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Equalities and Human Rights Committee
Comataidh Co-ionnanachd agus Còraichean Daonna

Race Equality, Employment and Skills: Making Progress?

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Contents

Membership changes 1
Foreword 2
Introduction 4
Institutional racism 8
Racism and discrimination in the workplace 12
Reporting racism and discrimination 12
Equality and diversity training 13
Recruitment, retention and progression 16
Recruitment 17
Data collection and analysis 19
The ethnicity pay gap 22
Positive action 25
Over-consultation 29
Covid-19 and minority ethnic employees 31
Accountability 33
Overall conclusion 35
Annex A - Oral and Written Evidence 36
Annex B - List of Public Authorities 38

Equalities and Human Rights Committee

To consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament (and any additional matter added under Rule 6.1.5A). In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.
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Membership changes

The following membership changes took place during the inquiry**:**

- Maurice Golden MSP replaced Oliver Mundell MSP (25 February 2020)
- Alison Harris MSP replaced Annie Wells MSP (25 February 2020)
- Alexander Stewart MSP replaced Maurice Golden MSP (20 August 2020)
- Gillian Martin MSP replaced Angela Constance MSP (1 September 2020)

Foreword

Source: The Scottish Parliament

Over the last two decades there has been numerous Parliamentary committee reports, academic research, a Government Race Equality Framework supported by an Action Plan, all aimed at tackling institutional racism and improving equality for minority ethnic people.

Certainly, there has been some progress, but the Committee's evidence shows that progress has either been slow, stalled, or in the case of the ethnicity employment gap gone backwards.

Public authorities employ 20.7% of the workforce in Scotland. As publicly funded organisations, it's reasonable that we should expect these organisations to demonstrate the highest employment practice and standards.

Many deliver services such as health care, education, or protect us and so quite rightly these organisations should be reflective of the diverse communities they serve.

Scotland has an opportunity to tackle institutional racism, but we must first accept that it exists, whether it's explicit or indirect. Public authorities should be role models for other employers, but to do this they need strong leadership and to make employment of minority ethnic people a priority in their organisation. Chief Executives should be creating a culture where progress can flourish and diversity is valued for the benefits it brings.

We are unanimously of the view that, despite all the mechanisms or tools at the disposal of public authorities, including their responsibilities under the Public Sector Equality Duty (and the Scottish specific duties), the ethnicity employment gap remains unacceptable. We are also clear more needs to be done to reduce the ethnicity pay gap and occupational segregation.

It is our conclusion that Chief Executives and senior leaders within public authorities *must* demonstrate leadership in this area. It is two decades past the time for acknowledging there is work to do. Now is the time for concerted, definitive action to be taken.

We sincerely hope that our successor committee will not have to revisit this subject, unless it is to reflect on the result of positive action, accountability, and eradication of institutional racism.

Ruth Maguire MSP

Convener, Equalities and Human Rights Committee

Introduction

Quote from Professor Nasar Meer, the University of Edinburgh

"National and local government, public bodies and other duty bearers need to overcome a reticence to speak candidly about institutional racism: unless public bodies are comfortable with the fact that things may not look good in the short term, meaningful progress will be harder to achieve"

Nasar Meer, Professor of Race, Identity and Citizenship in the School of Social and Political Sciences at the University of Edinburgh, and lead author of 'Taking Stock – Race Equality in Scotland'

Source: The University of Edinburgh

1. The Committee acknowledges that the terminology used in this report to discuss race and ethnicity reflects the different terms used by the Committee, witnesses giving evidence, and the written evidence received. It also recognises that terminology used may differ from the way in which some individuals choose to define themselves.

2. The Committee held an informal breakfast meeting with minority ethnic communities organisations on 21 November 2019 to discuss race equality in Scotland following publication of the year 1 progress update for the Scottish Government's Race Equality Action Plan, which was published on 28 June 2019.

3. After this, the Committee held two formal evidence sessions on 21 and 28 November 2019, where the Committee heard from representative communities organisations, academics and the Scottish Government about how race equality in Scotland and the Race Equality Framework Scotland 2016 to 2030 are being delivered through the Race Equality Action Plan.

4. At its meeting on 19 December 2019, the Committee agreed to undertake an inquiry into 'race equality, employment and skills' because:

   - Outcomes for minority ethnic communities have not improved over the past two decades
   - Employment is key to addressing the issues of housing, health, education, poverty and participation in public life.

5. The Committee is also aware the former Equal Opportunities Committee had conducted an inquiry into race, ethnicity and employment: Removing Barriers: race,

ethnicity and employment (28 January 2016) in the last Parliamentary session, which is referenced in the Scottish Government's Race Equality Framework Scotland. It is frustrating to the Committee, that successive reports are required to hold focus on an issue that should be at the forefront of public sector employers' strategic plans.

6. On 14 February 2020, the Committee launched a call for views on its inquiry. The remit for the inquiry was—

> "To look at what positive actions public authorities have taken to improve employment practice towards minority ethnic communities in response to the Race Equality Framework 2016-2030, and what more can be done to deliver further progress."

7. As well as this open call for views, the Committee wrote to public authorities on 2 March and again on 14 August 2020. A list of public authorities written to is provided at Annex B. The Committee received responses from 45 public authorities, including:

- 19 local authorities
- 7 health boards
- 19 other public authorities, including the Scottish Government and the Scottish Parliament.

8. The Committee's Outreach Service conducted engagement calls with representative groups and third sector organisations in July 2020. Notes of those calls are published on the Committee's webpage . The Committee also held oral evidence sessions throughout September 2020. Minutes are available at Annex A.

9. A summary of written evidence has been published on the Committee's webpage. The Committee is grateful to all those who took part in the engagement work, responded to its call for views, and to the public authorities that responded to the Committee's letter.

10. CRER's submission resonated with what the Committee had heard during the 2019 evidence sessions—

> ...unless and until institutional racial discrimination is named and its role in employment inequalities recognised we will never begin to address the problem. [1]

11. CRER also urged the Committee to ensure that the findings of the inquiry—

> ...do not become another item on a list of well-intentioned publications that do not tackle the persistent and significant issue of racism in employment. [2]

12. The evidence is undeniable. It is quite clear to the Committee the issue does not lie with minority ethnic communities. The statistics demonstrate the need for concentrated action now, as sadly the Committee notes that progress has either been slow, stalled, or in the case of the ethnicity employment gap gone backwards:

- **Employment gap:** In 2017 the ethnicity employment rate gap was 14.4% [3] ,in 2019 this figure had risen to 16.4. [4] For BAME women, the employment rate is 20% lower than for white women. [5]
- **Pay gap:** On average BAME employees are paid 10% less than their white counterparts. [6]
- **Apprenticeships:** In 2019-20, 2.3% minority ethnic young people participated. Previously, 2.1% in 2017-18 [7]
- **Experience of racism:** For BME women in the private sector, 72% experienced discrimination, while it was 86% in the public sector. [8]
- **Educational attainment:** In 2017/18, school leavers who identified their ethnicity as Asian - Chinese had the highest levels of attainment with 90.3 per cent of leavers achieving one or more passes at SCQF Level 6 or better, far higher than the percentage for leavers with an ethnicity of White-Scottish (61.3 per cent achieving this level). [9]

13. This inquiry intentionally puts the spotlight on public authorities. Public authorities are health boards, local authorities and other organisations like the Scottish Government and the Scottish Parliament. They employ 20.7% [10] of the workforce in Scotland and it is generally accepted that for public services to be effective and relevant for all communities in Scotland, the public sector workforce should reflect the community it serves.

