

Mainstreaming

The ideas, attitudes, or activities that are shared by most people and regarded as normal or conventional. *adj.* belonging to or characteristic of the mainstream

RACE EQUALITY MAINSTREAMING IN SCOTLAND PUBLIC SECTOR PROGRESS REPORTS: APRIL 2013

Equality Act 2010

Briefing 3

CEMVO Scotland is a national intermediary organisation and strategic partner of the Scottish Government with a network of over 600 ethnic minority voluntary sector organisations and community groups throughout the country. CEMVO Scotland was set up in April 2003, with the aim of building the capacity and sustainability of Scotland's ethnic minority voluntary and community sector.

We are currently funded by the Scottish Government Equalities Unit to provide support to public, statutory and third sector organisations in the implementation of race equality in all areas of their organisational development and processes.

Our overall aim is to help increase and improve dialogue between mainstream organisations and ethnic minority groups throughout Scotland in all areas of decision making and service provision.

As part of our mainstreaming support programme - which offers free support to organisations who wish to engage with us - we are producing a number of Briefings on the Equality Act 2010. These briefings offer practical suggestions on both understanding and implementing the legislation, particularly from an ethnic minority / community perspective. This is the third briefing in the series and is based on an analysis of a sample of Mainstreaming Reports produced by public bodies in Scotland as part of the requirements placed on them by the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

More detailed support and advice can also be given to individual organisations, please contact:

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¹ Briefing 1: 'Equality outcomes' and Briefing 2: 'Involving ethnic minority communities in EQIAs'

Content

1.	Introduction	4
2.	Methodology	5
3.	National proposals	5
4.	Mainstreaming Reports: suggestions for improvements	
4.1	Purpose	6
4.2	Leadership	7
4.3	Outcomes	8
4.4	Evidence	10
4.5	Assessing Impact	11
4.6	Involvement	12
4.7	Service Delivery	14
4.8	Workforce	15
4.9	Accessibility	16
4.10	Progress against Race Equality Schemes	18
5.	Conclusion	19
6.	Appendices	
A.	Extracts from EHRC Guidance on Mainstreaming, Outcomes, Assessing Impact, Evidence and Involvement	20
B.	List of public bodies used in sample	23
C.	CEMVO criteria	24

1. Introduction

The Public Sector Equality Duty (PSED) is currently the only law designed to tackle institutional discrimination and make sure public services meet everyone's needs. It is a legacy of the Stephen Lawrence Inquiry which found institutional racism in the police was responsible for the mismanaged murder investigation. The learning from this Inquiry was transferrable to other public bodies.

Prior to the PSED, Scotland's public sector was subject to race equality duties defined by the Race Relations (Amendment) Act 2000 - themselves an extension of prohibitions which had been set out in the Race Relations Act 24 years earlier. Therefore, in practice, public bodies have been legally required to make progress on race equality for over 30 years. For ethnic minority communities at least, this work cannot in any way be seen to be 'new', and if progress cannot yet be effectively demonstrated for these communities, it does not bode well for other protected groups which have more recently been awarded the same protection.

History aside, the opportunities presented by the Equality Act 2010 are to be welcomed, and CEMVO, amongst many others, looked forward to the publication of mainstreaming reports in April 2013 with a renewed sense of anticipation.

At present, the duties require a listed authority (those public bodies which are subject to the specific duties under the 2012 regulations) to publish a mainstreaming report on the progress it has made in integrating the three needs of the General Equality Duty (GED) which are:

1. **Eliminate unlawful discrimination, harassment and victimisation**
2. **Advance equality of opportunity**
3. **Foster good relations**

These authorities must also make their reports accessible to the public.

This Briefing is not intended to provide a robust analysis of compliance with the regulations themselves, rather it is based on the accompanying guidance² produced by the Equality and Human Rights Commission (EHRC) and focuses on how authorities demonstrate 'accountability, transparency and meaningful communication' with and to equality groups and communities, which is fundamental to mainstreaming equality. Public bodies may choose not to abide by the EHRC guidance as it is not statutory; however this analysis revealed that the majority of organisations were clearly trying to do more than the minimum and so it is hoped they will also find our Briefing of assistance in making further improvements.

² Extracts of the EHRC guidance can be found in Appendix A; full guides available on the Commission's website

2. Methodology

This research used 'purposive sampling'. A purposive sample (commonly called a judgmental sample) is selected based on the author's knowledge of a research population. Purposive sampling is useful to reach a targeted sample quickly where sampling for proportionality is not the main concern. We therefore selected the sample based on our experience of the sector seeking to cover the broad range of existing practice. The aim was to provide an analysis that would be both illustrative and broadly representative of the success or otherwise of authorities' mainstreaming reports demonstrating 'accountability, transparency and meaningful communication' with and to equality groups and communities.

Fifty mainstreaming reports were read in total to provide us with an overview of the general quality of reports, followed by more detailed analysis of approximately 10% of the 220 listed authorities in Scotland (i.e. 23 out of 220) covering key sectors including health boards, councils, executive agencies and further education³. Ten assessment criteria were used to score each report, with greater weighting given to purpose, leadership, involvement and accessibility⁴.

