



Scotland in the United Kingdom: An enduring settlement

Response to the Devolution (Further Powers) Committee of the Scottish Parliament Call for Evidence

February 2015

Introduction

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy.

The SWC uses the views of women to respond to Scottish and UK Government consultation papers.

SWC Evidence Source

Throughout the referendum campaign and the establishment of the Smith Commission, the SWC has consulted with women throughout Scotland on the issue of further powers for the Scottish Parliament. This response outlines key issues for women with regards to the proposals set forward in the UK Government's Draft Clauses.

Purpose of the Consultation

The draft clauses are the next stage in delivering the commitment made by the three main UK parties for further devolution, which was made during the referendum campaign. Discussions have taken place with Scottish Government officials on the Smith Commission Agreement, and the draft clauses were shared by the Scottish Government ahead of publication. The proposals set out how the measures included in the Agreement would look in law.

The draft clauses focus on delivering the legislative provisions needed to implement the Smith Commission Agreement. Further work will be required so that the clauses are ready for introduction into Parliament in a Scotland Bill.

The referendum campaign demonstrated extraordinary participation and engagement throughout Scotland, both from civic groups and members of the public. The UK Government is clear that this participation should continue.

CHAPTER 1 – CONSTITUTIONAL MATTERS

“It is crucial that Holyrood is established as a permanent body.”

A key issue for women has been the importance of establishing the Scottish Parliament as a permanent institution. This draft clause is therefore wholeheartedly welcomed as part of the further devolution process.

“It is essential that the Scottish Parliament is established as a permanent body. We cannot continue to live as equals in the modern world if we are under the threat that a future UK Government with opposing views to Scotland could simply ‘remove us’ or take away our autonomy over previously devolved matters.”

While there were mixed reactions to giving the Scottish Parliament the power to decide whether 16 and 17 year olds should be able to vote in elections, the majority of women the SWC consulted made it clear that giving young people the vote would be extremely positive.

“Young people are the future, so it’s important to get them engaged in politics from an early age, that way they are more likely to stay involved. I feel energised hearing from and speaking to young people in the referendum debates. They need to know how important their voices were then, and continue to be as we move forward.”

CHAPTER 3 – TAX

The devolution of power to introduce new rates and bands of income tax above the UK Personal Allowance are welcomed by women. Such powers could arguably be used to get the best out of the talent we have, as well as ensuring that the money made in Scotland remains in Scotland.

There does, however, need to be evidence that the ability to raise tax will be worthwhile. Presently, there is partial devolution of taxation with more powers coming to Holyrood in 2015. These need to be used to their full advantage.

“There’s no point in having more powers over something which, at present, we could already be using to our advantage.”

There is a strong feeling that Scotland *“has an ‘us’, not ‘me’ attitude and that we are more inclusive.”* Changes to taxation, whereby people may have to pay a little more to support those who need it, would be supported by the majority of women the SWC consulted with. There seems to be a stronger sense of social justice and recognition in Scotland that those who need help should be given access to it.

CHAPTER 4 – WELFARE

The creation of the Welfare Reform Committee in the Scottish Parliament, the passage of the Welfare Reform (Further Provisions) (Scotland) Act 2012 and the broad cross party condemnation of changes to the welfare system brought in by the UK Coalition Government clearly demonstrate that approaches to benefits could be somewhat different here. It is hoped that the devolution of certain aspects of welfare will give Scotland the opportunity to be a *“leading light”* in terms of supporting those who need help the most. It will also allow account to be taken of the unique social and geographical nature of Scotland.

“The raft of welfare reforms have not been supported electorally by the Scottish people. Women are disproportionately affected by welfare changes and continue to experience occupational gender segregation which further marginalises their contribution to significant areas of industry or commerce.”

Giving the Scottish Parliament more powers over the way in which welfare payments are administered and paid are welcomed, however not without some reservations over potential confusion and conflict.

The way in which the UK Government administers Universal Credit (UC) caused significant concern amongst women throughout Scotland. Previously, each person in a household made an individual claim, however under the Welfare Reform Act 2012 the benefit is paid to the household overall. The likelihood is that in many cases the man will receive the money. This has the potential to put women at risk of having little or no financial independence, particularly if they have an abusive or controlling partner.

