



'PROGRESSING TOGETHER' CONFERENCE



1. Introduction

CEMVO Scotland, as part of its mainstreaming race equality support programme, held a conference in March 2013 at the John McIntyre Conference Centre, University of Edinburgh. The event was planned to coincide with the timeframe on listed authorities in Scotland to publish a mainstreaming report by 30th April 2013 - one of the requirements contained in the Equality Act (Specific Duties) (Scotland) Regulations 2012¹. These mainstreaming reports offer the opportunity to public bodies to present all of their work on equality in one place and to demonstrate accountability and transparency to their staff, stakeholders and service users. They will subsequently be published at intervals of not more than two years.

A guide to 'Mainstreaming' in relation to the public sector duty was published in advance of the deadline by the Equality and Human Rights Commission (EHRC). CEMVO's own Mainstreaming report *'Making it real'*² contains further insights on definitions, challenges faced, tools needed, indicators for success and auditing progress.

'Progressing Together' provided an opportunity for a more interactive approach to support the implementation of mainstreaming. In addition, the event was different from other conferences on equality legislation because it was *community led* and based on direct evidence gathered from the various equality sectors. It was hoped that this insight and experience would help broaden the public sector's understanding of the benefits of community empowerment and participation in their own work programmes.

The aims of 'Progressing Together' were also informed by earlier mainstreaming seminars facilitated by CEMVO where feedback suggested that *'greater recognition [was] needed by public/private sector organisations about the role of specialist services'* and *'specialist (equality) knowledge [was] essential for mainstream organisations' development and therefore needed to remain at the heart of mainstreaming work'*.

Whilst the focus of the conference was on mainstreaming race equality - much of the sharing and discussions on the day transferred across other protected characteristics and addressed issues of multiple identity. It thus presented a new and exciting opportunity to work collaboratively and powerfully with other strategic equality organisations such as Engender, Stonewall and Inclusion Scotland.

Finally it was recognised from the outset that it was also crucial to work in partnership with public sector organisations themselves and hear directly what the current successes and challenges are. We are very grateful to those organisations that worked with us, gave up valuable time to develop the conference approach and also shared their work openly and honestly with participants on the day itself. Our partners ably demonstrated the risks and challenges, but also, hopefully ultimately the advantages of 'progressing together'.

¹ <http://www.scotland.gov.uk/Resource/0038/00389348.doc>

² Full report can be downloaded from CEMVO website www.cemvoscotland.org.uk

2. Opening session: mainstreaming overview

2.1 Gina Netto, Senior Lecturer at Heriot Watt University: *Equality in Employment Practice*



Gina focused on ethnic minorities in the labour market, in particular the relationship between formal (recruitment, progression etc) and informal (patterns of interaction, unsupportive line management, ineffective performance development reviews, stereotyping etc) workplace practices. Current evidence indicates clear differences in ethnic minority communities from the majority population in relation to both employment rates and pay.

Translating this into organisational practice, Gina highlighted the gap between equal opportunities policies and practice on the ground and also the need to address in more depth management mindsets and behaviours. She left the audience with some key messages for both public bodies and Scottish Government:

- Understanding and using positive action measures
- Tackling both visible and hidden disadvantage
- Developing closer links between equality, anti poverty and employability agendas.



2.2 Evelyn Collins, Chief Executive of Equality Commission for Northern Ireland: *Learning from Another Jurisdiction*



Evelyn was asked to share some local experiences in order to highlight good practice as well as offer ideas which could be replicated in Scotland. Whilst the structure of the duties on public bodies in Northern Ireland is somewhat different, requirements remain largely similar, and, as with the Public Sector Equality Duty (PSED), there has been a recent shift in focus from process to outcomes.

The ECNI (unlike the EHRC) carry out annual audits of progress across all public bodies. This allows them to develop a national picture of progress (or the lack of it) as well as identify examples of good practice which are then shared on their website as well as at public events like Progressing Together.

Using EQIA work as an example, Evelyn shared the following learning:

- The Drivers' Vehicle Licensing Agency Northern Ireland carried out an EQIA of their test policies. Consultation found that many women reported feeling uncomfortable taking the test with a male examiner, particularly Muslim women. DVLNI couldn't simply allocate women examiners, so introduced a policy to allow anyone taking the test the right to nominate someone else (relative, friend, instructor) to sit in the back of the car while they were taking the test. 25% of candidates now use this.
- Robust scrutiny also became a useful tool in the EQIA of the Welfare Reform Bill by the Department of Social Development. The Statutory Duty Investigations Committee of the ECNI considered the EQIA and whilst they found some evidence of improved analysis and assessment of impact, they also had concerns about the full extent of compliance. The Commission thus responded to the Department noting that it needed to focus on improving its work in order to ensure that it adequately addresses the equality implications of the Welfare Reform Bill.

