

Commission on Parliamentary Reform

Written Evidence from the Coalition for Racial Equality and Rights

Introduction

The Coalition for Racial Equality and Rights (CRER) is a Scottish strategic racial equality charity, based in Glasgow. We are focused on working to eliminate racial discrimination and harassment and promote racial justice across Scotland.

We submitted evidence to the Commission in advance of the Diversity and Inclusion evidence session on 16th December 2016, addressing the key diversity/equality issues of under-representation, interest, and expertise. This evidence can be found in Appendix 1.

This submission will address the three main areas the Commission is considering, with special attention paid to the racial equality implications of each.

How the Scottish Parliament engages with the people of Scotland

CRER recognises three key issues with the engagement of the Scottish Parliament with the people of Scotland, particularly minority ethnic communities: equal representation, diverse and inclusive participation, and awareness of and expertise in equalities issues.

On all of these issues, we believe there is a collective responsibility on all MSPs and the Scottish Parliament itself to make equality and diversity institutional issues. The Scottish Parliament should lead Scotland's political parties, public bodies, and communities in a direction that aims to actively improve diversity. An internal commitment to this will, we believe, improve matters not only in the Scottish Parliament, but throughout Scottish society. Leadership is key.

To this end, we ask the Commission to consider recommending the establishment of an equivalent to the House of Commons Reference Group on Representation and Inclusion. This will offer intentionality to the work of the Scottish Parliament in this area and will allow a variety of issues to be considered and acted upon. A new body, we believe, is necessary to lead the way forward and challenge attitudes and prejudices that may limit the diversity and inclusion of the Scottish Parliament.

Equal representation

At present, the Scottish Parliament is not reflective of the people of Scotland. While BME groups account for 4% of Scotland's population, only 1.6% of MSPs have a BME background, unchanged since the 2011 election. This underrepresentation extends to parliamentary staff and, we believe, to MSP staff and membership of and representation within political parties. As well¹

This lack of diversity affects the ability of the parliament to engage with all communities in Scotland and to represent diverse experiences, ambitions, and needs. It contributes to a lack of expertise and interest in racial equality issues and results in several policies and discussions being simply white-washed, despite the best of intentions.

Monitoring is essential to identify a baseline for representation and measuring improvements. CRER believes that:

- There should be an **equality and diversity audit of the Scottish Parliament** (e.g. elected members, political staff, parliamentary staff) to identify areas of under-representation
- Press gallery lobby passes should be monitored to better understand the diversity of media representation (*The Good Parliament, Recommendation 4*)
- Each committee should **monitor and report on the diversity of its external witnesses**, with a comprehensive report summarising the data from all committees published annually. (*The Good Parliament, Recommendation 28*)

¹ While the diversity of MSP staff and political parties cannot be quantified due to a lack of recording and reporting mechanisms, we believe from our engagement with parties and MSPs that this figure is very low. Monitoring of MSP staff and political parties must be carried out to understand level of representation, establish a baseline, and measure improvement.

CRER also believes that the Scottish Parliament should **engage in various activities to increase the supply of and demand for diverse parliamentary candidates** (*The Good Parliament, Recommendation 7 and 43*). However, we caution that increasing representation of elected members is a long-term endeavour, as the solution to this problem lies much further up the pipeline. To see equal representation in the chamber, there must first be better representation within political parties. Given the reluctance of parties to even monitor their own membership, this will require a concerted effort and strong leadership.

As such, a key component of improving engagement with the people of Scotland and making the Scottish Parliament a more diverse and inclusive place is working with political parties to increase the diversity of their membership and selected candidates, and, therefore, the Scottish Parliament. While the Scottish Parliament may be limited by its power to create legislation on these issues (in respect of setting candidate quotas and requiring equality monitoring), it can set expectations. CRER would be supportive of initiatives which would:

- **Create expectations as to what political parties should do** to increase equality and diversity, even if these cannot be made legally binding
- **Support involvement of third sector equalities bodies** in delivering training to and producing guidance for political parties on equality and diversity issues
- Place an **expectation on political parties to monitor** not only their candidates, but their membership, activists, and staff
- **Bring leaders of political parties before a parliamentary committee** or other relevant body to report on their equality data and be held accountable for promises to improve

Alongside this, CRER recognises that there are issues with the ‘candidate pipeline’. We have organised a BME Political Shadowing Scheme for over a decade and while graduates of this programme have gone on to work as party researchers or MSP staff and put themselves forward for local elections, no one has yet been selected as a candidate, despite having qualifications and experience.

