

Meeting of LGBTI+ Cross-Party Group

6pm to 7:30pm, Monday 28th September 2020

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Agenda

1. Welcome and apologies

Present:

Jamie Greene MSP	(Co-Convener – chairing)
Patrick Harvie MSP	(Co-Convener)
Rebecca Crowther	Equality Network
Ella Fisher	Equality Network
Tim Hopkins	Equality Network
Becky Kauffman	Scottish Trans Alliance
Megan Snedden	Stonewall Scotland
Paul Daly	LGBT Youth Scotland
Maruska Greenwood	LGBT Health and Wellbeing
Matt Dabrowski	Out Scotland
Stevie Maybanks	
Jacq?	
James Banner-Rall	
Kevin Guyan	
Christopher Ward	Advance HE
Nicola Richardson	
Michael Richardson	
Paul F Cockburn?	
Jordan Daly	Time for Inclusive Education
Colin MacFarlane	Stonewall Scotland
Cara Spence	LGBT Youth Scotland
Christopher Ward	
Connal Cochrane	LEAP Sports
Hugh Torrance	

Apologies:

Sarah Skerritt	Support in Mind Scotland
Jim Hume	Support in Mind Scotland

2. Introductions and new members

No new members.

3. Minutes of the last meeting (4th March 2020)

It was noted that Michael Richardson was accidentally missed off the list of attendees in the previous minutes and the minutes will be adjusted. With the addition of this the group approved the minutes of the last meeting of the 4th March 2020.

4. Matters arising from the cancelled meeting

It was acknowledged that a meeting was missed on the 20th of May due to the Covid-19 pandemic.

5. AGM business

The Annual Return Form had been circulated to all members of the group prior to this meeting. Patrick Harvie and Jamie Greene were confirmed as remaining in their position of co-conveners and it will be discussed if another MSP can be found to be an additional co-convenor. Equality Network were confirmed to remain as the secretariat.

6. Hate Crime and Public Order Bill and Inclusive Education

The discussion began surrounding the Hate Crime and Public Order (Scotland) Bill. Tim Hopkins and Becky Kauffman presented on behalf of the Equality Network and Scottish Trans Alliance. Tim started with some of the background on hate crime legislation in Scotland and the UK and laying out the changes to language and classification in the new bill including fixing out of date language surrounding sexual orientation and trans people, and making intersex a separate protected characteristic instead of being included under transgender as it is currently. Tim then went on to explain the wide amount of consultation done by Lord Bracadale prior to the drafting of this bill and the controversy surrounding the inclusion of making 'stirring up hatred' a crime within part 2 of the bill. He laid out how this already works within the English law, including that it has only been used twice in the last 10 years. He mentioned the changes Humza Yousaf announced a week ago that means for it to be a crime the person accused had to have the intention of stirring up hatred. However, Tim stated that some would still not feel that change is enough due to what they see as an infringement of freedom of speech. He went on to explain that the Conservatives have said they want the bill scrapped until after the election which is meant to be held in May 2021 and which may be delayed by six months or so due to Covid. This delay would mean the bill won't happen for at least another few years which Tim argued is longer than people can afford to wait right now.

Becky Kauffman added that the opposition is rooted in legitimate arguments which are easy for those who want equality but who are also concerned about the protection of freedom of speech to agree with. However, she stated that most of the opposition, especially within the media, exaggerates what the actual impact will be. She also stated a concern that explicitly naming sexual orientation and religion as needing protected against the stirring up of hatred could create a hierarchy of protected characteristics. She suggested that instead a broader statement should be made leaving freedom for debate without intention to cause harm for all protected characteristics. Becky and Tim finished their presentation by saying in the future they would like to bring together stakeholders for the bill for further discussion.

Patrick stated he agreed with Becky that a more broad statement would be good rather than creating a hierarchy within the protected characteristics. However, he

doesn't feel that getting rid of the stirring up hatred offence is the way to go as he believes it has worked well for racial hatred and doesn't see why it couldn't just be replicated. He stated that the concept of free speech has been co-opted by the far right. He also pointed out that clearly it does not greatly limit free speech as the stirring up of racial hatred offence has not stopped the press or political parties stirring up racial hatred. He finished by saying the mess is not in the bill but in the context the bill is landing in.