2.3 Carol Baxter, Head of Equality, Diversity and Human Rights at NHS Employers England: *Innovative practice in the health sector*



Carol focused on a number of initiatives in the NHS in England which have been addressing the needs of Black and Minority Ethnic (BME) staff:

- **Building the evidence base:** research was carried out by the NHS Leadership Academy in partnership with Bradford University and in response to concerns expressed by a group of NHS Human Resource managers [who were members of NHS Employers' Equality and Diversity Core Reference Group (CRG)] about perceived disproportionate representation of BME staff involved in disciplinary proceedings.
- **The Black and Minority Ethnic Leadership Forum** was founded in 2003 to help ensure that national health services meet the needs of BME communities. It provides members with a strong collective voice and a platform to engage with policymakers and key opinion formers from across the healthcare sector. Its primary purpose is to influence health and social care policy to promote race equality within the NHS.
- **BME Trailblazers' Series:** the profiles of 12 leading BME clinicians and managers have been published and promoted who have blazed a trail, inspiring future generations, and helped to shape and influence developments in clinical and management practice during the last 65 years of the NHS.
- **The Mary Seacole³ Awards** fund specific health care projects that aim to improve the health outcomes of people from black and minority ethnic (BME) communities. Individual health practitioners are given the opportunity to be recognised for outstanding work that benefits the BME community.
- **Ready Now programme** focuses on leaders from different backgrounds (BME, women and clinicians). It provides access to a range of developmental interventions for leaders with the potential and aspiration to reach Director or equivalent roles. Feedback is provided on individual strengths and areas for further development.

Any or all of these programmes could be replicated in Scotland.

³ A Victorian Jamaican/Scottish nurse and business woman - who was a heroine in the Crimean war

2.4 Rowena Arshad, Director of the Centre for Education for Racial Equality In Scotland, University of Edinburgh: *Education as a case study - possibilities and challenges*



Rowena provided insights from another sector - this time education - in order to encourage the audience to consider what might be transferable across other sectors and/or other equality strands.

As a general point, she raised the important issue of the continuing, and worrying, presence of myths and stereotyping in public sector work, for example 'there is no problem here', colour blindness ('we don't see the colour, only the person') and 'race is no longer an issue' (absence of complaints or incidents). Whilst these myths remain unchallenged, the status quo is unlikely to encourage effective mainstreaming of equality work across an organisation's business.

Rowena also highlighted some examples of practice in the higher education sector which do aim to challenge the status quo for example;

- Longitudinal data gathering which extends monitoring beyond 'hard data' to qualitative research to find out why and to take action
- Teaching programme reviews which include questions about equality and diversity plus data about student demographics

She finished with a quote from the Equality Challenge Unit (ECU) Report on Attracting International Students (2012:42)

'Mainstreaming only works if those who have to engage with mainstreaming already understand the issues that need to be embedded. If this is not the case, then mainstreaming has the potential for diluting or losing the issue it is meant to address.'

2.5 Eleanor McKnight, Mainstreaming Officer at CEMVO: Making it real – CEMVO's consultation report



Eleanor spoke to the mainstreaming report provided to all participants called '*Making it Real*'. The findings were based on discussions which took place at 3 seminars facilitated by CEMVO the previous year.

An initial point made was that mainstreaming equality was not necessarily 'new' work on public bodies but rather built on many of the requirements in place since the 1976 Race Relations Act in relation to BME communities and strengthened by both the Scottish Government's (previously Scottish Executive) Equality Strategy 2000 and the Race Relations (Amendment) Act of 2000.

Eleanor also addressed current challenges for the BME sector such as the need to work collectively on key issues, proactively lead some of the policy debates and more regularly question discriminatory practice. She re emphasised the Scottish Government's position on mainstreaming v specialist provision which was that one did not necessarily replace the other and that on the contrary, the retention of specific equality policy and practice was considered essential. This was further supported by the Equal Opportunities Committee of the Scottish Parliament which has expressed concerns about the potential for public bodies to cut funding to equality groups on the 'supposed justification of mainstreaming'⁴.

She finished by asking the audience to 'progress together' in order to prevent the work slipping backwards and stressed the risks of diluting the language (and as a result the work) of equality from that of 'discrimination', 'racism' and 'homophobia' to that of 'inequality' and 'unfairness'. Public bodies should not be expected to bring about change in isolation since equality could not be separated from wider debates of societal and structural discrimination. However good intentions on their own are rarely enough and the final question was left to the regulators: '*If it is not measured, will it change?*'

⁴ 1st Report 2011 (Session 4): Summary Report on the Scottish Government's Draft Budget 2012-13 and Spending Review 2011, paragraph 44

3 Workshops and Action Planning

Recognising that events such as this can have limited impact, with people enthused on the day itself but then finding that their 'day jobs' took over once more, CEMVO made an early decision not to produce a detailed report with a series of (yet more) recommendations but rather to attempt a more action orientated event.