When administered by the UK Government, UC is paid monthly in arrears. Previously, individual payments were made on a weekly basis to claimants. Under the old system, housing and council tax benefits were paid directly to the landlord. These go directly to the claimant under UK administration. There is a real worry that families will end up in debt as a result of these imposed changes. There is very little additional support or information around personal and household budgeting.

“Women are used to managing their money in a certain way, getting small payments throughout the month which spreads their finances. There will be so many who fall into rent arrears or who have to rely on pay day loans because they don't know how to handle a lump sum once a month.”

More often than not, women run very tight household budgets, which run to the dates upon which small pockets of money will be received. This is no longer the case as UC is paid on a monthly basis.

“If we have another bad winter then I won't be paying my rent. The money will go towards my gas and electricity instead. I can't cope with my kids being cold again.”

Despite the fact the Scottish Parliament has no power to alter the amount paid to claimants, having the power to decide when the payments are made will benefit many women. The power to split payments between members of a couple is also extremely positive, particularly

for those who would suffer financial hardship and dependence as a result of a single household claim.

The so-called 'bedroom tax' (under-occupancy charge) was one of the biggest causes of concern for women throughout Scotland.

"The bedroom tax and housing policy is contributing to the erosion of communities."

The introduction of the bedroom tax was considered an *"absolute disgrace"*. It is affecting people throughout Scotland and arrears are building up as a result. The tax is having a particular impact on disabled people, who are subject to significant cuts in the money they receive. They often need an extra room to accommodate a carer and are very worried that they may lose part of their housing benefit at a time when other benefits are also being cut.

"It's just another poll tax, made by people who will never be affected by it."

Women have welcomed the efforts made by the Scottish Government to mitigate the impact of welfare reform overall, and in particular the bedroom tax. The financial commitment made to assist individuals and families who are suffering from the effects of the under-occupancy charge is broadly supported. It is clear that the policies being handed down from Westminster are, in the main, not supported by women throughout Scotland due to the detrimental impact of their implementation. Giving Scottish Ministers the power to decide in which circumstances an under-occupancy charge will be made will ensure that this unfair tax will no longer impact on women, their families, and communities as a whole across the country.

The devolution of benefits for carers, disabled people and those who are ill is an extremely positive step. The power to make decisions about the administration, payment and amounts of such benefit will ensure that the often unique needs of those who claim this type of support are considered and met. This will particularly be the case for carers, the majority of whom are women.

The Work Programme has also come under criticism in the past. It is not designed around the needs of women and is very gender specific. Rural women in particular face significant barriers in accessing and participating in the programme. The policy is designed with a complete disregard of the geography of Scotland.

The devolution of the above benefits and initiatives to the Scottish Government will mean that women will not be as adversely affected. Rather than attempting to mitigate the effects of legislation, policies and practices already handed down, it will be possible to design a system that best reflects the needs of those seeking work in Scotland as a whole. It is hoped that the transfer of this power will also allow the Scottish Government to allocate specific funding to services which offer advice and support to those involved in the welfare system. At the moment, these are *"stretched to breaking point"*. Staff are struggling to meet demand and many are off sick with work related stress. The majority of workers in this type of employment are women, who are attempting to assist claimants as much as possible against a backdrop of cuts to staff and resources.

Despite all of the positive steps the Scottish Government may be able to take with the powers being transferred to them, women remain concerned about the potential risks and conflicts which could arise as a result of certain aspects being devolved but some remaining reserved. For example, one of the biggest issues around welfare reform is the imposition of sanctions on those who do not comply with work-related requirements. As sanctions and conditionality are to remain reserved, serious tensions could arise between policies put in place by the Scottish Government with regards to the Work Programme, and the sanctions that can be imposed by the Jobcentre Plus, a UK-level institution. This could be particularly problematic given the findings of the Scottish Parliament Welfare Reform Committee in its report on sanctions. The Committee found a number of flaws in the system, including a lack of flexibility with regards to appointments, no matter the circumstances, which often include childcare and transport issues. It seems somewhat at odds that on one hand, the Scottish Government can create a Work Programme which best suits the needs of Scottish people, yet on the other hand the sanctions associated with that remain with Westminster. Those seeking work could be at a detriment as a result.