3. National proposals and suggestions for (organisational) improvement

This Briefing starts with a number of proposals developed as a consequence of a generic examination of over 50 mainstreaming reports published by listed authorities in Scotland. These proposals highlight the need for a sustained, national approach in order to drive equality and at the same time support all listed authorities in their next round of reporting on mainstreaming.⁵

These national proposals are then followed by a series of simple and practical suggestions for individual public bodies, based on a more detailed analysis of what the research sample (23) revealed. Most of these could be quickly implemented in order to strengthen subsequent mainstreaming reports (as well as progress reports against outcomes).

- A** Based on our findings, the quality of the sample mainstreaming reports is variable. The development of some cross sectoral learning and sharing to improve practice in this area before the next round of reporting could helpfully be encouraged
- B** Revised regulations and/or any further guidance produced should make it clearer to public bodies that active and long term involvement of service users and employees, particularly those from protected groups is essential, not an optional extra. This should include involvement when impact assessing policies

³ List of sample organisations can be found in Appendix B

⁴ Criteria used can be found in Appendix C

⁵ A number of the proposals mirror actions identified at CEMVO's mainstreaming conference 'Progressing Together' and detailed in the subsequent conference report

- C** Given the limitations of EHRC resources, Scottish Government could consider additional resourcing of voluntary and community agencies to build capacity across their networks to become effective partners in mainstreaming work (e.g. involvement, quality assurance, review of progress, suggestions for improvement, holding public bodies to account)
- D** Following the publication of all relevant research on progress against the public duties, examples of good practice and evidence gathered across protected characteristics should be collated and made accessible for learning purposes, perhaps through Scottish Government's Equality Evidence Finder tool
- E** Equality groups should be involved in helping to 'interpret' this evidence and practice prior to publication
The role of inspection bodies such as the Care Inspectorate and Audit Scotland in aiding the enforcement of the PSED should be clarified and strengthened. Given the limitations on the ability of the EHRC to provide sector specific influence, it should be possible to explore how inspection and evaluation could more effectively measure progress
- F** Government should publish a separate, detailed audit of progress across the public sector which demonstrates effective community involvement and establishes a national baseline
- G** Further guidance/templates developed in partnership with equality organisations would ensure a level of consistency and transparency which allows readers and users to compare and contrast as well as identify trends -e.g. workforce information. Administrative data which may be used in producing population statistics in future should be prioritised
- H** Employers should take an urgent and strategic approach towards enabling ethnic minority employees to gain employment (for example setting a specific outcomes with measureable targets), understanding the additional challenges faced and the potential for informal workplace practices to undermine equal opportunities policies.



4. Mainstreaming Reports: Suggestions for Improvements

Suggestions for improvement against each of the 10 areas we evaluated the reports on now follow. These have been grouped according to the initial assessment criteria (see Appendix C). Each section starts with a highlighted example of positive practice. These have been included to help illustrate individual sections at a practical level; they are not the only examples which could have been used.

4.1 Purpose

We see our equality duties as an opportunity to develop our organisation in a way that embraces and represents the diversity of modern Scotland. All people have the right to live free from discrimination, victimisation and harassment (Care Inspectorate)

Findings

The majority of reports highlighted that they were building on previous work set out in Race/Single Equality Schemes, however a small number were clearly written without that context and gave the impression that they were starting the work from scratch (taking into account that three of the sample was newly restructured organisations).

The majority also appeared to have been written as internal or corporate documents with only a quarter clearly indicating that the audience was primarily (or included) external stakeholders/service users. Three were still in 'draft' format. This had a major impact on accessibility overall. Further, it was not always clear who had actually written the document and even where clear commitment was demonstrated by the author (presumably an equality lead) it was less clear if there was overall corporate leadership, ownership and buy in.

It was recognised from the outset that the guide on Mainstreaming was one of the least 'prescriptive' from the EHRC and perhaps because of this we found that there was no overall consistency of approach. Even titles varied e.g. Mainstreaming report/Mainstreaming framework/Equality & Diversity strategy/Equality delivery mainstreaming report being just a few. The period the reports covered also differed e.g. none identified, some of 2 years and one of 4 years (even though the period is specified in the regulations). A small number had developed a clear 'brand' for their report but 10 made no attempt whatsoever - a small point perhaps but first impressions count in terms of the perceived importance of the work.