Workshops were therefore designed to be interactive and each had one clear objective: to **agree 4 key Actions for 4 key audiences:** Scottish Government, regulators (including EHRC), public bodies and equality organisations. These actions would subsequently be shared with each sector by CEMVO and would be followed up over a twelve month period to evaluate implementation and/or progress.

Planning members acknowledged that this was an ambitious objective given the limited timeframe i.e. two x one hour workshops. A decision was taken that In order to drive and focus discussions as much as possible, the panel members below would agree on initial draft actions which could be presented to each workshop as a starting point. These would then be revised, amended and added to through discussion and debate in order to come up with a final agreed set of actions presented at the summary session. [In practice, there was still insufficient time allocated for this part of the day].

Panel members:

Workshop 1 on Outcomes:

Engender, Skills Development Scotland, Coalition for Racial Equality and Rights and CEMVO

Workshop 2 on Equality Impact Assessments:

Scottish Court Service, Inclusion Scotland, Midlothian Council

Workshop 3 on Employment Data and Equal Pay:

Close the Gap, Her Majesty's Inspectorate of Constabulary for Scotland (HMICS), Black Leadership Network

Workshop 4 on Mainstreaming:

Stonewall, Care Inspectorate, Napier University and West of Scotland Regional Equality Council



Actions agreed and proposed⁵ for the following 4 groups:

EHRC/Regulators

1. Provide enhanced evidence,⁶ guidance and easily accessible examples of best practice on the implementation of the general and specific duties
2. Produce a standard template - in partnership with Scottish Government - for consistent gathering, analysing and reporting on employment data
3. Hold organisations to account which are not fully complying - with the possibility of enforced penalties
4. Regulators to complement limited resources within EHRC by working with Scottish Government and national equality bodies to publish robust progress reports on public bodies

Scottish Government

1. Provide appropriate leadership and support to EHRC/regulators to develop their infrastructure to enforce public sector duties
2. Set out ministerial priorities which are less about processes and more about building a robust evidence base
3. Publish a detailed audit of progress across the public sector which demonstrates effective community involvement
4. Ensure resources and support are available to equality groups to become effective and regular partners in mainstreaming work (quality assurance, review of progress and suggestions for improvements)

⁵ It is hoped that the actions identified accurately reflect overall discussions and agreements whilst they cannot represent all of the individual views expressed

⁶ Specific reference was made to the benefits of extending across other protected characteristics research such as 'Sex and Power' 2011 Scotland which highlighted the continued under representation of women in senior public and private appointments.

Public Bodies

1. Create a consistent sectoral approach by working together to benchmark current position based on robust evidence and which clearly identifies gaps/priorities for change
2. Demonstrate how equality groups and communities are involved in helping build understanding of the impact of policy proposals and also in reviewing and revising EQIAs
3. Set a specific employment outcome(s) with measurable targets which addresses identified gaps including lack of data (regardless of what would appear to be insignificantly low numbers)
4. Performance management processes to include quality assurance of processes and processes through random sampling of service user experience in order to help evaluate progress

Equality Organisations

1. Build internal capacity to both offer practical advice to public bodies (recognising that EHRC has limited resources) as well as proactively raise concerns and challenges with service providers when appropriate
2. Consider a collective third sector pan equality support service for the public sector
3. Build further evidence/research of people's lived experiences of discrimination and exclusion in order to feed into regulators/Scottish Government's reporting of progress
4. National organisations to carry out community led monitoring, review and/or analysis of public bodies' performances against the duties

4 Summary Session

The afternoon session was chaired by Rowena Arshad along with a panel of representatives from CEMVO, CRER, Engender, Stonewall, Inclusion Scotland and Close the Gap. Details of all these organisations can be found at Appendix A.

Alex Neil, Cabinet Secretary for Health and Wellbeing was the keynote speaker for this session.