Michael Richardson asked that, if the stirring up racial hatred offence has been used so little is it hard to use? If so, how effective would the same method be for sexual orientation related hatred offences? Tim said there are 3-4 cases raised every year in the last decade so it is used on a consistent basis. He stated that the reason the numbers are so low is because it is a very focused offence. He stated that when Equality Network consulted on the 2009 bill they didn't push to include this offence because it is so rarely used but it is good to have and good to have the law prepared for occasions when it is needed. Patrick added that some protests to this bill are genuine but some people would oppose anything protecting LGBT people.

Jamie Greene stated that while the number of homophobic hate crimes in the UK in 10 years has trebled, numbers of prosecutions, at least in England, are fairly low. He asked under what law are the Scottish hate crimes currently prosecuted and how does that differ from the provisions of the English hate crime. Tim said the main hate crime law in England is the same as in Scotland, statutory aggravation. In Scotland cases reported last year were about 1400. Unlike England, in Scotland a much larger proportion are prosecuted, at least 90% and a majority are successful. He stated that the stirring up hatred offence is very focused so has few convictions, it is mostly focused at stirring up mass hatred. Jamie clarified that it is therefore mostly focused on affecting the actions of others and the stirring up of hatred in others. Tim agreed saying that is why it is a public order bill, because it is about the action's effect on the public.

Becky here explained that the difference between statutory aggravation and the stirring up of hatred offence is that cases of statutory aggravation are attached to another crime which has a victim, the stirring up of hatred offence does not have a 'victim' it can be attached to.

Patrick said the stirring up of hatred offence can also be used for online aggravation that, were it to be done in person, would be charged as a breach of the peace. The discussion was finished with Patrick reminding everyone that anyone who wants to be part of the ongoing dialogue set up by Tim and Becky should email the CPG email address.

(TIE) and Paul Daly from LGBT Youth

Jordan began this section by discussing the progress of the inclusive education working group. He said that it is still active but stated that with the restrictions of Covid it has been unable to meet since January and therefore may not meet its target of completing its work by the election. He informed the group that some pieces of work were done but were now with the Scottish government such as some of the guidance. The group is also in need of further resources to complete other areas of work. He stated there was a positive update in the last few weeks when Education Scotland said they would bring forward LGBT+ education benchmarks. The SQA has also set up a subgroup but Jordan said that group-wide there had not been a lot of progress since the pandemic started. TIE has however kept doing work of their own accord, which should speed progress up.

Jordan also stated that TIE funding has been an issue, everything they do is voluntary whilst they work other jobs which isn't sustainable. They put a funding application in to the Scottish Government in September last year for the Families and Communities Fund. This fund was supposed to give the outcome of applications by Christmas 2019 but was delayed due to the UK budget. It was then delayed until February 2020, then March, and now they still haven't heard a result. The most recent delay said applicants would hear by the end of September 2020 with the start date for the funding being moved to April 2021 with a year being removed from the fund. However, that date for the end of September is in three days and they still haven't heard anything so it may be delayed again.

Cara Spence from LGBT Youth who also sits on the group says she and many other members of the group have been keen to meet since the pandemic and the issue seems to lie more with statutory bodies. She said that LGBT Youth will be thinking of inclusive education and funding for it in their manifesto calls, based on what is currently likely to be achieved.

Jordan reiterated that the fact the fund has been heavily delayed doesn't help with moving forwards because if any of the group members were successful they would have been able to take certain tasks and delegate the rest so the process would have been quicker and clearer.

Jamie Greene asked in the chat what would happen if learning went to a blended part-online model. Cara said there is still some delivery of teaching materials but mostly done from individual effort. She stated it needs to be looked at what resources would look like in a blended model if more go digital but it has not currently been discussed.

Colin MacFarlane said some staff in the education department have been redeployed because of Covid which is why there is possibly a lack of focus. Patrick acknowledged all the pressure the pandemic has put on the government but said 6 months in they need to be more responsive to the issues it has caused, especially those placed on the voluntary sector. He said he and Jamie will try and raise

questions about the fund, possibly as a Parliamentary Question. Jamie agreed in the chat to submit one if it is given to him.