Suggestions for improvement

- Clear messages about the importance of the general duty in shaping the culture of the organisation should be visible right from the outset
- Clear acknowledgement that the organisation is building on previous work not starting from scratch
- Detail on legislation should be kept to an appendix (although in a very few this provided the bulk of the report)
- Overall image/branding should be considered
- Reports should be written and produced for public accessibility and readership, not just as internal documents

4.2 Leadership

(The Equality Advisory Group - EAG) has not been a mere tokenistic group, but truly an advisory group that the Scottish Court Service(SCS) has listened to and has sought advice and guidance from, and the SCS has changed policies, practices and approaches accordingly (Chair of EAG, SCS)

Findings

Just under a quarter included a foreword/introduction by the Chief Executive Officer (CEO) or other senior member of staff/partner. The role of boards in governance was rarely mentioned (although one included a foreword from their Chair). A small number attempted to give practical examples of leadership such as including a zero tolerance statement in their Equality and Diversity (E&D) statement, addressing underrepresentation at board level and including equality as part of manager competency frameworks. Others listed various equality and diversity groups or committees which indicated a level of mainstreaming but did not make it clear what each of these actually did, how they related to each other or what impact they had.

Four (17%) attempted to give a clear message about the importance of addressing existing discrimination and disadvantage while the rest stated in a variety of ways that the report had been published for compliance purposes i.e. to meet the new legal requirements. Further it was rare to find any statements about the 'benefits' for everyone of improving performance on equality - only two highlighted the business case stating that 'it would be good for Scotland'.

Nine reports (39%) offered some attempt to report on the progress made to make the general equality duty integral to the exercise of their functions although the majority focused this on their outcome setting only (most commonly in the form of a tick box exercise). This may or may not be due to misinterpretation of the EHRC guidance. The remainder found it easiest to demonstrate a link between their work and 'advancing equality of opportunity' in particular, giving examples of meeting the needs of different groups or attempting to encourage increased participation.

Suggestions for improvement

- CEO or Chair needs to be seen to be leading
- Leadership should not be demonstrated through processes alone e.g. organisational structures and frameworks without additional explanations about roles and impact
- Organisational culture needs to be made explicit e.g. corporate understanding and acknowledgement of discrimination and racism (not just inequalities) as well as how mainstreaming addresses this
- Accountability for progress should be made clear as well as what will happen if progress is not made - for example, demonstrated links to performance appraisal
- Organisation should develop a strong, overarching equality and diversity statement

4.3 Outcomes

The level of participation in the MA (Modern Apprenticeship) programme by individuals from BME groups is more proportionate to their incidence in the Scottish population
(Skills Development Scotland)

Findings

Nine organisations produced a joint Mainstreaming and Outcomes report but very different approaches were taken within these e.g.

- one council set outcomes in partnership with their local health board and police
- another council identified their outcomes and followed each one with related 'mainstreaming action'

The majority of those outcomes accessible through the mainstreaming reports were vague and/or generic with rare examples of how organisations planned to measure their success. Skills Development Scotland however produced an outcomes 'template' which included performance indicators and measures of progress.

NHS Lanarkshire stood out by setting a series of specifically person centred outcomes. This is clearly supported by the EHRC guidance which stated that outcomes should be thought of as 'results intended to achieve specific and identifiable improvements in people's life chances' as opposed to outputs or process and we have interpreted this as best practice (enabling our sector to understand exactly what improvements were going to be made in their daily lives).

Over 150 outcomes were published by the full sample - ranging from 2 to 20 per individual organisation. Only 4 organisations published (five) race specific outcomes whilst the remaining 19 organisations provided no justification or clear evidence for producing instead generic outcomes or not covering ethnicity at all. This may or not be linked to inadequate involvement (see 4.6 below).

Suggestions for improvement

- A more direct link between outcomes and mainstreaming would be helpful in view of the requirement for progress reports on both by April 2015
- Communities need to have confidence that the outcomes set will be successful and the easiest way this can be achieved is by providing either numerical measures or proxy indicators where outcomes are 'soft' e.g. 'the confidence of EM communities will be increased'
- Trust and confidence can be built by explaining how 'generic' outcomes which address the needs of 'everyone' will also improve outcomes for specific groups
- Ensure that future involvement on outcomes does not consist of only one off exercises but rather is a more sustained approach targeting relevant people

4.4 Evidence

Evidence broken down by each protected characteristic under each of the following themes:

1. General Demography
 2. Socio-Economic Inequality
 3. Targeted Violence and Discrimination
 4. Integration and Social Cohesion
 5. Health and Learning Inequality
 6. Falkirk Council as an Employer
 7. Sources of Evidence
- (Falkirk Council)

Findings

Much of the 'evidence' referred to in mainstreaming reports relates only to the setting of (new) equality outcomes rather than being central to mainstreaming overall e.g. developing processes to meet other specific equality duties such as assessing equality impact.

Just over 20% of organisations set out their evidence base in some detail, covering each of the protected characteristics and providing clarity on how the evidence had helped them prioritise outcome setting. This evidence included a mixture of both desk top and local involvement (beyond staff). 30% showed no involvement activity whatsoever as part of their evidence gathering and only one indicated that new research would be carried out to meet gaps identified. The remaining 50% attempted some form of evidence gathering although did not attempt to explain if or how this was used to meet their equality duties.

