

SATA

Scottish Accessible Transport Alliance

Scottish Charity No SC027600

Consultation on Public Sector Equality Duty Specific Duties (Scottish Government 2009)

Consultation questions and answers

Q1 Do you think it would be helpful to have in place specific duties on public authorities to assist in the delivery of the Equality Duty?

A1 Yes, to continue existing duties and include others

Coverage

Q2 Do you think that the criteria set out at paragraph 4.4 are the right criteria for considering whether a public authority should be the subject of the new specific duties?

A2 Yes, with the onus on organisations to show why they should not be covered

Q3 Do you think the new specific duties should be imposed on all Scottish public authorities which are subject to the general duty, provided it is reasonable and practical for them to fulfil the requirements?

A3 Yes, and as inclusive as possible. Public sector bodies should be required to designate the office holder(s) responsible for implementing the duties.

Fitting with the electoral cycle

Q4 Is it appropriate to link the new public sector equality sector duty specific duties to either the Scottish or local government electoral cycle?

A4 Yes, to the national electoral cycle in view of the important role of the Scottish Government and Scottish Ministers.

Delivering on mainstream

Q5 Should public authorities be encouraged to mainstream equality, with reference to all the protected characteristics across their services and functions?

A5 Yes

Q6 How might public authorities demonstrate they are mainstreaming equality in relation to all the protected characteristics? For example, through reporting on progress.

A6 By producing clear evidence in their reports.

Setting equality objectives

Q7 With reference to the relevant evidence and to wider public authority general Equality Duty obligations, do you think that setting equality objectives would help public authorities to focus their response to the general duty? Should equality objective setting cover all protected characteristics, or not?

A7 Yes, equality objective setting is vital if outcomes are to be established and should cover all protected characteristics.

Q8 Do you think that equality objective setting should be linked to the corporate and/or business planning mechanisms of public authorities?

A8 Yes

Q9 How do you think public authority equality objectives should be publicised? Please provide suggestions.

A9 They should be included in all reports together with the outcomes and these must be widely available.

Q10 Do you think that public authorities should be required to review their objectives every 4 years in order to fit in with the electoral cycles of Scottish or local government?

A10 Yes, but progress on achieving them should be reported on annually.

Reporting on progress

Q11 Do you think that public authorities should report on progress?

A11 Yes, definitely and see previous answer and A3.

Q12 How frequently should public authorities be required to report on progress? Please provide suggestions.

A12 Annually.

Q13 Should reporting on progress be linked to existing processes such as business planning?

A13 Yes

Q14 Do you think the Government should prescribe in legislation how Scottish public authorities should report?

A14 Yes in terms of frequency. Guidance should be provided on form and content to obtain some uniformity and consistency.

Employment reporting

Q15 The current gender specific duties require public authorities, with 150 or more employees, to publish an equality statement. Do you think this requirement should continue in the new specific duties?

A15 Yes but this number of employees should be a guide only and should not be rigid, the government having powers to require publication when thought necessary.

Q16 Do you think there would be value in public authorities with 150 or more employees reporting on their gender gap?

A16 See A15

Q17 If the gender gap is reported on, what method do you think should be used to calculate the gender pay gap?

A17 Don't know

Q18 Do you think that public authorities with 150 or more employees should be required to include information on the concentration of women and men in particular grades and in particular occupations (occupational segregation)?

A18 Yes but see A15 and should cover all protected characteristics.

Q19 Do you think it would help public authorities to monitor progress on equality and be more transparent if they were required to publish their ethnic minority employment rate and disability employment rate?

A19 Yes

Q20 Should public authorities be asked to outline how they intend to gather information on employment rates for the other characteristics protected under the new Equality Duty?

A20 Yes

Q21 How frequently should public authorities be required to publish information on the gender pay gap, their ethnic minority employment rate and their disability employment rate?

A21 Annually

Q22 Should reporting on employment information be linked to other aspects of reporting progress on equality, such as reporting on equality objectives?

A22 Yes. Public bodies supplying education and training should also be included as feeders to employment.