Tim agreed that it is now unlikely that any implementation will occur before the election. He said that Equality Network, Scottish Trans Alliance, Stonewall Scotland, and LGBT Youth have been meeting with parties about the election and have been asking parties about education recommendations implementation. He stated that it should be a no brainer, and that it was important to get it put in manifestos to ensure commitment. Jordan agreed this needs to be firmly in the manifestos due to the climate we are currently in.

Paul Daly then presented about the LGBT charter run by LGBT Youth. He explained the charter is accessible to all organisations not just schools. His presentation covered what the charter does and the requirements it has for participating schools. In 2019-20 1,400+ teachers have been trained, 22 schools awarded the LGBT charter, and 74 schools included in the new 'cluster' approach which helps the schools work together to achieve it. He explained the process and the resources their LGBT charter hub provides, which was launched last week. This hub gives schools the ability to have inter-school discussions which allows for collective learning and sharing of knowledge and experience. Paul set out the standards the scheme requires and the engagement looked for within schools and explained the training they deliver. Cara thanked Paul for stepping in as Caitlin who was originally meant to give the presentation was unable to attend this meeting. Cara said the most commonly asked question is how they know it makes a difference. She said they are very evidence-based using impact assessments, proof of visibility, and consistent evaluations to ensure it is having the desired impact.

Jordan then gave the final presentation of the meeting on TIE's recent survey on lockdown and online bullying. This was the only survey on online bullying in lockdown in the UK. 1,015 young people across all 32 local authority areas in Scotland participated. The majority (74%) were school pupils and most of the rest were at college and university. 35% of the participants were LGBT+. Prior to lockdown 26% of LGBT+ respondents said their emotional wellbeing was negative, during lockdown it was 69%. Jordan went on to breakdown a lot of the statistics with regards to the bullying online during lockdown and the proven increase in its occurrence. Qualitative data said in normal life there was often respite at school but with lockdown this disappeared and the bullying intensified. Many said they were unlikely to report it to the teacher because they didn't see how the teacher could do anything outside of the classroom.

Patrick thanked Jordan for this survey. He said he has also seen an increase in hostility and that he sympathizes with the children experiencing it, some in a less safe home environment.

Patrick went on to say there was time for two questions which he acknowledged wasn't very much and that both of these presentations could have been a meeting on their own. Nicola Richardson asked what the cost is for schools to do the LGBT

charter. Cara answered they charge £800-£1000 because they were originally struggling to respond to the amount of requests with the funding they had. She said when they looked at other schemes they are charging less than the average and it is a barrier for very few schools. If it is a barrier they try to work with the school to engage with the local council for funding. Nicola also asked if denominational schools have signed up. Cara responded that none have completed it yet. Some are in the process but don't publicise it widely about it due to outside pressures.

Jamie Greene complimented the charter and asked how they avoid it turning into a cash for badges scheme and also asked if the progression through bronze, silver, and gold has to be achieved through demonstrable changes not just through paying more. He clarified that he was not saying this as a criticism but just being realistic, he also asked how they are advertising it to schools. Cara said you have to pay more for gold because it is more training and so more of their time. The schools have to prove more and more evidence of implementation as they move up to gold to prove they are following of the charter. Generally they advertise the charter using word of mouth and they are currently overwhelmed with the amount of schools they already have. They do however anticipate a dip in numbers due to Covid and are considering an ad campaign in the new year.

As the meeting closed Patrick reminded everyone that TIE's Online in Lockdown report is available online and stated that the group may need to follow it up if we are going back into lockdown. <https://www.tiecampaign.co.uk/reports>

7. Requests to join this CPG

No requests.

8. Updates on other matters / AOB

No other business.

9. Consideration of main discussion items for the next two meetings Date following this TBC.

It was suggested in the interest of time that people email suggestions for topics for the next meeting to the CPG email and one will be chosen. Patrick said it might be good to discuss the issues with online in lockdown and mentioned that others have suggested something about wider international issues.