Where organisations indicated that they had attempted to gather qualitative evidence also, it was commonplace to use statements such as *'There was extensive consultation and discussion with equality groups to ensure accessibility by all and involvement from all parts of the population'*. Such a value statement is without meaning or usefulness. Those who relied on online/paper surveys or written requests failed to make accessible either what % of/which protected characteristics replied or how the feedback was used (if at all). Whilst this is not a requirement at present it clearly presents a gap in the specific duties which should be part of future review.

Suggestions for improvement

- Emphasis should be given to integrating equality into general consultation and engagement activities by monitoring the engagement of protected groups and ensuring that the data and information collected is disaggregated for each of the protected characteristics
- Involve people from protected groups in order to help with interpretation of existing evidence

- Where audits, surveys or separate evidence papers are referred to, links to these should be provided to aid transparency and accountability in terms of exactly what evidence was gathered and what was done with it
- Consider using evidence to benchmark performance and develop positive action measures which will address inequalities identified
- Identify evidence gaps and needs and develop a plan to fill them
- Second reports should demonstrate analysis and use of data and information rather than continue to focus on process e.g. *'plans are in place to capture more evidence'* or *'regular surveys are carried out'*

4.5 Equality Impact Assessments (EQIAs)

In 2011...we undertook a consultation event (as part of full EQIA) with the Sikh community (where we) discussed the issues, gained an understanding of our respective positions and agreed a protocol to allow access to court for Kirpan wearing Sikhs.
(Scottish Court Service)

Findings

The position taken by CEMVO is that an equality impact assessment is a tool which can help integrate equality into day to day business and as such should be part of a mainstreaming report. All 23 organisations in fact mentioned equality impact assessment at least in passing. However the majority talked about the 'process' rather than what had changed, if anything as a result.

An additional very quick search indicated that just 9 (39%) organisations had these currently available for further perusal (not always easy to find) on their websites. The vast majority took the form of a completed 'toolkit' which routinely highlighted 'no detectable/negative impact'. There was no acknowledgement or recognition of possible existing knowledge limitations in relation to equality.

Nor did involvement appear to be a routine part of the evidence gathering to inform impact assessment, despite research on this commissioned by the EHRC in 2012. One of the conclusions then was that a large proportion of EQIAs were poor and fell down particularly in terms of consultation, stating that *'many are produced by an officer (or small group of officers) and do not involve people from the equality groups included in the EQIA (or those representing them)'*. CEMVO's earlier briefing goes into this in more depth.⁶

Where evidence was gathered to inform impact assessments, it was not made clear if and how this was subsequently added to that collected for outcomes (for example) and then made widely accessible to all relevant members of staff across the organisation. There appears to be considerable room at present for duplication of effort as well as lack of sharing and learning.

⁶ Refer to CEMVO Briefing 2 on *"Involving ethnic minority communities in EQIAs"*

In addition, few toolkits appeared to have been updated to take into account changes made since the previous duties i.e. the impact of the policy on equality groups should now be assessed under each need of the Duty.

Two organisations clearly indicated that their budgets were routinely EQIA'ed although provided no additional information in support of this.

Suggestions for improvement

- Impact assessments and reviews should be easily found on organisation's website
- A brief narrative/summary of the results and what has changed rather than a long 'toolkit' or 'form' is more easily accessible
- Clarity about how/why EQIAs completed were prioritised would be helpful
- Internal coordination and sharing of evidence relating to people who share a protected characteristic should be routine (e.g. that gathered for impact assessments, through consultations, outcome setting etc)
- Regular involvement of equality groups and communities to help organisation's understanding of the impact of policy proposals on these groups and/or how policies may need to be revised; this will also help build wider evidence base

4.6 Involvement

As a result of the Stephen Lawrence Inquiry, Scottish forces..... went on to develop Independent Advisory Groups (IAGs), Community Lay Advisor schemes and 'critical friends' to meet local need and include representatives from all protected characteristics. These groups..... had the common purpose of providing external scrutiny and advice in respect to Hate Crime, and other issues concerning people from and across protected groups. Practical case study provided to illustrate 'involvement' in review of critical incidents management. (Police Scotland)

Findings

Whilst 'taking reasonable steps' to involve is only 'required' in the setting of equality outcomes this is obviously very closely related to the section on evidence under 4.4 since in some ways involving people also serves as a form of evidence gathering.

It is therefore unsurprising that mainstreaming reports in the main referred to involvement only when talking about outcomes, rather than in relation to wider decision making such as assessing equality impact or improving services. Nor was it surprising that involvement was predominantly with staff and service users, rather than a wider cross section of people who might be affected by the policy or practice e.g. trade unions or third sector/equality organisations and the wider community.

Where wider consultation exercises were referred to it was not clear if there was an

organisational understanding of the difference between consultation and involvement (the latter taking place on an ongoing basis with people over a period of time).

These exercises included using equality specific 'distribution lists', 'consultation events' and 'networks' but were rarely broken down into strand specific lists - more importantly there was no information provided as to the success of such an approach e.g. if 200 letters were sent out, how many responses were returned, what were the general themes of the responses and how were they used to shape or revise policy and practice. One organisation broke down their online survey responses by protected characteristic, highlighted that there were no responses at all from ethnic minority individuals but did not identify any further need to address this gap.

