you are."

Katie Horsburgh, Girlguiding Scotland



Katie Horsburgh is a 19-year-old member of Girlguiding Scotland. Katie is first and foremost, a Guide leader, volunteering weekly to help girls aged 10-14 have fun, make friends and reach their potential. She has also been a Girlguiding Advocate for two years, speaking out at a Scottish and UK level on a variety of issues affecting girls and young women, from mental health to gender stereotyping to sexual harassment in schools. Besides this, she is currently in sixth year at School, and plans to go to university next year to study Sociology, with the long-term goal of becoming a journalist. She also participates in netball, yoga, runs her school's debate club, and helps on a newspaper. Katie is really excited to be a member of the Advisory Council on Women and Girls and hopes that she will have the chance to make a real difference to girls and women in Scotland.

Emma Ritch, Executive Director, Engender



Emma Ritch is Executive Director of Engender, which is Scotland's feminist policy organisation working on women's social, economic, and political equality in Scotland. Emma leads Engender's strategic collaboration with colleagues in the women's, equalities, and human rights sectors, and engagement with Scottish and UK Government, the UN, and the EU through the European Women's Lobby.

Prior to this she was manager of Close the Gap for nine years, and worked extensively on women's labour market participation. Emma sits on a range of external working groups including the joint strategic board of Equally Safe, the Scottish National Action Plan for human rights leadership forum, the advisory group of the Scottish Women's Rights Centre and the Scottish Women's Budget Group. She chairs the Rape Crisis Scotland board, is vice-convenor of the board of Close the Gap, and is a member of the Scotland Committee of the Equality and Human Rights Commission.

Louise Macdonald OBE, Independent Chair and CEO, Young Scot



Louise is Chief Executive of Young Scot, the multi award-winning youth information and citizenship charity. Working in partnership across all sectors, Young Scot supports young people aged 11-26 to make informed decisions and choices, connecting them to their communities using digital and smart-tech – contributing to Scotland's ambition of being the best place in the world to grow up.

There are currently 670k members of Young Scot – over two thirds of young people in Scotland. She has been CEO for nine years, and prior to that had a varied career in journalism before moving to the public sector, specialising in youth volunteering and community enterprises, including establishing a pioneering national programme to promote youth volunteering and social action.

Louise is Independent Chair of the First Minister's Advisory Council on Women and Girls; on the Board of the Scottish Parliament think tank Scotland's Futures Forum and in June 2017 was elected President of the European Youth Card Association (representing 37 countries and 7m+ young cardholders). She has served on committees ranging from the 2020 Climate Group; the Institute of Directors in Scotland; the Scottish Children's Reporters Administration and the Association of Chief Officers of Scottish Voluntary Organisations. In 2016 she was named Third Sector Director of the Year in the IoD UK Awards, and was awarded an OBE in the New Year's Honours List in 2015 for her services to young people. An award-winning "Social CEO", she can be found online @Louisemac – often featuring her passion for photography and nature.

Talat Yaqoob, Director, Equate Scotland and Co-Founder, Women 5050



Talat Yaqoob is Director of Equate Scotland, the national expert on gender equality in STEM (science, technology, engineering and mathematics) and the Co-Founder and Chair of Women 5050, the national campaign for fair representation of women in politics and on public boards. Talat has worked in the third sector managing projects in a range of areas including, mental wellbeing, education rights, international health development and tackling violence against women. She has significant experience in strategic planning, campaigning and public affairs.

ANNEX B

2018 RECOMMENDATIONS PROGRESS UPDATE

1. Create a ‘What Works?’ Institute to develop and test robust, evidence-led inclusive and representative approaches to changing public attitudes in Scotland to girls and women’s equality and rights, including dismantling stereotypes about what girls and women should study, work at, and be.

Zero Tolerance are beginning the phase one development work on the framework for the What Works? Gender Institute. As a first step the SG Equality Unit is discussing with Zero Tolerance what analytical support they need to take forward this work. Phase one of the work will be completed by summer 2020. Phase two will use Zero Tolerance’s framework as a blueprint for creating the What Works? Gender Institute. Although the Equality Unit have submitted a bid for new resources to cover the costs of the Institute, we will also build on the resources already available as much as possible.

2. Legislate for local and national candidate quotas for all parties by the 2021 election.

This recommendation is currently out with the competence of the Scottish Parliament. Scottish Ministers will continue to call on the UK Government to address the lack of women’s representation in politics by either introducing gender quotas themselves or giving Scotland the power to do so. We continue to support a number of non-legislative actions to increase women’s representation, including: COSLA’s Cross Party Barriers to Elected Office Special Interest Group and The Young Women’s Movement’s Young Women Lead and Scotland’s Women Stand initiative.

3. Carry out a thematic gender review of the new National Performance Framework (NPF) as a catalyst for system analysis and change.

This will be taken forward as part of the next NPF review. Periodic reviews of the framework are mandated to take place at least every five years by the Community Empowerment (Scotland) Act 2015. The next review will therefore be finalised by June 2023 at the latest.