14. Also, the Scotland Act 1998 gives the Scottish Parliament power to encourage equal opportunities (particularly observing equal opportunity requirements). Furthermore, it has the power to impose duties on Scottish public authorities and cross-border public bodies operating in Scotland.

15. While all public authorities are subject to the general Public Sector Equality Duty (PSED), only listed ones are subject to the Scottish specific PSED. All listed public authorities must collect and publish data on the ethnicity of employees. This is where the Committee is concentrating its efforts currently, although it is noted that, from 2021 onwards more public authorities will be due to report on their policy of equal pay in terms of race (those between 20 and 150 staff), so it is hoped all Scottish public authorities can make positive changes. The next publication date for public authorities is 2021. [11]

16. The Committee is grateful to the human resources officers and other officials who gave evidence, but this issue demands a response from those who lead their organisations, those with the power to create culture change. It is extremely disappointing that many Chief Executives declined the Committee's invitation to attend.

17. Unquestionably, leaders of public authorities must be held accountable for their organisations' record on employment of minority ethnic people.

18. The Committee does appreciate the leaders that did take their responsibility seriously and shared their experiences with us. It shows they are prepared to make

a difference, to reflect on the evidence, and make the necessary changes in their organisations and crucially to make the employment of minority ethnic people a priority.

19. This is the Committee's starting point. Action is needed now for Scotland to become a genuinely equal society. What follows in this report serves to reinforce the point that action must be prioritised by public authorities.

20. **The Committee intends to send this report to every public authority it initially wrote to. The Committee asks each public authority to provide a commitment to the Committee to take a minimum of three new actions to address their organisation's specific issues along with associated timescales and reasons for those timescales. Public authorities must show strong leadership and demonstrate a dedication to addressing decades of damage. As Inclusion Scotland said, it is about "employer-ability", not "employ-ability".**

Institutional racism

21. There was concern expressed by minority ethnic organisations and equality groups that the existence of institutional racism had been minimised over the years.

Silence Chihuri, CEO, Fair Justice System for Scotland Group

Source: The Scottish Parliament

22. Silence Chihuri, CEO (Fair Justice System for Scotland Group) said—

> Institutional racism was brought to the fore for the first time through the report of the inquiry into the murder of Stephen Lawrence. That was when it was first highlighted as an existing problem, but it is more than 20 years since then. Over the years, attempts have been made to dilute that finding, to dispel institutional racism as a myth, and to say that it does not exist. [12]

23. The Committee asked public authorities what role institutional racism plays within their organisations in relation to employment opportunities; how, or if, it is recognised, and what measures they have in place to combat it.

24. Throughout its evidence sessions, the Committee sensed among public authorities either a lack of understanding of racism or a reluctance to acknowledge institutional racism.

25. Agnieszka Davren, Head of Human Resources (SQA) considered the Committee's question about institutional racism as "emotionally charged". She did not think any organisation would "like to admit that there is institutional racism within it" but accepted that "institutional racism is connected to unconscious bias and decision making. From that point of view, as a society, we definitely have a journey still to go". [13]

26. Whereas, Mélina Valdelievre, Equalities Advisory Group (NASUWT), a teacher with a minority ethnic background, described what institutional racism means to her. She said it is "the collective failure to support the needs of BME workers, whether in retaining them or supporting them in promotion opportunities, or when they face discrimination in the workplace". [14]

27. Figures demonstrating the impact of institutional racism on women were shared by Close the Gap, in its "Still not visible" report – 72% of respondents had experienced bias; 47% in the application process, and 41% overlooked for progression. Ruth Boyle emphasised that this "demonstrates unwillingness of organisations to address negative numbers". [15]

28. Stuart Oliver, Senior Manager, Economic Development and Communities (Stirling Council) queried whether the problem of institutional racism exists, or if it was more an issue of management of data—

> Before pointing to institutional racism, we need better interrogation of the data and records of recruitment to understand the reasons why people fall down in an interview or do not get through. [...] Good and robust interrogation of the story so far on some of those policies and procedures would perhaps help to shed light on whether institutional racism is, in fact, happening in public bodies. [16]

29. The Committee heard from other witnesses who said that they "do not recognise institutional racism" within their organisations (e.g. NHS Grampian [17] , VisitScotland [18] , Highland Council [19] , NatureScot [20]). This was for a variety of reasons such as it being a "societal problem".

30. Others, however, did acknowledge it as a serious issue and outlined steps they are taking to address it.

31. Carolyn Anderson, Director of Human Resources (Skills Development Scotland (SDS)) said that "it definitely needs a fresh look". She referred to a PhD internship commissioned prior to lockdown. She explained—

> That work involved connecting with some of our BME colleagues, and one of the key findings was that those individuals did not feel that they had a strong or effective voice and did not feel comfortable, which points back to that issue of psychological safety. They also felt that they did not have the same opportunity to progress in work. The feedback on working in the organisation was positive, but there were issues with that progression aspect. They might be polite and say that that is not institutional racism, but there are issues there. [21]

32. Elaine Lorimer, Chief Executive (Revenue Scotland) said that she takes a personal responsibility on this issue—

> [...] I would say that I have no specific evidence that there is racism in my organisation but, when I look at the diversity of my workforce, it causes me concern because I do not have staff at senior levels yet in our organisation or at board level who are representative of minority ethnic groups. [22]

33. Sarah Leslie, HR Director (NHS Ayrshire and Arran) reflected that they "absolutely have a role to play in the response to institutional racism" and outlined some of the work the board has been taking forward—

> We are engaging with the headteachers of our three councils and are trying to break perceptions about working in the NHS. [...] From our stats, probably about 14 per cent of people who apply for medical and dental roles are BME, which is really good. However, our throughput in others grades of post could be much better. We have a role in support, and we have to look at that through our partner agencies. We have to set the right culture and tone, which is that the organisation does not tolerate any form of racism or discrimination. [23]

34. Close the Gap referred to Career Information and Advice Guidance (CIAG), which the Race Equality Framework recommends is used to tackle occupational segregation in relation to race. Close the Gap stated that Skills Development Scotland's CIAG Equalities Action Plan (2019) highlights that discrimination is the main explanation for the educational achievements of BME people not being reflected in labour market outcomes. However, they noted "actions relating to ethnic minorities are firmly focused on supply-side initiatives, such as sharing information with migrants, refugees and asylum seekers and promoting CIAG services to BME people". [24]

35. The Scottish Government wrote—

> Tackling structural racism is the core ambition of the Race Recruitment and Retention Plan we will publish in 2020. It will take an anti-racist approach and focus on redressing imbalances of power, taking action to build an understanding of and then dismantle the systems, structures and thinking that perpetuate structural racism. [25]

36. Jamie Hepburn MSP, Minister for Business, Fair Work and Skills (the Minister) indicated that institutional racism will be factored in to the development of the employment toolkit being developed by the Scottish Government for employers. He stated—

> The terminology makes many people uncomfortable—understandably so, because, at its worst, institutional racism is overt discrimination and overt racism. However, my understanding of the term is that it encompasses much more than that and includes unconscious bias and the systemic barriers that might be put in place in any institution. Whether we like or not, we can see institutional racism through the outcomes in our society. In relation to your inquiry into labour market outcomes, there has to be some form of institutional racism, as defined as I have laid out. Whether or not we use the term "institutional racism" overtly in the toolkit that we develop…we certainly need to be looking at the issue through that prism. […] I think that most employers want to do the right thing; it is just that they are not always sure how to go about doing it. The purpose of the toolkit is to work with people so that, collectively, all elements of our society, such as employers, make sure that there is fairness for all our citizens—in this case, for minority ethnic people in the labour market. [26]

37. The Committee understands public authority employers may have different perceptions of what institutional racism means, but they must not forget the impact

their understanding has had, and is having, on minority ethnic people when applying for jobs, attending interviews, or as a work colleague.