Some clear progress on involvement did appear to have been made since the last review of race equality schemes. For example a number of organisations had set up long term Equality Advisory Groups involving representatives from equality organisations (although only one was chaired by, and had agendas set, by external partners).

One organisation mentioned direct, long term funding to local equality groups although it was not clear if the work of such groups is routinely evaluated.

Suggestions for improvement

- Reporting on involvement should be less on process (see also Evidence section under 4.4) and more on feedback received/what changed or improved as a result
- Additional detail about who and summary of what was said should be provided in an appendix or web link
- Greater demonstration of understanding and inclusion of diversity within communities is required - young people and/or mixed heritage within ethnic minority communities for example
- Organisations should prevent the continued pathologising of equality groups e.g. referring to them as 'hard to reach'
- A description of the impact of models such as Equality Advisory Groups or critical friends would be helpful and again could be shared more widely

4.7 Service Delivery

The University is able to track the 'student journey' by application, enrolment, continuation and award level for each of the protected characteristics. The University uses this information to ensure ...different levels of support such as in the case of mental health and wellbeing, culturally appropriate services and sign posting. Case study provided on changes to complaints system. (Napier University)

Findings

Nineteen reports ((82%)) failed to demonstrate regular gathering and consideration of data in service delivery, for example monitoring and recording the profile of service users and service activity.

Some progress was identified by the remaining four e.g. monitoring of service users. One organisation stated that they had 80% ethnicity returns but since there was no analysis or demonstrated use of this information it was of little relevance as a stand alone percentage. Another organisation highlighted that they now use a service user experience indicator and that 250 were completed every month - but again did not break these down by protected characteristic so it is not possible to know if there are differential rates of return or if the feedback varied with individual groups.

In general, reports continued to identify a variety of 'actions' as a measure of progress and success but failed to clearly also identify the difference which these actions were making. A small number of reports provided practical examples and case studies of frontline work which helped to illustrate progress from policy into practice. It was also positive that most of the work identified was attempting to meet the needs of certain groups and/or increase participation but, although implicit, this was rarely explicitly linked to the advancing equality of opportunity.

A small but perplexing point in this section was that at least three of the organisations work at international levels yet completely omitted to highlight this work and its possible relevance to race equality.

Suggestions for improvement

- Public bodies need to be clearer about how each (and all) of their functions helps to meet the general equality duty
- A simple summary of the organisation and its work should be included either at the start or in an appendix - assumptions cannot be made that all stakeholders will already have this knowledge
- A large organisation could usefully list their functions by division or department in order to aid accessibility (such as that provided by National Records of Scotland)
- Performance management processes should include quality assurance processes such as satisfaction surveys and the findings published

Some work will quickly need updated based on new census data re interpreting requirements

There remains a need to be able to pull out strand specific work and ensure that this is accessible for individual communities and organisations

4.8 Workforce

Increase the proportion of staff identifying as BME be increased from the current 2.8% to at least the public sector average by 2020. The level of staff designated as 'unknown' in identifying ethnicity, currently at 32.01%, be reduced to less than 10% by 2015 and to be less than 5% by 2017. (NHS Lanarkshire)

Findings

Again this Briefing does not intend to go into workforce issues in detail as it is anticipated that other analyses, including the EHRC's, will provide more specific recommendations.

Workforce reporting tended to be the most 'process' driven part of the reports. Whilst data does now appear to be routinely collected it is generally very basic (tables of workforce profile, application statistics, staff leaving) and seldom routinely analysed and used to address gaps or differentials. Without any accompanying narrative interpretation, the tables on their own were regularly hard to follow or to compare. Further, some data provided is already well out of date, given the recent publication of data and findings from the 2011 census. For example one Edinburgh based organisation highlighted that 2.7% of their workforce identified as ethnic minority - new census data suggests local demographics have risen to 8% - which sets a considerable challenge.

Thirteen reports included some degree of employment data in the body of their mainstreaming report, three referred to the data and provided a link to where a separate report could be found, three indicated that the work had been done but did not include a link (poor accessibility of data) and four reports did not mention employment data at all.

Of the 19 organisations where data was (eventually) found, three failed to provide any information whatsoever on ethnicity. Those three may well wish to argue that they had taken steps to gather information on ethnicity but were unable to persuade their staff to comply. Or they simply do not have any ethnic minority staff. It would in that case be good to know what steps they have taken to also consider (and address) organisational culture and possible institutional discrimination as potential barriers. High non disclosure rates continue to be prevalent also with only one organisation (see illustration box above) setting a clear target to address this.

A number of reports included statements such as 'comparison of workforce data on ethnic diversity of staff against other organisations' or 'consistent with other local authorities'. However if other local authorities are not performing particularly well this will not be a useful comparison to make.