4. Create a ‘Gender Beacon Collaborative’ – made up of Scottish Government, a Local Authority, a public body, a third sector agency and a business

We are working to bring together potential Collaborative members, along with gender equality experts, our key intermediary partners and SG officials who work closely with the private, public and third sectors. This meeting will give an opportunity to discuss the substance of the Collaborative and to widen the conversation and help us to shape our ambitions for it and next steps.

5. Improve access to justice for women and girls experiencing men’s violence and the culture of violence against women and girls embedded in the fabric of Scottish society

Chief Medical Officer for Scotland’s Rape and Sexual Assault Taskforce.

The recommendation to create a world-leading process for complainants of sexual violence, including forensic medical examination (FME), aligns to the work being undertaken by the chief medical officer (CMO) rape and sexual assault taskforce. The taskforce vision is for consistent, person centred, trauma informed healthcare and

forensic medical services and access to recovery, for anyone who has experienced rape or sexual assault in Scotland. The taskforce are making good progress towards delivery of the five year work plan published in October 2017 and against the recommendations within its remit, from the HMICS strategic overview report published in December 2017. Earlier this year, the Scottish government delivered its 2018-19 programme for government (PfG) commitment to consult on proposals to clarify in legislation the responsibility for forensic medical services for victims of rape and sexual assault in Scotland. The 2019-20 PfG committed the government to introducing a bill to improve the way in which forensic medical examinations and associated healthcare interventions are conducted, taking a trauma-informed approach and introducing a self-referral model for victims of sexual crime who wish to have a forensic medical examination without reporting to the police or are undecided about doing so. The bill will be introduced in the course of the parliamentary year and will underpin the ongoing work of the taskforce referred to.

Independent Sexual Violence Advocacy - The Scottish Government fully supports the Rape Crisis Scotland (RCS) National Advocacy Project, which helps victims through the criminal justice process. Between 2015-18 the Scottish Government provided £1.85m to RCS to place an additional advocacy supporter in every centre in Scotland, improving access to justice for victims of sexual violence. Support for the project continues forward into the current year. Additionally, Scottish Government provides support and funding to the Scottish Women's Rights Centre, a dedicated service in partnership with RCS, offering legal advice and specialist advocacy to women affected by gender-based violence.

Corroboration - The Jury Research was published on 9 October. The Scottish Government will now engage widely to seek views on the findings. It would be inappropriate to pre-judge these discussions and any implications they may have for other potential wider reforms including corroboration reform.

Disclosure of Medical Records - Scotland's legal system ensures that any complainant in a criminal case whose sensitive records are being sought has a legal right to be heard as the court considers whether to permit access. In addition, the Scottish Government took steps in 2017 to introduce new rights that ensure complainants whose sensitive records are being sought have access to legal aid to oppose such a request where access is required for the complainant to effectively participate in the hearing. There is no means testing of the request for legal aid in this situation. A judicially led review to improve how sexual offences cases are conducted through the courts, under the leadership of Lady Dorrian, is now well underway with plans to publish a report in the near future. The Scottish Government will consider any recommendations by the judicially led Review alongside the work of the Victims Taskforce.

Misogynistic harassment - On 12 March 2019, the Cabinet Secretary for Justice met with key stakeholders (Engender, Rape Crisis Scotland, Scottish Women's Aid and Zero Tolerance Scotland) to discuss their response to recommendations made by Lord Bracadale. It was clear from the meeting that they were opposed to the creation of a 'gender hostility' aggravator within hate crime law, and called for the development of a standalone offence for misogyny.

On 10 July 2019 the Cabinet Secretary then met with women's groups who supported the introduction of a statutory aggravation for gender in order to understand their views. Ministers are currently considering their options for progressing work in this area including whether a working group should be established to look at how the justice system deals with misogynistic harassment and if there are any gaps

Access to Justice: The Legal Aid Policy team are addressing a piece of work around identifying what is meant by 'Access to Justice' - is it access to a solicitor? Is it access to legal aid? Is it geographic? etc. There are a number of questions to be addressed and we will be holding a consultation shortly to identify what the issue is. We can only begin addressing the issue when we are clear where the problem lies. This piece of work will involve key stakeholders across SG and the third sector.

6. Create a resourced media body in Scotland, which will publicly review media which is sexist, misogynistic or bigoted; will provide guidance on what gender equal media can look like and will strengthen the intersectional voices of women in media.

Officials have had initial discussion with members of GEMS around the potential for their new Development Manager post. Initial thinking suggests three areas of activity: Establishing relationships with key media and equalities organisations and convening roundtable meetings with those involved in Scotland's media and cultural institutions; mapping existing initiatives, resources, campaigns and research around intersectional gender inequality and sexism in media, within Scotland and Internationally and assessing existing resources and their effectiveness in creating change; and developing a long-term vision for a Women's Media Body for Scotland, in collaboration with industry experts, academics, campaigners, and the public sector. GEMS steering group will now fully consider this proposal and details around funding are being firmed up.