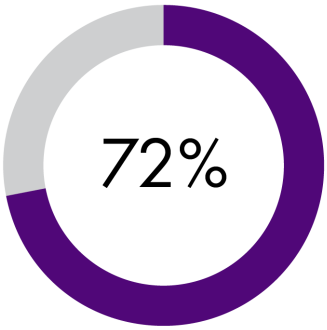
38. Institutional racism, whether overt or indirect, exists. It's an issue in Scotland for all employers which must be addressed. The Committee believes if institutional racism is not recognised or is shrugged off as a societal issue, then public authorities will be, by default, part of the problem.

39. **The Committee recommends those in public authority leadership positions undertake an assessment of their organisation's understanding of racism and the structural barriers that may exist within their organisations. Public authorities should integrate their ambitions into their next strategic plan. Their strategic goal should be underpinned by specific outcomes and supported by timely monitoring. Public authorities should be transparent about their targets and their progress in delivering their outcomes.**

Racism and discrimination in the workplace

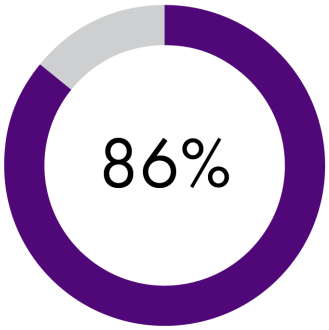
Experiences of racism for BME women:

In the **private sector**:



have experienced discrimination

In the **public sector**:



have experienced discrimination

Source: Close the Gap, Written Evidence

Reporting racism and discrimination

40. In tackling racism in the workplace, the Committee heard about the impact of frontline workers.

41. Nigel Firth, Equalities and Diversity Manager (NHS Grampian) said the intention of the equality and diversity training is to address racism which is an "exceptionally corrosive and destructive force", he did however consider incidents could be underreported. He gave an example of a patient making racist comments to a clinician, but the clinician deals with it and does not report it. [27]

42. Assistant Chief Constable Ritchie (Police Scotland) talked about the broader issue of racism, saying it was of particular significance for Police Scotland because, "we get our legitimacy from our consent from the public, so our engagement and our relationship with the public are fundamental to our operating successfully". [28] In relation to recording hate crime experienced by officers, he said—

> As an organisation, we have a zero-tolerance approach to hate crime, as you know. That includes any hate that is directed towards our officers, who are disciplined at ensuring that, if they experience such behaviour from anyone when they are undertaking their duties, it is recorded as a hate incident or, indeed, as a hate crime, if it merits it. [29]

43. Police Scotland were asked whether levels of racial hate crimes had increased against its officers. Assistant Chief Constable Ritchie advised "No. We have seen an increase in hate crime in some areas, but nothing disproportionately affecting police officers". [30]

44. Sarah Leslie advised NHS Ayrshire and Arran had been running a series of webinars during hate crime awareness week to "draw attention to the importance of the issue, to the fact that there is a zero tolerance approach to racism and to the fact that, as a board, we view diversity as a rich opportunity". [31]

Equality and diversity training

45. Responses from several individuals (anonymous, via Citizen Space) suggest that while they think that employers might be meeting their legal duties, by having policies in place to address race discrimination in the workplace, the reality feels very different. For example—

> Most employers think that by having a policy that covers them, what is often missing is the training to underpin the policy. Employees need to feel they can call out unacceptable behaviour and that they will be supported if they do this. Senior managers and those in positions of authority must lead this. [32]

> Employers can make individuals who raise concerns over racism feel as if they are a nuisance. Discrimination is often not acknowledged and if you raise concerns life is often made difficult for you by management. [33]

46. Almost three-quarters of respondents to Close the Gap's research on the labour market experience of BME women in Scotland (2019) reported they had experienced racism, discrimination, racial prejudice and/or bias in the workplace. [34]

47. One of the ways in which racism and discrimination can be tackled in the workplace is through staff training.

48. In relation to the effectiveness of equality and diversity training, Nigel Firth, (NHS Grampian) said "We are only as good as our weakest link. We must have layer after layer of people who know what is acceptable and what is not". [35]

49. Tick-box, tokenistic, piecemeal and ad hoc, were however, just some of the descriptions the Committee heard describing equality and diversity training across public authorities.

50. Equality and Human Rights Commission Scotland said that research on 'unconscious bias' training published in 2018 found a mixed picture. "Although it can raise awareness of bias and even reduce implicit bias, it is unlikely to eliminate it and is not usually designed to deal with explicit bias. The evidence of behaviour change is limited, and there is a risk of a 'back-firing' effect". [36]

51. Close the Gap criticised the use of unconscious bias training as tokenistic, suggesting that it can "mask underlying negative attitudes towards people from ethnic minority backgrounds". It said employers need to show strong leadership to change workplace culture, and "this must include ensuring robust practice on reporting incidents of racism, harassment and discrimination". [37] Ruth Boyle added—

> Unconscious bias training often lumps together the nine protected characteristics, and we see little evidence of differentiation or an understanding of the causes and experience of inequality. [38]

52. Some organisations were using unconscious bias training. The Law Society of Scotland said—

> The participants in the 'Profile of the Profession' survey identified unconscious bias training particularly for leaders in organisation and those involved in recruitment as a positive step. We are aware of criticism of unconscious bias training leading to a feeling in organisations that the issue has been resolved simply because individuals undertook a course. We would recommend following up unconscious bias training with additional support on an ongoing basis. [39]

53. Other issues raised around training were who should be trained and how that training is undertaken.

54. Dave Black, General Manager (Grampian Regional Equality Council (GREC)) expressed concerns that “people who should be trained on equality issues are not being trained” and that there needs to be a minimum standard, which should be set within a wider cultural change and not as a standalone issue. [40]

55. Jude Helliker, Director of People & Development (Police Scotland) stated that all Police Scotland staff and officers undertake “one day’s mandatory equality and diversity training” when they start with the service. [41]

56. Whilst Sarah Leslie said that NHS Ayrshire and Arran had a “blend of training” which includes a “successful” mandatory e-learning equality and diversity module at the point at which an individual is recruited. She added that “In relation to on-going training, we ensure that colleagues who are managers and who have responsibility for managing recruitment get the relevant training on equality and diversity in recruitment". [42]

57. Agnieszka Davren (SQA) considered one of the benefits of online module-based learning was that people can do it “as and when required”. But she noted that this mode of learning “does not give people an opportunity for interaction”. [43]

58. Nigel Firth explained that NHS Grampian had two levels of equality and diversity training; one in the form of a 90-minute seminar aimed at “basic grade and supervisory staff”; another, more in-depth and interactive session aimed at “consultants, senior clinicians and managers”. He explained that these sessions were previously held face-to-face but is now in a transition process to move to e-learning in response to the pandemic. [44]

59. Dilraj Sokhi-Watson, Co-CEO Acting (Amina Muslim Women Resource Centre (MWRC)) recommended training should be contextual to people’s roles in the organisation and be set in the context of reporting mechanisms in the organisation, but stressed—

> Training in itself will not build capacity. What matters is that there is an enabling environment in which people feel free to speak about the issues. Sometimes, if there are issues in the organisation involving one's manager or a senior person, there is no space to deal with that, and the human resources department would not necessarily have the capacity to understand those issues. Therefore, there should be a reporting mechanism that is separate from the roles that are being delivered. [45]

60. She also considered there should be regular external audits of equality and diversity training to see whether it is delivering what it is meant to. [46]

61. Lori Hughes (PKAVS) suggested that public authorities could work towards attaining a "charter mark or some other sort of standard. For example, in the third sector, we have the good governance award. We could work with a range of organisations and stakeholders to co-create something that would enable us to evaluate and assess the merit of that training". [47]

62. The Committee recognises a significant range of issues have been raised around training including the type of training, the frequency of training, whether training should be mandatory and whether there should be targeted training depending on an individual's role, as well as the impact this training might have on minority ethnic staff.