There are barriers in place that prohibit a minority ethnic individual advancing to being a parliamentary candidate. Key among these is the issue of social capital – if minority ethnic groups do not know the ‘right’ people in politics or in a party, they may not receive the necessary informal training and endorsement necessary to advance in the party.

As such, initiatives that allow minority ethnic individuals to meet the ‘right’ people in politics and gain valuable experience are necessary. To this end, CRER believes that the Scottish Parliament should support schemes that allow individuals from under-represented groups to shadow MSPs and have first-hand experience in the Scottish Parliament (*The Good Parliament, Recommendation 19*)

Diverse and inclusive participation

As the Scottish Parliament is not representative of the people of Scotland, greater efforts to secure diverse and inclusive participation are needed to ensure that the voices of minority ethnic groups are heard and reflected in policies, legislation, and debates.

The Commission should consider ways in which the Scottish Parliament could become more accessible to communities.

For example, if committees wish to conduct on-the-ground inquiries and engage directly with communities and those with lived experience of a particular issue, a different approach to that used during formal evidence sessions with professionals is needed. In instances such as this, it may be useful to meet community groups in their spaces, offer to cover the costs of attending a committee session, or provide a short ‘training’ prior to the evidence session which addresses how sessions operate and what the role of a witness is.

However, CRER cautions that for many minority ethnic community groups and activists, the issue is not one of accessibility, but simply is one of opportunity. CRER has served as the secretariat for the Cross Party Group on Racial Equality for several sessions; we have never had difficulty getting community activists and members of local organisations to attend or actively participate. We find that groups want to be in the Scottish Parliament and engage with elected members – all that is needed is the opportunity.

Wider opportunities to increase engagement include:

- **Maintaining a list of community organisations which represent under-represented groups** and issue specific invitations to respond to calls for evidence, submit briefings, or attend debates if relevant

- **Allowing more time for committee clerks and parliamentary staff to find new voices** to incorporate into evidence sessions and inquiries
- **Considering alternative methods for submitting evidence and briefings** beyond a formal written document
- **Holding parliamentary events during which MSPs can meet community members** from under-represented groups to begin to build relationships

Overall, the Scottish Parliament should ensure that diverse groups are present as the norm, rather than called upon when needed. The impetus should not always be on communities to actively seek ways to engage parliamentarians; rather, parliamentarians should also make concerted efforts to engage under-represented groups.

CRER notes, however, that the issues of engaging directly with communities and engaging with strategic organisations or individuals with expertise are separate issues. In general, those individuals who would be called to a formal evidence session are experts in their field. The lack of minority ethnic individuals giving evidence in this capacity is not due to the issues that may affect community groups, but rather, is due to the limited number of minority ethnic individuals who are able to advance to the appropriate level in their careers due to racial discrimination within employment.² Equal representation in politics and employment is a long-term venture. Given this, it is critical that determined efforts are made to raise awareness of racial equality within the Scottish Parliament and to ensure the voices of those with expertise in racial equality are heard.

Awareness and expertise of equalities issues

Following on from this, MSPs and those who work in the Scottish Parliament must intentionally seek out diverse voices and increase their knowledge of equality issues until such time that equality is a natural occurrence.

As mentioned in previous written evidence, CRER finds a lack of interest and expertise in racial equality in the Scottish Parliament. Without BME voices and voices articulating racial equality issues in elected office, the work of keeping race on the agenda falls to third sector organisations and external pressure. While the parliament should be responsive to this pressure, it is sometimes not enough. Furthermore, while MSPs cannot be expected to be proficient on all issues and inequalities, we believe initiatives to increase understanding of equalities issues are necessary.

The internal equalities expertise of the Scottish Parliament must be improved and, we believe, supplemented with outside voices to ensure equalities issues receive the consideration they are due.

Areas for consideration to increase awareness of (and responsiveness to) equalities issues may include:

- **Equality monitoring of responses** to calls for evidence to determine whether all sections of Scottish society have been adequately consulted
- **Improving links to outside experts** to enable the provision of equalities perspective on all inquiries and throughout legislative developments
- **Increasing the role of SPICe** to produce reports on all issues being scrutinised by committees and in chamber debates which highlight equalities considerations
- **Ensuring Equality Impact Assessments are published early** in the life of a bill so that equalities concerns may be debated and, if necessary, improvements made
- **Introducing robust equalities training for MSPs and other parliamentary staff** to increase awareness and understanding of equalities issues
- **Allowing expert non-voting non-MSP members or independent experts on committees** to address any lack of equalities or sector expertise

The aforementioned equality and diversity audit may identify where the most persistent gaps in equality and diversity are, allowing the Scottish Parliament to concentrate its resources there.