Other statements such as *'In the 2001 census 0.68% of the xxx residents identified themselves as being BME. We therefore believe that we have a staff compliment that is in line with local profile'* raises questions about both the use of out of date data and also about where the workforce does in fact come from since it is likely that, for example, there is considerable movement across the whole of the central belt, not just within local boards or council areas. Data from at least four organisations (three national and one Edinburgh based) clearly indicated that the ethnic minority workforce currently sits below 1%.

Suggestions for improvement

- Organisations should benchmark their current position in a more transparent fashion - identifying obvious differentials and underrepresentation
- Greater (narrative) analysis is required to improve accessibility and could helpfully be carried out with the involvement of equality organisations/practitioners. Examples such as 'No disproportionate results' in an employee survey may well have produced different findings if other views and expertise had been sought
- Proper timed action plans should be provided in order to demonstrate how the data will be used to move beyond number crunching exercises in order to tackle pay gaps, continuing high non disclosure rates, under representation etc
- More organisations to consider setting clear employment outcomes



4.9 Accessibility

Towards Equality: Fairer Care, Support and Social Work Services in Scotland (progressing the Public Sector Equality Duty 2011-2013 (Care Inspectorate's mainstreaming report)

Findings

Since transparency and accountability are key principles (see Appendix A) it is essential that individuals and community organisations such as CEMVO are able to access and use evidence of how public bodies are complying with the PSED. It is almost impossible to engage with a public body or seek to hold it to account if there is no accessible paperwork that explains what decisions have been taken and why.

We should refer to the Coalition for Racial Equality and Rights at this point for their very helpful Public Sector Equality Duty portal (which is available on their website) since locating mainstreaming reports/other documents by using public sector organisations' websites proved laborious and occasionally impossible due to the fact that the information on many occasions was simply 'inaccessible'.

As a great deal of guidance has already been published with regard to good practice and accessible information, we will not repeat this but simply reinforce a few key points (in addition to the suggestions made in other sections of this Briefing). It should be noted that a report which is strong in terms of 'accessibility' is not necessarily strong in terms of content or quality overall.

Suggestions for improvement

- Short reports are better in general (or at least an executive summary provided in longer reports) however:
- A single publication is also generally more accessible so links to other relevant documents e.g. workforce data, outcomes, evidence, equality and diversity statements could be collated in a separate appendix
- Equality and Diversity information or tab should be easily found on homepages
- Appropriate ways used to highlight involvement, organisational changes made and good practice happening as a result
- Ownership/contact details should be provided at the start with a clear statement about alternative formats and welcoming further comments or questions about the report itself

4.10 Progress since (race) equality schemes

Meeting the GED through timetabled actions against activities identified in the specific duties, *in addition* to person centred equality outcomes and action planning (NHS Lanarkshire)

Good practice case studies under each of the 3 needs of the GED (Edinburgh College)

Evaluating progress under each of the 3 needs of the GED (Care Inspectorate)

Findings

Our findings led us to conclude that the majority of those organisations in our sample to a greater or lesser extent misunderstood the progress they were required to report on i.e. in making the general equality duty *'integral to the exercise of its functions so as to better perform that duty'*.

Three organisations in particular however reported clearly and creatively in this regard. All three have been included in the illustration box above.

Roughly a quarter overall made some attempt to report incremental progress rather than to continue to provide a series of activities (much in the way was provided in action plans attached to old race/single equality schemes). Where those schemes could be found (14 still on organisational websites) approximately half of the mainstreaming reports were more robust and accessible e.g. provided much more evidence, clearer outcomes and improved involvement.

The rest demonstrated considerably less effort, using poor layout and lacking local context, demonstrable leadership or measureable action plans. In 3 out of the 23 mainstreaming reports, there was simply no mention of ethnicity whatsoever.

Suggestions for improvement

- Progress against the needs of the general equality duty to be demonstrated more clearly than simply ticking a box
- Templates with incremental measures of progress which can be reported against in each subsequent report.
- Targets focused on people and quality - not just about number crunching or process (more EQIAs completed or greater numbers accessing services such as interpreting)
- Satisfaction surveys/analysis and other quality assurance mechanisms routinely used

5. Conclusions

From a community perspective and based on the 10 criteria which were set - we found the quality of this set of reports extremely mixed. In terms of presenting their work on equality in an accessible fashion and communicating progress on equality meaningfully, it was our view that 3 out of the 23 reports achieved this well to very well, 4 satisfactorily and the remainder were unsatisfactory. It should be noted that 3 of the organisations analysed were newly restructured and faced some additional challenges given the timeframe. It is also fair to say that this is the first set of reports, and organisations may already have learnt from the process in order to make revisions and improvements.

No particular sector was found to be better or worse - although in this small sample a higher percentage of national organisations were found to have produced more robust reports. This may not be the case overall.

A number of organisations had clearly invested considerable time and effort although many of these still concentrated on processes and activities rather than on changes and improvements in people's lives. The lack of sustained and effective involvement was also very apparent. While a number of organisations did report on areas of good work and were able to give practical examples, they were in general less able to demonstrate how that work helped them focus on meeting any or all of the needs of the General Equality Duty (GED).