63. Public authorities have training in place, although approaches differed widely. It is difficult for the Committee to say whether these are effective in tackling racism and discrimination or reducing unconscious bias, as public authorities themselves did not appear to be clear.

64. **The Committee recommends that the Scottish Government develops comprehensive guidance on the optimum practice to be followed when training staff, including the efficacy of having specific training on race. This should be developed with minority ethnic groups and other equality groups. We note the former Equal Opportunities Committee made a similar recommendation at paragraph 31 of its 2016 report - Removing Barriers: race, ethnicity and employment. The Committee recommends organisations participating in this work should receive payment from the Scottish Government reflective of their expertise and time.**

Recruitment, retention and progression

The employment gap for the minority ethnic population aged 16-64 has increased between 2017 and 2019

Source: Regional employment patterns in Scotland: statistics from the Annual Population Survey, The Scottish Government

65. According to the Regional Employment Patterns in Scotland: statistics from the Annual Population Survey in 2017, the employment gap between BME workers and white workers was 14.4% [48] . The most recent data for 2019, shows that gap has increased to 16.4% [49] for the minority ethnic population aged 16-64.

66. Whilst the employment gap for BAME women in 2019 was 20% [50] lower than for white women, there has been a slight reduction from the 2017 figure (22.8%) [51] .

67. Comments from the Committee's outreach work convey the frustration felt by BME people applying for jobs.

> Why are organisations not employing BAME people? What is it that BAME people need to do to get their jobs? Organisations need to look at themselves and ask "why are we failing".

> Employers need to get their house in order first. They can't encourage people to work for them if people are not happy to apply. This needs to start from the point of drawing up the job description. If you have a disability you can be guaranteed an interview if you meet essential criteria, why can't that be done for ethnic minorities?

68. Silence Chihuri (FJSS) believed it was a "chicken-and-egg situation" whereby organisations' systems are not inclusive, so "they always throw the ball back to the marginalised communities and say, for instance, that they do not get enough applications from BME communities, which is why they do not have many BME people within the ranks of their employees". [52]

Recruitment

69. Public authority employers told the Committee about their innovative approaches to connecting with minority ethnic communities. For example, the Care Inspectorate said its research shows that 20% of BAME applicants felt more comfortable applying for a role when they had a better understanding of the process and a view of what it's like to work on a day to day basis within an organisation—

> We are currently developing a recruitment landing page and our plan is to include information about the recruitment process and what it's like to work in our organisation. We are going to create videos and include testimonies, with employees from minority ethnic communities, to further attract applications from this group. [53]

70. Other public authorities, such as the Scottish Government and the Scottish Parliament have organised and attended career fairs targeted at BAME people. [54]

71. While NHS Grampian made use of its involvement and consultation events with local ethnic communities to promote employment opportunities. [55]

72. In follow-up to the evidence sessions, Nature Scot contacted the Committee to advise it is working with Backbone , an organisation providing opportunities in environmental training for marginalised groups on an event. It will be the start of an in-depth consultation/research to identify the core reasons for the lack of BAME representation in the sector.[56]

73. It was noted by Silence Chihuri (FJSS) that most local authorities seem to audit themselves. He said—

> Most of them depend on their own internal systems, and they are accountable to themselves. That will not help them to achieve much. They need to be open to outside scrutiny. [57]

74. Also, he considered that community engagement could benefit from scrutiny and auditing, "We have had a lot of those exercises but the follow-on steps are being lost in translation". He was concerned equality and diversity officers are more implementation officers and do not have significant input into those processes. [58]

75. The single most important challenge for employers, the Committee heard, is to address the interview process. Whether the interview relates to a new applicant or someone applying for a promoted post or other career advancing opportunities.

76. An Educational Institute of Scotland (EIS) BAME member wrote—

> I have applied for several promoted post and have come to a point where I have made a decision I will not do that anymore, I will be leaving the education field after 27 years with 7 of these spent in Scotland. [59]

77. Dilraj Sokhi-Watson, Co-CEO Acting (Amina MWRC) explained that the issue is not the applicants—

> BME communities and BME women already have the capacity, so it is not about deficiencies in that particular pool; it is about recognising that organisations are deficient in their recruitment practices and putting the lance inwards. [60]

78. Ruth Boyle (Close the Gap) highlighted the fact that BME women who were unsuccessful in applying for jobs "felt that their only option was to return to education to upskill themselves". She said—

> However, when they went back to applying for jobs, they were still not securing good-quality employment. That highlights the fact that, for BME people, there is no correlation between higher education outcomes and better labour market outcomes. It is really about changing what employers can do. [61]

79. Dilraj Sokhi-Watson highlighted the "absence of BME women in senior positions across public sector organisations" and identified two particular barriers arising from this—

> First, if you do not see somebody who is similar to you within an organisation or at the higher levels of that organisation, you feel that that organisation is not for you. Secondly, the understanding to bring in people from that particular demographic is absent. [62]

80. Some public authorities have recognised their application and interview practices need to change to ensure their workforce force becomes representative of the communities they serve.

81. Aberdeen City Council advised it removes unnecessary criteria from person specifications for job vacancies; advertises in a range of media and locations and aims to target underrepresented groups such as ethnic minorities e.g. specific publications and through voluntary organisations. It has "a racial balance on recruitment and selection panels, where possible", and uses photographs in recruitment advertising which demonstrate diversity in the organisation. [63]

82. Carolyn Anderson (SDS) pointed to a successful intervention in SDS's processes having identified BME applicants were not progressing within the organisation—

> We analysed data on progression through the recruitment process and identified that BME candidates were less likely to progress even to the level of being shortlisted for interview. That led us to move to an anonymous application process, and we have seen a direct benefit from that, as more BME applicants are getting through to the shortlist stage. At the same time, in our young talent recruitment, in particular, we took the opportunity to move to consideration of values and life experiences rather than competencies. That is definitely having an impact, and BME applicants are moving from interview to successful appointment. [64]

83. National Museums Scotland said it had reviewed how it recruits and has "implemented several actions for improvement relating to data collection; how and where we advertise our jobs; how job applicants apply for our roles, and how we assess candidates. This work has been carried out with the specific intention of

promoting our attractiveness as an employee to candidates, especially those who may not have previously considered employment in our sector". [65]

84. The Scottish Government has developed a Race Recruitment and Retention Plan to be published this year—

> It will describe our continuing actions to build a culture of inclusion, recognising that minority ethnic colleagues' workplace experience is shaped by those around them, and will set out how we continue to improve our action to address discrimination, harassment and victimisation on the grounds of race, taking an intersectional approach. It will recognise the persistent underrepresentation of minority ethnic people in our workforce, building on the targets we have already set on the flow of minority ethnic people into the Senior Civil Service and focusing on increasing the proportion of minority ethnic people at all levels of our organisation to deliver our ambition to be representative of the communities we serve (in other words: that 5% of our workforce should identify as being from a visible minority ethnic community). [66]

85. From its early sessions on race equality, the Committee knows unemployment and in-work poverty is higher for Asian, African, Caribbean or Black, or from mixed or other ethnic groups. This is the case even though many have done well at school or completed university or college. The Committee finds it unacceptable that educated, skilled, minority ethnic applicants should be made to feel inadequate because public bodies have deficits in their processes or systems, or have not addressed institutional racism in their organisation.