Demonstrating the impact

Q23 Do you think public authorities should be required to demonstrate how they have considered the impact of equality on their policies and services?

A23 Yes. But cuts in public spending may affect their ability to comply with the duties.

Q24 Do you think a public authority should only be required to demonstrate equality impact assessment of key policies and services?

A24 No. This is too vague and what is regarded as 'key' to the authority may not be so regarded by the consumer. All policies and services should therefore be included unless a reason not to include them is established and this can be challenged.

Q25 What information should a public authority be asked to provide or publish to demonstrate that consideration has been given to the impact on equality of key proposals, policies and services? Please provide your suggestions.

A25 They should be asked to indicate in their reports where there has been an impact assessment both at the proposal stage and after policies are decided. Their progress reports will then indicate the outcomes and their impact based on evidence.

Q26 Should public authorities be required to take action in response to issues identified through impact assessment?

A26 Yes. Guidance is needed on how conflicts between different equality strands can be resolved - a purpose clause in the Equality Bill might help resolve them. However the present ability to treat disabled people more favourably must not be lost.

Involvement and consultation

Q27 Do you think public authorities should have a specific duty, when setting out their equality objectives, to take reasonable steps to involve and consult employees, service users and other relevant groups - or where appropriate their representatives - who have an interest in how the authority carries out its functions?

A27 Yes, definitely. They should set out their policy for involvement and consultation so that this is transparent and can be monitored by consultees. Guidance should be made available on methods of involvement and consultation, particularly in respect of groups where additional communication methods may be required. Practical measures for capacity building amongst consultees should also be taken including financial assistance.

Procurement

Q28 Do you think that imposing specific equality duties on contracting authorities in relation to their public procurement activities are needed, or are the best way to help deliver equality objectives? Do you think such an approach should be pursued at this time?

Q28 Yes, and very necessary in the transport industry

Q29 Do you think the contracting authorities should be required to state how they will ensure equality factors are considered as part of their procurement activities to help contribute to the delivery of those objectives?

A29 Yes

Q30 Do you think that contracting authorities should be required to consider using proportionate equality-related award criteria where they relate to the subject matter AND performance of the contract?

A30 Yes

Q31 What would be the impact of a regulatory proposal aimed at dealing with suppliers who have breached discrimination law? What might be the benefits, costs and risks?

A31 Don't know. Not able to answer this question with a yes or no.

Leadership by Scottish Ministers

Q32 What do you consider to be the role of Scottish Ministers in providing leadership on equality?

A32 Vital, especially within their own government departments.

Q33 Should Scottish Ministers set equality priorities for the public sector in Scotland, determined jointly with local government in the spirit of the Concordat?

A33 Yes

Q34 Do you think Scottish Ministers' equality priorities should be based on evidence and be informed by reasonable and proportionate involvement of stakeholders and equality interests?

A34 Yes

Q35 Should Scottish Ministers set their equality priorities at the end of the year in which the Government is elected and report on these within the electoral cycle?

A35 Yes

Documentation

Q36 What documentation do you think should be required of public authorities to publicise their equality objectives?

A36 Reports in a variety of formats and languages but also with a summary for easy access.

Q37 Do you think that the mechanism(s) - whether through a Scheme or otherwise - for public authorities to publicise their equality objectives and report on progress should be left to each individual authority?

A38 Yes but in accordance with guidelines on content so that there is a degree of uniformity as a basis for comparison over time and between authorities. There should be sections on each of the protected characteristics including disability.

Enforcement

Q38 What role should bodies with a scrutiny and improvement function in Scotland play in monitoring and improving the extent to which Scottish public authorities advance and promote equality, foster good relations between different communities and groups, and take steps to prevent unlawful discrimination?

A38 They have a vital role which should be well publicised to allow public accessibility.

Q39 Should that role be set out in specific duties placed on public bodies with a scrutiny and improvement function? If so, which bodies? What would you see as the costs and benefits of such an approach? Are there any risks associated?

A39 Yes. Scrutiny bodies must also be subject to the same requirements as other public authorities.

Drafted 8th December 2009

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