In conclusion, we hope that some if not all of the suggestions for improvements in this Briefing will be of use to public bodies in terms of developing their mainstreaming work on equality and we look forward to reading of greater person centred progress in the second reports due to be produced in April 2015.



Appendix A

Mainstreaming the Public Sector Equality Duty

Note: The extracts below were taken from non statutory guidance produced by the EHRC Scotland in May 2012. All of the documents can be found in full on the Commission's website.

A listed authority must report on the progress it has made to make the general equality duty integral to the exercise of its functions so as to better perform that duty. This means that the three needs of the general equality duty must be considering in exercising business functions and processes, including budget setting and project planning.

Reporting offers authorities the opportunity to present all of their work on equality in one place and to demonstrate accountability and transparency to their staff, stakeholders and service users. The report must be accessible to the public.

Leadership helps to shape the culture of an organisation and is extremely important in the context of the mainstreaming duty.

It is for authorities themselves to determine how best to mainstream the equality duty in their day-to-day functions.

For each need of the general equality duty, consider each of the protected characteristics.

Equality Outcomes and the Public Sector Equality Duty

You must publish a report on the progress made to achieve your equality outcomes by 30 April 2015. By focusing on outcomes rather than objectives, this specific duty aims to bring practical improvements in the life chances of those who experience discrimination and disadvantage. So in practice, you might find it helpful to think of equality outcomes as results intended to achieve specific and identifiable improvements in people's life chances. You should take care not to confuse equality outcomes with outputs.

Remember that alongside considering relevant evidence you must take reasonable steps to involve people with relevant protected characteristics in preparing your equality outcomes. Involvement is not a 'one off' but part of a process. When you have a list of possible outcomes, it will be helpful for you to continue your discussions with equality groups and communities to get their views on your suggested equality outcomes. This will help ensure that they know their earlier involvement has informed your outcomes, and give them the opportunity to make comments and suggest amendments. Taking time to involve a wide range of stakeholders will improve your performance of the duty and increase the transparency of the process.

The community you serve will have an interest not only in the outcomes you publish but also in the extent to which you have used information from your evidence and involvement activities to determine these outcomes. They will expect you to produce a reasonable level of data and analysis to justify the outcomes you are setting, and to demonstrate how your actions will enable you to have due regard to the needs of the general equality duty. This means there must be a clear and identifiable link between your evidence and involvement activities and the outcomes you have set.

Assessing Impact and the Public Sector Equality Duty

The impact of the policy on equality groups should be assessed under each need of the duty. This shift in emphasis is important because the specific duties are designed to support the fulfilment of the general equality duty and so assessing impact is one tool to help you meet the general equality duty.

Although the regulations do not specifically require the involvement of equality groups and communities when assessing impact, you may choose to involve equality groups and communities as one way of helping you to understand the impact of your policy proposals on these groups. Involving employees, service users, trade unions and others in the assessment allows those affected by the way you carry out your functions to give feedback or share their experience, providing evidence that you might not otherwise hear.

You may also find it useful to involve relevant equality groups and communities when monitoring the implementation of policies, to determine the actual impact of the policy and discover what, if any, changes are required. You might also benefit from their input when you are considering how policies and practices may need to be revised to comply with the general equality duty.

Involvement and the Public Sector Equality Duty

The specific duties require each listed authority to take reasonable steps to involve people who share a relevant protected characteristic and any person who appears to the authority to represent the interests of those people, in preparing a set of equality outcomes. In preparing a set of equality outcomes, listed authorities must consider relevant evidence relating to people who share a relevant protected characteristic. This will include relevant evidence from those people who have been involved.

Reasonable steps should be practicable and proportionate for the authority to take, bearing in mind the significance of the issues, the extent of what is already known about the issues, the resources required to take the steps and the extent of the resources available to the authority. Consider how you will ensure that their involvement will make a difference and how you can show that their suggestions have been taken into account. Individuals and voluntary organisations have limited resources and many calls on their time and expertise.

Evidence and the Public Sector Equality Duty

Often equality evidence is incomplete, contradictory or unavailable. Other sources of information may need to be used to supplement or complement such evidence or, if necessary, fill any gaps. There may be a lack of evidence about the needs and experiences of people from some equality groups, for example concerning religion and belief, sexual orientation or transgender. Seeking the views of experts, equality groups and communities through involvement will often help to provide further evidence.

External sources such as statistics, surveys, research or evaluations from government departments, partner organisations, voluntary sector organisations, equality groups and networks, and academic and professional institutions.

Involving people from protected groups may also give you an idea of how accurate your interpretation is. It will help you to establish whether there are any differences between how you think you are performing and the experience of protected groups.