86. The Committee notes that employers are recognising that they need to make changes to the recruitment process as their procedures are not as inclusive as they should be and could discriminate against minority ethnic people. There are examples here that other public authorities could learn from to make changes. Once the Scottish Government's toolkit is available, the Committee expects public authorities to review their procedures against it.

Data collection and analysis

87. The Committee heard crucial to addressing the impact of the recruitment and progression process on minority ethnic applicants, is having the right data and to analyse that information rigorously.

88. Dave Black (GREC) commented on the importance of using reliable, accurate data to understand specific disparities and inequalities in geographic areas. He said better understanding enables targeted interventions rather than broad, sweeping ones. He referenced an example about employment rates in the north of Scotland, where African communities face unemployment rates around 10 per cent higher than the rate in the rest of the population, whereas other ethnic minorities have similar unemployment rates to the rest of the population. He further observed—

> There is a problem around the different terminology used in different data collection processes. For example, some organisations and institutions will use broadbrush categories such as “black”, “white”, “Asian” and so on, but others will collect more disaggregated data, which on the whole is much more useful. However, until we have a streamlined approach to that data, that will always be a problem. [67]

89. Thom Hughes explained that Glasgow City Council has the data and understands overall the rates from application through to shortlisting and final appointment, although he said, “there are issues about how different local authorities and public bodies record ethnicity information”. He advised “COSLA is doing some work with the City of Edinburgh Council to look at getting more alignment so that we can help each other and compare what we are doing”. [68]

90. CEMVO Scotland (a national intermediary organisation and strategic partner of the Scottish Government Equality Unit) said that some organisations are better than others at gathering data on the number of minority ethnic people who have applied for jobs, been shortlisted, or been offered employment. Despite this, there is a lack of analysis undertaken to assess whether there is any potential discrimination in the recruitment and selection process. [69]

91. CEMVO also said that it is essential that public bodies "improve the collection of the ethnic diversity of their existing workforce as otherwise, without this baseline information on ethnicity it will be extremely difficult for organisations to measure and evaluate the success of any EM recruitment drive / initiatives that they may undertake”. [70]

92. When it comes to the evaluation of metrics, Sarah Leslie (NHS Ayrshire and Arran) said “we do scrutinise our data. What we have not done […] is map career journeys”. [71]

93. Kath McCormack, HR Manager (East Renfrewshire Council) referred to the difficulties the Council faced gathering data on minority ethnic candidates—

> We use a common recruitment platform called myjobscotland, but it is difficult for us to get data at each stage of the application process from a standard report […] We have fed back to myjobscotland about the sort of data that we need to gather. [72]

94. She further advised “We have perhaps not been good at looking retrospectively at our policies, and we are now focusing on our recruitment and selection policy. We would like to engage with CEMVO and other organisations so that they can assess how inclusive our policy is". [73]

95. Jamie Hepburn (Minister for Business, Fair Work and Skills) advised what additional steps the Scottish Government was taking as outlined in the Programme for Government—

> We are committed to taking forward a recruitment toolkit that is designed to support employers to better recruit more people from minority ethnic backgrounds, and we are working with the John Smith centre to fund up to 50 places on a leadership development programme for minority ethnic people. [74]

96. It is clear from the evidence we heard there is lots of activity around recruiting minority ethnic people. However, the Committee believes the main issue fundamental to resolving the lack of progress on public authorities employing more people from minority ethnic communities is gathering relevant disaggregated data, to help set clear outcomes and monitor achievement of those goals.

97. Without disaggregated data, it will be difficult for public authorities to meet their obligations under the Public Sector Equality Duty, which requires the majority of public authorities in Scotland to undertake various activities to demonstrate their approach to eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations between people who share a protected characteristic and those who do not.

98. **The Committee welcomes the Scottish Government's recruitment toolkit designed to support employers to better recruit more people from minority ethnic backgrounds and asks the Scottish Government when this will be available and how this will be publicised to public authorities. The Committee recommends public authorities should review their recruitment procedures and practice against the Scottish Government's toolkit and make the necessary changes.**

99. **The Committee notes data collection has been a difficulty for many years and is therefore interested in the work being undertaken by COSLA and City of Edinburgh Council in relation to how different local authorities and public bodies record ethnicity information. As such, the Committee will write to COSLA to ascertain more details, including the project's remit and when findings will be available.**

100. **The Committee is aware of the Scottish Government's work to ensure 50/50 gender representation on public bodies with the introduction of the Gender Representation on Public Boards (Scotland) Act 2018 . The Committee asks the Scottish Government what consideration it has given to using a similar legal mechanism to increase minority ethnic representation on public boards, given progress on recruiting minority ethnic people into senior public posts has been slow.**

The ethnicity pay gap

101. The ethnicity pay gap shows the difference in the average hourly rate of pay between BME and non-BME employees in an organisation, expressed as a percentage of average non-BME earnings. This is calculated using the same calculation methodology as for gender pay gap reporting.

102. A well-researched factor in the ethnic pay gap is the extent of occupational segregation in the labour market.

103. Covid-19 has further exposed the ethnicity employment disparity within Scotland. This is considered later in this report.

104. Ruth Boyle (Close the Gap), explained a range of measures are needed, "we need to look at how to tackle BME women's concentration in low-paid and undervalued work and encourage them into leadership roles and other types of promotion opportunities". [75]

105. In addition, Ruth Boyle drew comparisons between the gender pay gap and the ethnicity pay gap—

> For example, the fatal flaw in the new gender pay gap reporting regulations is that employers are not required to take any action, so they do not. Although employers are reporting their gender pay gap figure, they are not taking any action. Fewer than a third published any actions that they were going to take to close the gender pay gap, and only 6 per cent published any targets. We can see that there is still employer complacency and reluctance to prioritise policy in their practice. [76]

106. The Equality and Human Rights Commission Scotland said that it had published extensive equality guidance for employers and that the CBI had also published guidance for employers on closing the ethnicity pay gap. [77]

107. Thom Hughes (Glasgow City Council) referred to the Council's experience on closing the ethnicity pay gap, having recruited 120 BME people into a variety of posts over the past year. He said that a lot of those are lower-level posts, but some are at a higher level, "the mentoring programme seems to get us better results at higher-graded posts than the employability programmes". He accepted that although the Council had 19,500 employees, only 2.7% were BME which is not reflective of the community the Council serves. [78]

108. Teaching and policing are two well known areas in which there is clear BME underrepresentation at senior levels. The Committee heard that just two out of 50 senior officers within Police Scotland [79] are from BME backgrounds.