CHAPTER 5 – PUBLIC BODIES, EXECUTIVE AGENCIES AND THE CROWN ESTATE

At present, much of the news coverage is extremely England/London-centric. The establishment of a Memorandum of Understanding between the BBC and the Scottish Government/Scottish Parliament will ensure much more of a balance in the types of programmes and news coverage which comes to Scotland.

“It’s about time there were decent checks and balances about what some aspects of the media were doing. It is so important that the BBC will have to put their accounts in front of the Scottish Parliament like they do down south at the moment.”

More powers over broadcasting and the media could also be used to promote women in a more positive light. Sexualised imagery is used to sell everything from computer games to grooming products. This type of advertising introduces people to the idea that women’s bodies are commodities from a very young age. The normalisation of this ‘hyper sexualisation’ and blurred lines between pop culture and porn culture are extremely dangerous.

“I’m fed up of not seeing women over a certain age on the TV. I’m fed up of TV programmes stereotyping women and our bodies being used to advertise all sorts of products.”

CHAPTER 6 – CIVIL PROTECTION AND ADVICE

The Scottish Government recently consulted on the introduction of Gender Quotas on Public Boards. Scottish women make up 52% of the population and, in October 2013, the level of female employment in Scotland reached its highest level since 1992 at 69%. In spite of all this, there is still significant gender inequality on public boards, with women comprising only 36% of board places and 21% of the current board chairs

Currently the Scottish Parliament does not have legislative powers to address this issue. The Scottish Government opened up dialogue with the UK Government on transferring powers by way of an Order under section 30 of the Scotland Act 1998. Such powers would give the Scottish Parliament additional levers for change, should it choose to use them, where other mechanisms are not working, or are not delivering change fast enough. The consultation set out to gather views from individuals, public bodies and other organisations with an interest in the issue of gender imbalance on public boards, on how mandatory quotas that ensure a minimum of 40% of women's representation on public boards should be introduced.

The SWC supported the proposal to introduce gender quotas on public boards. The only way to ensure that women are represented at the levels they need to be is if quotas are introduced. It is, however, important to recognise that they are only temporary special measures – that is, they are something which should be put in place in the short-term to achieve a longer term aim. Therefore any proposals that the Scottish Government put forward to the UK Government must make clear that mandatory quotas should only be enforced for a certain length of time.

“The whole point of quotas is surely to get us to a level playing field, which doesn't exist at the moment. Once we see more women on public boards, you would hope there will be enough momentum to keep us there without the need for specific measures.”

Quotas alone, however, are not enough. There are a range of reasons why women do not apply for positions and these need to be taken into consideration. Boards – whether public, company or voluntary sector – often do not reflect the people they are appointed to represent. This has to change. Women often comment on how their lack of involvement in political and public life is not because they do not have the inclination or will to do it. It is because more often than not they have to juggle work, caring responsibilities and running a household.

“I would like to become involved in things at a higher level, but I just don't have the time. It doesn't help when meetings are in the evenings, because there's no childcare at night so I would have to rely on friends and family. I don't know if I can guarantee the level of commitment that would be required of me.”

Specific consideration must also be given to women in rural areas, for whom issues such as childcare and public transport are exacerbated due to the geography of their local area.

Where quotas are not met, the organisations should be fined and the money should be used to create a 'talent pipeline', which would encourage more women to become involved.

“More women in these positions in the first place just might have prevented some of the reckless behaviours in the past.”

The introduction of new rules with regards to Employment Tribunals are having a direct affect on women, who face sexual harassment, unequal pay and discrimination in the workplace on a daily basis. The introduction of fees of up to £1,200 to lodge a claim at Tribunal creates a significant barrier to those trying to access legal remedies.

“The introduction of charges regarding employment tribunals limits the freedom of individuals to seek redress. Given the number of women in part-time, insecure and low paid work, that reduces their access to a fair hearing.”

The devolution of this power to the Scottish Parliament is an extremely positive step. It will remove the barriers put in place by the UK Government for those who are discriminated against in the workplace and restore access to justice for these women.

FURTHER ISSUES FOR CONSIDERATION

- Explore the possibility of extending the temporary right to remain in Scotland for someone who is identified as a victim of human trafficking, including in particular to enable the individual to participate in relevant legal proceedings

The SWC would wholeheartedly support this proposal. The women whose lives have been blighted by exploitation, rape and other forms of abuse are valued, and they deserve to be afforded the opportunity to access the support and assistance necessary to move on from their ordeal.

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