7. Incorporate the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) into Scots Law

The Scottish Government has established a National Taskforce, co-chaired by the Cabinet Secretary for Social Security and Older People and Professor Alan Miller. The 2019-20 Programme for Government states that the Taskforce will drive work to give practical effect to the protections provided by international human rights treaties and obligations, including the Convention on the Elimination of all forms of Discrimination Against Women, and bringing them into domestic law. The Taskforce will report on its work in 2021.

8. Establish a Commission on Gender Equality in Education and Learning, covering Early Years, Primary and Secondary Education and learning

Arrangements are being made to establish a Task Force on Gender Equality in Education and Learning. The Deputy First Minister will chair/co-chair the Task Force. Detailed proposals for its remit and membership are being developed for his consideration and secretariat support is being put in place. Efforts are being made to ensure the membership of the Task Force includes senior representation from across the education system, gender experts that can provide independent challenge and young people with lived experience of gender equality issues. In addition, the aim is to ensure the Task Force is able to take account of intersectional issues in relation to gender equality. Discussion with the Chair of NACWG is helping inform

membership proposals. More detail on the Task Force will be available for the Accountability Day on 6 November.

9. Provide 50 hours per week of funded, good quality and flexible education and childcare for all children between six months and five years old.

We recognise the importance of high quality, accessible, affordable and flexible childcare to families across Scotland; these principles underpinned the development of the *Blueprint for 2020* and the expansion of early learning and childcare.

Our immediate focus continues to be on working with local authorities and other partners to deliver our ambitious expansion of funded early learning and childcare to 1140 hours from August 2020. More than 46,000 children and their families were already benefiting from access to expanded hours this August, representing around one-third of eligible children.

We announced further actions to realise the opportunities created by the expansion for parents to enter work, training or study in the Programme for Government in September. We will introduce a Family Learning Scotland Programme to help parents learn about child development to support their children's learning, gain new skills and take up learning and training. We will also provide an additional boost to parental employability programmes, to improve local connections between employability services and the expansion of early learning and childcare.

As reflected in our original response to the Council's report in June, we recognise a need to continue to explore how the Scottish Government can support families with their childcare needs. The Scottish Study of Early Learning and Childcare, our evaluation of the impact of the expansion on children's outcomes and opportunities for parents to enter or return to work, training or study, together with the Council's recommendation, will inform our consideration of what further action the Scottish Government can take to best support our children and further strengthen women's equal access to the labour market.

We published a draft framework on Out of School Care for consultation on 30 August.

This draft framework sets out what we know about the out of school care sector in Scotland and asks questions about what the Scottish Government can do to support families in accessing high quality, flexible and affordable services which benefit children and parents and carers.

The consultation will be live until Friday 6 December and we are keen to engage with the Council on development of the framework as part of our programme of events with children, parents and carers and the out of school care sector over the next few months. The First Minister also announced in October 2019 that, should the government be re-elected in 2021, it would expand childcare into the school holidays for primary school pupils from the poorest backgrounds.

10. Create two 'Daddy months' of use-it-or-lose-it paid paternity leave in Scotland, using existing and additional powers transferred by UK Government.

The Minister for Business Fair Work and Skills wrote to Kelly Tolhurst MP in April 2019 urging the UK Government to review support for mothers and new parents. In order to allow both parents to be off for a longer time together we recommended an increase in paternal leave provision to at least four weeks, ensuring parental leave policies are published, increasing the right to flexible working from day one of employment and

making flexible working options clear in job adverts. These practices would help encourage and embed a more widespread culture change of gender-neutral parenting and the use of flexible working.

A response received on 18 September stated that rather than a day 1 Right to Request, the UK Government will be consulting on a duty on employers to consider whether a job can be open to flexible working and making that clear when advertising. Also that following consultation the UK Government are committing to extending the redundancy protection period that currently exists for pregnant women for a further six months once a new mother has returned to work.

We are preparing a response to the UK Government's consultation: *Parental Leave and Pay: Supporting Parents and Achieving Equality*, which includes a question on whether leave is transferrable between parents or given on a 'use it or lose it' basis. We are seeking the views of our stakeholders and are arranging meetings with e.g. Fathers Network Scotland to gain their views on whether this is an option that will benefit parents and should be introduced in law. We are also scoping out findings from international evidence which will inform our response. The consultation closes on 29 November 2019.

11. Embed gender sensitive approaches in all work relating to programmes developed through the new Scottish Government "Scottish Approach to Service Design" model.

The Office of the Chief Designer is undertaking a 'best practice in gender sensitive / values based design' review. The review will complete early 2020 and will be followed by a period of embedding outcomes/guidance in the SAAtSD Playbook, which is published online to a broad range of public sector bodies, as well as those in LG and the NHS, by mid-2020. An additional piece of work has begun redesigning a sub set of our core design methods for improved inclusion (to include gender sensitivity aspects of inclusion). We expect this to be complete and revised methods guidance in place mid-2020.