109. Close the Gap said "The lack of ethnic diversity within the Scottish teaching workforce is well-established. Only 1.4% of the teaching workforce are from ethnic minority backgrounds, with ethnic minorities accounting for 1% of the primary teacher workforce, and 1.7% of the secondary sector workforce. The number of

teachers from ethnic minority backgrounds in promoted posts across the whole profession is only 0.6%". [80]

110. David McGill, Chief Executive (The Scottish Parliament) spoke about the Scottish Parliament's staff group activity on tackling its ethnicity pay gap—

> As part of our annual reporting this year, we voluntarily ran a diversity pay gap report alongside our gender pay gap report, and it showed a gap of 21 per cent, which is quite concerning. We have committed to an improvement plan that involves leadership development training for BAME colleagues. That is under construction at the moment. [81]

111. The Minister pointed to the ways in which the Scottish Government and its agencies can create change within companies, for example, in receiving regional selective assistance from Scottish Enterprise —

> Employers have to commit to various strands in order to be able to draw that funding down, and the one with particular relevance is: "Action to tackle the gender pay gap and create a more diverse and inclusive workplace". [82]

112. He confirmed underrepresentation of those from minority ethnic backgrounds in the labour market remains a very important part of the Scottish G9overnment's agenda and said the Government is now working to see how it can further roll out fair work first across a wider range of public investment. [83]

113. The Committee is struck by the Scottish Parliament's example of publishing its ethnicity pay gap. Even though the figures were not positive, it took the decision that it was a necessary step regardless of the potential for negative media attention. The Committee notes that "in 2020, almost one quarter (23%) of businesses are now calculating their ethnicity pay gap, compared to just (5%) of companies in 2018. [84] Public authorities must be similarly focussed if they are to succeed in tackling racial inequality in employment.

114. **The Committee recommends that all public authorities subject to the Scottish specific Public Sector Equality Duty should, as a minimum, voluntarily record and publish their ethnicity pay gap and produce an action plan to deliver identified outcomes. This piece of work will help organisations to understand the reasons behind the gap and to take targeted action. By not doing so, the Committee believes not only is there a greater risk of reputational damage to the public authority but also the potential for loss of talent to other more progressive workplaces.**

115. **The Committee knows the Scottish Government's review of the Scottish specific Public Sector Equality Duty (PSED) has been delayed. As part of its pre-budget scrutiny 2021-22 the Committee asked for an update on when the review will be completed. The Scottish Government must provide the Committee with an update as a matter of urgency. Over and above this, to address the lack of progress, the Committee strongly recommends the**

Scottish Government regulates for public authorities to publish their ethnicity pay gap and an action plan to deliver identified outcomes.

Positive action

116. One avenue open to public authorities in reducing the ethnicity employment gap is the use of positive action. A key difference between positive action and positive discrimination is that positive action is lawful (provided that the employer meets the conditions set out in sections 158 or 159 of the Equality Act 2010).

117. Positive action is lawful if it is taken to:

- enable or encourage people who share a protected characteristic to overcome a disadvantage connected to the characteristic;
- meet the needs of people who share a protected characteristic where those needs are different to those of people who do not have the characteristic; or
- enable or encourage people who share a protected characteristic to participate in an activity in which their participation is disproportionately low.

118. Minority ethnic and equality groups were clear in their opinion that positive action is under-utilised. They suggested public authorities might be reluctant to use this approach through a "fear" about how it might be perceived or portrayed.

119. Ruth Boyle (Close the Gap) said—

> Employers are definitely fearful of getting it wrong, which leads to a reluctance even to use positive action measures, and that remains an underutilised aspect of the 2010 act. … There has not been much progress since then on the use of positive action measures. There is definitely a role for the Scottish Government in encouraging employers to use positive action measures and highlight that positive action is a legal measure that can be taken to address underrepresentation. [85]

120. Another reason why positive action might be seen as an unattractive option was highlighted by Mélina Valdelievre (NASUWT)—

> There tends to be a great deal of reluctance to use positive action. It is often seen—working from a deficit mindset—as something that wrongfully advantages BME people…. [86]

121. The Committee sought to establish what, if any, positive actions public authorities are deploying.

122. Kath McCormack indicated that East Renfrewshire Council was keen to take positive action, "but we need practical guidance about ensuring that we do so in the right way". [87]

123. Carolyn Anderson (SDS) acknowledged that "we could be doing more on positive action around race". She observed—

> We ring fence roles for disabled applicants, and we signpost opportunities to certain organisations that work with specific groups, but we would like more applicants who are disabled or from the BME community, and we could do more in the positive action space. [88]

124. Agnieszka Davren (SQA) said "there is a level of nervousness among employers from the perspective of their wanting to protect themselves. The legislation allows for that in respect of disability but not other characteristics, so employers can be reluctant in that regard. Positive action will be absolutely fine as long as we can back it up with proper data". [89]

125. Many organisations have started to move to anonymising the application process, and the Committee got a sense that some public authorities are beginning to think a little more 'outside the box' within the regulatory parameters.

126. David McGill (The Scottish Parliament) identified positive actions such as an apprenticeship scheme and the introduction of a temporary resourcing pool as "the only answer to the issues" that it had been addressing over a four to five-year period, alongside a "revamp" of organisational values. He said—

> To illustrate that, when we started looking at the profile of the organisation, the BAME profile was sitting just above 1 per cent. Through positive action, and only through positive action, we have pushed that up to very close to 5 per cent. To me, that is the bare minimum. We are hitting the national average in Scotland, but that does not take account of the fact that, in the central belt, which is where we draw most of our employees from, BAME levels are higher than that, so we have a lot more to do. [90]

127. He added—

> Any time we take positive action, we analyse its success. We look at every stage of the recruitment process, from application to sift to recruitment, and our analysis shows that, in the last full year, BAME applications were about 10 per cent of the total, the number of BAME applicants getting through the sift was 12 per cent and the number getting into employment was 19 per cent. [91]

128. Jude Helliker outlined actions Police Scotland are taking to improve BME representation at senior level—

> One of the things that we have been doing over the past year is developing specific leadership programmes for BME officers and staff. We are going to be developing that further over the next number of months to ensure that we are as representative, particularly at a leadership level, as we can be. [92]

129. Liz Barnes explained how the Scottish Fire and Rescue Service (SFRS) hopes to replicate positive action taken in 2019 on improving the gender balance across its organisation to deliver similar results in increasing BME representation in 2020-21—

> Last year's activity was targeted at increasing awareness among the female population of the benefits of, and the facts around, working in the fire service. We held a significant number of events that were targeted at females. We have a long way to go, but that was hugely successful in that we doubled the number of female applicants in the 2019 recruitment campaigns and increased our intake of women by 4.6 per cent on the previous year's recruitment process. That told us that there is lack of awareness in society about the roles in the SFRS and what they are like for specific groups.
>
> Our work this year was, as I said earlier, targeted at BAME communities, for the same reason. We have also linked with organisations including Stonewall Scotland and the Asian Fire Service Association and we have plans to advertise on Scottish-African radio stations, for example, which will, we hope, make people more aware of the potential for working in the SFRS. [93]

130. Claire Marr (Scottish Government) referred to the success of "a strategy for attracting a diverse candidate pool" as part of a graduate development programme in 2019. She explained—

> For that, we worked with our race equality network and with a number of external race organisations, including BEMIS, CEMVO and Radiant and Brighter, to shape our approach. Those partners provided counsel to us, ensuring that the approach we took was diverse and inclusive, and they occasionally provided us with some constructive challenge. They were invaluable in helping to profile the programme and the opportunities that it gave to colleagues through their own networks. At the start of that campaign, we set out some explicit diversity key performance indicators around achieving representation from underrepresented groups that was at least similar to the population average. [94]

131. While there is still much to do, these examples are encouraging and highlight the benefit of having clear, coherent objectives from the outset and robust monitoring of any intervention's effectiveness.

132. The Committee is firmly of the view that positive action is something that all public authorities can and should be utilising to reduce the ethnicity employment gap. It is legal and is absolutely to be encouraged.