Appendix B

Sample organisations

Councils x 4

1. East Ayrshire Council
2. City of Edinburgh Council
3. Falkirk Council
4. Clackmannanshire council

Executive Agencies x 2

5. Scottish Prison Service
6. National Records of Scotland

Further and Higher Education x 4

7. Heriot Watt
8. Napier
9. Ayrshire College
10. Edinburgh College

Grant aided schools x 1

11. Donaldsons

Health boards x 3

12. Healthcare Improvement Scotland
13. NHS Lanarkshire
14. NHS Dumfries & Galloway

Police x 1

15. Police Service of Scotland

Transport Partnerships x 1

16. Highlands and Islands

Community justice authority x 1

17. Glasgow

Licensing boards x 1

18. Scottish Borders

Other Bodies x 5

19. Scottish Court Services
20. Skills Development Scotland
21. Care Inspectorate
22. Scottish Enterprise
23. Scottish Qualifications Authority

NB. For the purposes of this analysis joint boards were not included.

Appendix C

What makes an effective Mainstreaming Report?⁷

Race equality checklist⁸

1. **Purpose:** is there a clear understanding of what equality mainstreaming is? Examples of evidence:
 - Demonstrates commitment to, and understanding of, the needs of the general equality duty
 - Tackles institutional discrimination
 - Focuses on organisational change not individual activities or adjustments
 - Accessible and accountable reporting to the wider public
 - Work addresses specific issues for specific protected characteristics (the impact of racism and race discrimination on ethnic minority communities)
2. **Leadership:** is senior leadership on equality visible both internally and externally?
 - Ownership/foreword with personal commitment by CEO/Chair
 - Clear and consistent messages with emphasis on equality e.g. O tolerance policy/ equality & diversity statement
 - Tone of report - e.g. 'everything fine' or 'lots to do'
 - Report written 'because we have to' or 'because we want to'
 - Diversity of governance/equality part of corporate reporting
3. **Outcomes:** have outcomes been prioritised and developed through involvement?
 - Outcomes (and actions) linked to mainstreaming of equality across organisation
 - Outcomes are new/build on rather than duplicate what has been identified/achieved in previous schemes
 - Outcomes rather than objectives or outputs or list of ideas
 - Details of evidence and involvement used to justify
 - Measureable and specific
4. **Evidence:** how is data and information being gathered, disaggregated and analysed across the protected characteristics including race?
 - Details of different types of evidence including qualitative/quantitative and internal employment monitoring
 - Current research includes an equality dimension and any gaps have been identified/ acted on
 - Service users (and non users) have been profiled and matched against current and projected demographics
 - Involvement of equality groups in interpreting evidence
 - Clear link between evidence and outcomes

⁷ This analysis is based on EHRC's non statutory guidance for Scottish public authorities


⁸ Focus is on ethnicity but much of the analysis will be transferable to other protected characteristics

5. **Assessing Impact:** how are equality impact assessments used to help the authority mainstream equality into all of its business (and where can they be found)?
 - Involvement of equality communities to help understand impact (diminishes risk of assumptions being made)
 - Other evidence of informed discussion about possible negative impacts
 - Completion of template is not primary focus; narrative provided
 - Senior level scrutiny role
 - Identification of mitigating actions
6. **Involvement:** is effective⁹ involvement of ethnic minority groups/race equality practitioners used to mainstream equality and eliminate discrimination?
 - Involvement goes beyond consultation and focus groups (which can only gather broad views) and is ongoing
 - Diversity within and between EM groups understood/represented/monitored
 - Equality practitioners involved as part of reviewing/assessing progress
 - Capacity building used to encourage more effective involvement
 - Facilitation to manage conflicting views
7. **Service delivery:** how are the diverse needs of ethnic minority communities/organisations understood and used to develop policy and deliver services?
 - Policies and practice based on evidence
 - Quality assurance mechanisms e.g. inclusive satisfaction surveys
 - Monitoring service user profiles addresses differential access/shows increases in those using services
 - Equality shapes procurement activity
 - Needs of the GED actions are addressed
8. **Workforce:** how is employment information (qualitative and quantitative) gathered and used?
 - Employment data easily accessible e.g. not just number crunching/tables but analysis and how it is being used to better perform the general duty
 - Comprehensive and disaggregated by equality group
 - Targets set and/or positive action used to address trends/under representation/differential access
 - Equality groups involved in helping identify and fill gaps
 - Action plans integrated with mainstreaming and outcomes

⁹ CEMVO Briefing No 2 *Involvement of ethnic minority communities in EQIAs*

9. **Accessibility (and consistency):** is the mainstreaming report accessible to members of the public?
- Meaningful communication
 - Transparent e.g. easy to find on website/title
 - Translated versions/easy read/lack of jargon
 - Length (executive summary or not)
 - Layout e.g. use of highlights/boxes to illustrate good practice/progress
10. **Progress made:** does the mainstreaming report provide clear information on how the authority is making incremental improvements on promoting (race) equality?
- All of the work on equality in one place and easily disaggregated across equality groups
 - Cumulative impact and progress which builds on previous equality schemes
 - Action plan with measureable targets - quantitative and qualitative - to aid accountability to all stakeholders
 - Clarity on next steps





For further information on this/other briefings or our wider mainstreaming programme of support please enquire to:

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