His speech started with acknowledgement of the importance of joint working as it allowed people to share experiences and gave communities a say in how policy is developed and delivered. Further points were made to effect that:

- The public sector has a vital role to play in addressing the barriers, prejudice and discrimination that many people continue to face
- Scottish Government is working to enhance their data to ensure they have good quality evidence on which to base future actions. It has also set equality outcomes for employment and for public appointments to ensure that both within the Scottish Government and across the public bodies, they are representative of all of Scotland's communities
- Youth employment is a priority but it has been recently recognised that young BME people often face additional barriers to work. Following consultation, a need has been identified to give positive action a higher profile in the Youth Employment strategy
- The Scottish Government remains committed to supporting new businesses and recognises that the Just Enterprise programme requires continued focus on equality communities
- Recent evidence from the Department of Work and Pensions Equality Impact Assessments suggests that the position of women, disabled people and ethnic minorities will be weakened by these reforms. Whilst Scottish Government is constrained due to reserved policy, they will be considering how to mitigate any negative impact across Scotland.

The Minister concluded by stating that ***'Our success as a nation depends on building a society in which all of our people achieve, regardless of their background, and where the barriers to participation and opportunity are removed; and where all of our people are treated fairly and have the opportunity to fulfill their potential. We are committed to tackling prejudice and discrimination across Scotland and to challenging the systems, behaviours and attitudes that cause and sustain them'***.

5. Evaluations

Participants were asked to complete evaluation forms on the day. Approximately 50% were returned. Feedback indicated that it was a very mixed audience ranging from those who were already familiar with the issues to those for whom mainstreaming was a very new concept. This naturally made it difficult to reach agreement on either appropriate content or delivery - as highlighted by just a few examples of the comments received:

- *Public sector inputs at workshops very useful ... but for others, workshops rather negative*
- *Very constructive inputs from speakers from other parts of the UK ... and for others, speakers from Scottish Government and EHRC Scotland would have been useful'*
- *Workshops very well structured ... but some felt stronger facilitation needed*
- *Very long but very stimulating day ... was also interpreted as information overload*

Learning points shared included:

- *Shift the focus from writing policies to making a difference*
- *Ensure we leave a legacy of equality work (if dedicated posts are cut)*
- *'Ways forward' presented by speakers*
- *Good practice of collaboration and emphasis on multiple identities*
- *Practical examples of engagement*
- *Good practice in carrying out EQIAs*
- *Realistic examples of what progress may look like*

CEMVO will take into account in particular the identified gap to include reference to human rights (and how this complements equality).

Did the event inspire and encourage? We end with a few final comments about 'Progressing Together':

- *Wonderful and interesting day*
- *Excellent campaign*
- *It has helped me to 'take heart'*
- *More of these events please*

⁷ It is hoped that the actions identified accurately reflect overall discussions and agreements whilst they cannot represent all of the individual views expressed

6. Where to from here?

Following the conference, the actions have been published in this short report and circulated to all participants (as well as CEOs of listed authorities). Between April and June 2013 initial meetings have taken place with both EHRC and Scottish Government to discuss the relevant actions in more depth and these will be further built upon to monitor progress.

CEMVO will also produce a further Briefing on Mainstreaming based on an analysis of a sample of the public sector's mainstreaming reports in order to identify common themes and weaknesses as well as highlight good practice where identified. It is anticipated that the findings will be shared at a second mainstreaming conference in 12-18 months' time, hopefully again in partnership with other national equality organisations which also intend to monitor and analyse progress against the specific duties.

Progress across equality organisations (refer to Actions on page 11)

- Within the same timeframe (April - June) a number of national equality organisations have taken part in two meetings facilitated by the EHRC in order to share information and progress against one of the key Actions identified - that of carrying out community led reviews and analyses of public bodies' performance. These will be used to supplement the formal EHRC review and are likely to take a more qualitative approach.
- A number of equality organisations have also been meeting to consider the potential of taking forward a second Action point - the idea of a collective or consortium approach; which could include support to the public sector.
- A number of BME organisations, including CEMVO are continuing to build capacity across the sector, for example community involvement in EQIAs and awareness of individual rights under the equality legislation.

Finally, CEMVO's mainstreaming programme will continue for a further two years in order to offer support to individual organisations, including in areas such as workforce, community involvement/ service user experience and reviewing impact. Further information on this specific programme of work can be found on the CEMVO Scotland website at www.cemvoscotland.org.uk.



Appendix A

Voluntary Sector Partners

Close the Gap

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Glasgow, G3 6NG
Telephone: 0141 337 8110
Email: info@closethegap.org.uk

Coalition for Racial Equality and Rights (CRER)

78 Carlton Place
Glasgow G5 9TH
Telephone: 0141 418 6530
Email: info@crer.org.uk

Engender


1a Haddington Place
Edinburgh EH7 4AE
Telephone: 0131 558 9596
Email: info@engender.org.uk

Inclusion Scotland

Unit 111
Pentagon Centre
36-38 Washington Street
Glasgow G3 8AZ
Telephone: 0141 221 7589
Email: info@inclusionscotland.org

Stonewall

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

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