133. The Committee notes that the Scottish Government's Race Equality Action Plan had a target for 2018-19 to "engage a wide range of public sector employers in a discussion about what 'positive actions' we can take to improve employment and progression for minority ethnic communities".

134. Also, the Committee notes the Scottish Government published its year 2 progress update in March 2020 for its Race Equality Action Plan and welcomes the activity set out therein. Action highlighted focuses on education, the National Health Service and Police Scotland.

135. **Given the scale of the lack of progress identified, the Committee recommends the Scottish Government takes further action to ensure public**

authorities make use of "positive actions" to address minority ethnic under-representation in the public sector workforce. These further actions should be set out in the Scottish Government's action plan.

Over-consultation

136. Like many other public authorities, Elaine Lorimer (Revenue Scotland) referred to getting assistance from minority ethnic groups to help them improve their recruitment processes. She said—

> We follow the rules that the Scottish Government set out for public appointments. It is monitored, as you will know, by the Commissioner for Public Appointments in Scotland, so it is a regulated appointment process. Nonetheless, within that I think that there are things that our organisation can do as part of our recruitment strategy to reach out to communities that are not represented in our organisation, to understand why they are perhaps not interested in our roles, or are not aware of them or are feeling that they are not for them, so that we can make our roles as attractive as possible to people. [95]

137. Views expressed to the Committee through its engagement work were that community organisations, who already have links with the communities, should be paid to undertake consultation on behalf of public bodies.

138. The Committee is also concerned that an emotional burden is placed on minority ethnic employees being routinely asked (or expected) to represent their organisation or contribute beyond their core duties.

Mélina Valdelievre, NASUWT

Source: The Scottish Parliament

139. Mélina Valdelievre (NASUWT) said—

> As a woman of colour, I have found it extremely draining over the years to be consulted by various organisations, although not necessarily my trade union. Organisations keep asking us to put in the emotional labour of talking about our often racially traumatic experiences of discrimination based on race. If teachers do not see any change or action, or any dedication to acting on those experiences, they will disengage, and there is a risk of disenfranchisement. [96]

140. Silence Chihuri (Fair Justice System for Scotland Group) said "people are inquiry fatigued and evidence-collection weary. To be honest, the evidence is there and the inquiries have been done over the past 30 years or so". [97]

141. **The Committee is seriously concerned that public authorities place too much of a burden on minority ethnic employees to provide views about their experiences to inform policies or attend events. The Committee notes that some public authorities are making efforts to engage with community representatives, which is excellent, but the Committee recommends this consultation work should be on a paid for basis to reflect their expertise. It is also important that when public authorities engage with communities they recognise, and acknowledge, the issues do not lie with the minority ethnic communities.**

Covid-19 and minority ethnic employees

142. The Committee's ongoing inquiry into the impact of Covid-19 on equalities and human rights has highlighted issues relevant to this inquiry. The ethnicity employment gap, ethnicity pay gap and occupational segregation have all been brought to the fore by Covid-19. Minority ethnic job seekers (including education leavers), workers (particularly women and those who work in the service sector) will face additional barriers.

143. As well as exacerbating existing inequality, the Committee has been told the pandemic will create greater opportunity for discrimination and racism to take place.

144. Dilraj Sokhi-Watson (Amina MWRC) highlighted that Covid-19 had "wreaked havoc", particularly on BAME women who as well as working in low-paid jobs have caring responsibilities. [98]

145. On the impact on minority ethnic women, Ruth Boyle (Close the Gap) said—

> We know that they are more likely to work in sectors that have been shut down during the crisis; that they are more likely to be in insecure work, which puts them at greater risk of loss of hours and earnings; and that they are concentrated in low-paid service sectors that are more susceptible to redundancies during the crisis. Those service sectors, such as the retail and hospitality sectors, are also less likely to bounce back at the end of the crisis because of changing consumer preferences and lower consumer spending power. That means that the impact on BME women's employment in those sectors is unlikely to be fleeting. [99]

146. Liz Barnes, for example, said that the SFRS had quickly moved to almost entirely remote for all support staff, with "different operational arrangements in place for our front-line staff to make them Covid secure". [100]

147. The Committee notes, however, that approximately only 10% (around 800 out of 8,000) of SFRS staff are in support roles, which means that a significant proportion will be in front-line roles.

148. In terms of gathering information about staff wellbeing (an important route to collect information from minority ethnic staff) in Police Scotland, the Committee referred to Her Majesty's Inspectorate of Constabulary in Scotland's inspection report, which stated that there has not been a staff wellbeing survey in the police since 2015. Jude Helliker (Police Scotland) said—

> It is absolutely our intention to have a whole workforce survey early in the new year. A survey was not carried out earlier this year, as the intention was, as a consequence of Covid-19. The chief constable took the decision to push that back. [101]

149. Jamie Hepburn, Minister for Business, Fair Work and Skills, told the Committee about the funding the Scottish Government had pledged in the Programme for Government to address the employment issues caused by the pandemic—

> Our investment of £100 million to look at those who are at risk of redundancy as a result of Covid-19 will make a difference. The £2.35 million for the parental employability support fund will make a difference. [102]

150. Furthermore, the Minister advised the Scottish Government has also taken account of recommendations from the expert reference group on Covid-19 and ethnicity, including, "reviewing past and current initiatives to tackle systemic racism, looking at making ethnicity a mandatory field for health databases, developing a link in the census and embedding the process of ethnicity data collection in the culture of the national health service in Scotland". [103]

151. **The Committee welcomes the additional funding to tackle the risk of redundancy caused by the pandemic and the additional focus on ethnicity data collection within the health service.**

152. **The Committee was particularly disappointed that Police Scotland and the Scottish Fire and Rescue Service were not able to explain how they had specifically supported their front-line staff during the pandemic. As such the Committee intends to write to both Police Scotland and the Scottish Fire and Rescue Service to ascertain what actions they have taken to protect their front-line staff and, whether they have taken any additional measures to protect minority ethnic staff.**

Accountability

153. The Committee was interested to hear views on the potential usefulness of a 'partnership accountability' event, where public authorities could discuss what actions they had taken, and the Committee and stakeholders would have an opportunity to ask questions.

154. Most public authorities were in favour of holding a partnership accountability event.

155. Kath McCormack considered this would enable learning and best practice sharing and commented that she did not necessarily get to see such information. [104]

156. Nigel Firth (NHS Grampian) warmly welcomed a formal review by a Scottish parliamentary committee. He said "My personal view is that the more scrutiny we have, the better. We are public bodies and we spend public money. We are required to be exemplars of good conduct in every field, and I think that having such a review would be a positive arrangement". [105]

157. Minority ethnic and equalities groups were slightly less enthusiastic.

158. Ruth Boyle (Close the Gap) echoed some of the cynicism about the event—

> A transparency event would not be a magic bullet and it would not make organisations suddenly prioritise equality. [106]

159. Dilraj Sokhi-Watson (Amina MWRC) said—

> We have identified a lot of issues with how recruitment is done and have found that structural issues persist, so the approach should not just hold authorities to account but should aim to make progress on the basis of what we have learned. [107]

160. She further added "an action plan should come out of it. Identification of gaps and areas in which we need more input would be fine, but actual measurable and impactful actions would enable us to hold bodies to account. Otherwise, the event would be just another high-level conversation". [108]

161. Dave Black (GREC) considered there could be a place for an accountability event, however, in order to be beneficial, accountability must sit alongside a stronger enforcement system. He believed that prior to the 2010 Act came into force, organisations were focused only on race equality, gender equality, disability or discrimination. Enforcement bodies had more resource and capacity than the Equality and Human Rights Commission (EHRC). Currently, he was "sure that there is willingness and keenness on the part of EHRC to do more, but it is not an organisation that we hear from often. It feels as though its capacity to take on cases is quite limited, because they must be aligned with its strategic objectives". [109]

162. On the PSED, Ruth Boyle (Close the Gap) believed there has been regression in compliance with the duty, which is not operating as was intended. [110]

163. Ultimately, Chief Executives or leaders of public authorities are accountable for their organisations' performance. Ruth Boyle (Close the Gap) said—

> There is often, in an organisation, one person working on the public sector equality duty, and they are supposed to do all that organisation's work on equalities. We know, however, that only strong senior leadership will change negative workplace cultures. [111]

164. On the efficacy of a partnership accountability event, the Committee believes there are two strands. There is the issue of organisations sharing best practice with each other and learning from third sector partners and communities. The other aspect is scrutinising and holding to account public authorities for their progress. Based on what the Committee heard during oral evidence, public authorities principally see the value of such an event as a learning opportunity. The Committee therefore urges public authorities to take action and voluntarily work with other public authorities in line with their responsibilities. The Committee will continue to monitor progress and scrutinise public authorities' actions.

165. Also, written evidence from some of our third sector colleagues, such as CRER, demonstrates the significance of not having the same conversations over and over again. Although the outputs and the good work that is being done are important, there has to come a point at which we say this is not working. The bottom line is there will only be change when there is a diverse senior management team or diverse directors. For this reason, the Committee has decided to keep its focus on scrutiny of public authorities' progress.

166. It would be inconsistent with the views set out in this Report if the Committee did not look inwards.

167. In June, following the increased awareness of the Black Lives Matter movement in the aftermath of the murder of George Floyd, the Parliament debated a motion on *Showing Solidarity with Anti-Racism*. That debate included many contributions highlighting the dearth of representation of minority ethnic communities, particularly – but not solely - at more senior levels. Humza Yousaf's contribution drew attention to the Parliament's record—

> More than 300 MSPs have come to and gone from this Parliament—our nation's Parliament. In 20 years, there has not been a single black member of the Scottish Parliament, to our shame; there has not been a single woman MSP of colour, to our shame; and the only four ethnic minority MSPs have all been Scots Asian males. [112]

168. **The Committee acknowledges the Parliament is not as diverse and reflective of Scotland's population as it could be. We should all be open to constructive challenge. The Committee calls on all party leaders to outline what action they will be taking to increase the diversity of their Scottish Parliament election candidates for 2021.**

Overall conclusion

169. The Committee is unanimously of the view that, despite all the mechanisms or tools at the disposal of public authorities, including their responsibilities under the Public Sector Equality Duty (and the Scottish specific duties), the ethnicity employment gap remains unacceptable and much more needs to be done to reduce the ethnicity pay gap and occupational segregation.

170. The Committee concludes that Chief Executives and senior leaders within public authorities must demonstrate leadership in this area. It is two decades past the time for acknowledging there is work to do. Now is the time for concerted, definitive action to be taken.

171. This Committee sincerely hopes that our successor committee will not have to revisit this subject, unless it is to reflect on the result of positive action, accountability, and eradication of institutional racism.

Annex A - Oral and Written Evidence

The Committee took oral evidence on the inquiry at the following committee meetings:

- Thursday 3 September 2020: *Minutes* and *Official Report*
- Thursday 10 September 2020: *Minutes* and *Official Report*
- Thursday 17 September 2020: *Minutes* and *Official Report*
- Thursday 24 September 2020: *Minutes* and *Official Report*

To inform the Committee's inquiry, the Committee's Outreach Service conducted engagement phone calls with representative groups and third sector organisations:

- Sikh Sanjog, Intercultural Youth Scotland, Radiant and Brighter and YCSA
- West of Scotland Regional Equality Council

The Committee received 22 written submissions via Citizen Space.

The Committee also received correspondence from the following public authorities:

- Aberdeen City Council
- Aberdeenshire Council
- Care Inspectorate
- City of Edinburgh Council
- Comhairle nan Eilean Siar
- Creative Scotland
- Dumfries and Galloway Council
- East Ayrshire Council
- East Lothian Council
- East Renfrewshire Council
- Educational Institute of Scotland
- Equalities and Human Rights Commission
- Falkirk Council
- Fife Council
- Glasgow City Council
- Midlothian Council

- National Museum of Scotland
- NHS Ayrshire and Arran
- NHS Dumfries and Galloway
- NHS Grampian
- NHS Lanarkshire
- NHS Lothian
- NHS Orkney
- NHS Tayside
- North Ayrshire Council
- North Lanarkshire Council
- Orkney Island Council
- Police Scotland
- Scottish Borders Council
- Scottish Children's Reporter Administration
- Scottish Criminal Cases Review Commission
- Scottish Social Services Council
- Scottish Enterprise
- Scottish Courts and Tribunals Service
- Scottish Fire and Rescue Service
- Scottish Government
- Scottish Qualification Association
- Skills Development Scotland
- South Lanarkshire Council
- Scottish Natural Heritage
- Sports Scotland
- Stirling Council
- The Scottish Parliamentary Corporate Body
- Visit Scotland
- West Dunbartonshire Council

Annex B - List of Public Authorities

- Aberdeen City Council
- Aberdeenshire Council
- Accounts Commission
- Angus Council
- Argyll and Bute Council
- Audit Scotland
- Care Inspectorate
- Children's Hearings Scotland
- City of Edinburgh Council
- Clackmannanshire Council
- COSLA
- Comhairle nan Eilean Siar
- Creative Scotland
- Dumfries and Galloway Council
- Dundee City Council
- East Ayrshire Council
- East Dunbartonshire Council
- East Lothian Council
- East Renfrewshire Council
- Educational Institute of Scotland
- Equality and Human Rights Commission
- Falkirk Council
- Fife Council
- Food Standards Scotland
- Glasgow City Council
- Health and Social Care Scotland
- Highland Council

- Historic Environment Scotland
- Inverclyde Council
- Mental Welfare Commission for Scotland
- Midlothian Council
- Moray Council
- National Library of Scotland
- National Museums of Scotland
- National Records of Scotland
- NHS Ayrshire and Arran
- NHS Borders
- NHS Dumfries and Galloway
- NHS Fife
- NHS Forth Valley
- NHS Grampian
- NHS Greater Glasgow and Clyde
- NHS Highland
- NHS Lanarkshire
- NHS Lothian
- NHS Orkney
- NHS Shetland
- NHS Tayside
- NHS Western Isles
- North Ayrshire Council
- North Lanarkshire Council
- Orkney Islands Council
- Perth and Kinross Council
- Police Scotland
- Registrar General of Births, Deaths and Marriages for Scotland
- Renfrewshire Council

- Revenue Scotland
- Scottish Borders Council
- Scottish Children's Reporter Administration
- Scottish Courts and Tribunals Service
- Scottish Criminal Cases Review Commission
- Scottish Enterprise
- Scottish Environment Protection Agency
- Scottish Fire and Rescue Service
- Scottish Funding Council
- Scottish Government
- Scottish Legal Aid Board
- Scottish Natural Heritage (NatureScot)
- Scottish Parliament
- Scottish Qualifications Authority
- Scottish Social Services Council
- Scottish Water
- Shetland Islands Council
- Skills Development Scotland
- South Ayrshire Council
- South Lanarkshire Council
- SportScotland (Scottish Sports Council)
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- VisitScotland
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