Additionally, while having a committee with a focus on equalities and human rights is very beneficial, care must be taken to ensure that equalities issues are seen as the responsibility of every committee, not just the Equalities and

² The 2011-2016 Equal Opportunities Committee conducted an inquiry into race, ethnicity, and employment. The final report confirmed that despite years of legislation, training initiatives, and equality policies, the world of work is not fair and racism and discrimination remain. The full report is available [here](#).

Human Rights Committee. Consideration should be given as to how best to incorporate deliberation on equalities issues throughout the Scottish Parliament. One possible solution would be to designate **Committee Equalities Reporters** (or special Racial Equality Reporters) in the manner of European Union Reporters to provide racial equality perspective in all committees.

The identity of the Scottish Parliament, as distinct from the Scottish Government

We note that some equalities organisations funded (fully or partially) by the Scottish Government may find it difficult to appropriately critique and challenge the Scottish Government through engagement with the Scottish Parliament.

If a charity's primary source of funding is the Scottish Government, the charity may hesitate to criticise a government policy or hold the government to account for fear of losing funding. It is very difficult to remain impartial when the future of the organisation is at stake. Furthermore, very few sources of funding exist in Scotland and the UK that are particularly for parliamentary work – most is directed towards short-term projects and community engagement.

However, civil society plays a critical role in politics – conducting research, informing and shaping policies, campaigning, calling attention to pressing issues, organising communities, and supporting groups. Their work is necessary, as elected officials cannot be expected to be experts on every issue.

As such, it may be useful to consider a different funding arrangement in which some of the funds for obtaining expertise on relevant issues come from the Scottish Parliament, rather than the Scottish Government. This could involve commissioning civil society organisations to conduct research on issues, review policies and proposals, and consult directly with communities, for example. This ensures that third sector organisations are still able to provide their needed expertise and insight, but are not unduly affected by their funding situation.

Additional funding could also be allocated to SPICe and to bringing more independent experts to parliament.

This will contribute to the distinction between the Scottish Parliament and the Scottish Government, as the Parliament would fund activity that would keep it better informed on issues affecting communities to allow it to better hold the Government to account, and the Government would fund projects and organisations to enact its policies and carry out necessary work.

Whether the right checks and balances are in place to ensure effective parliamentary business

CRER believes changes in the Scottish Parliament could improve scrutiny measures and ensure more effective and efficient parliamentary business.

Overall, as stated previously, our concern is ensuring that racial equality remains on the political agenda and that elected members have a high degree of racial equality expertise when making relevant decisions. For this to happen, we believe civil society must play a more active role. We want the Scottish Parliament to be able to hold the Scottish Government to account, scrutinise legislation for racial equality implications, ensure frameworks and policies are properly implemented, and raise pressing issues.

Potential changes which may foster this could include:

- **Considering changes to improve scrutiny by committees**, including monitoring the diversity of witnesses, ensuring a variety of witnesses and civil society groups are engaged, fostering an in-depth inquiry of witnesses, allowing witnesses to question each other, and providing clarification on the scope of committee evidence sessions
- **Considering changes to the structure of debates** to identify whether scrutiny of legislation and policy could become more robust and responsive to concerns of civil society and the wider public
- **Considering changes to the parliamentary timetable** to offer more advance notice of debates and committee meetings, allowing civil society to feed in where necessary and with a better lead-in time to adequately prepare and influence
- **Considering changes to the structure of the parliamentary week** to allow greater flexibility. At times when there are few bills to be debated and voted upon, many of the debates can be seen as tokenistic exercises, with MSPs voting along party lines and without a tangible outcome. It may be that this time could be better spent in committees, conducting site visits, meeting with civil society and constituents, or engaging with the public. A model such as that used by the European Parliament – in which the parliamentary calendar is

divided between meetings of political groups, committee meetings, plenary sessions, and work outside of parliament – could be considered.

- **Improving scrutiny measures for parliamentary questions**, including allowing external organisations/groups to lodge questions themselves (e.g. through public calls for questions, perhaps through an online voting system) and holding Ministers to account when questions are not fully answered

Contact

CRER greatly appreciates the opportunity to respond to this call for evidence and is happy to discuss any of the issues raised in our evidence submission in-depth.

For further information, please contact:

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Appendix 1

Commission on Parliamentary Reform

Written Submission from the Coalition for Racial Equality and Rights

The Coalition for Racial Equality and Rights (CRER) is a Scottish strategic anti-racism charity which focuses on helping to eliminate racial discrimination and harassment and promote racial justice. Our key mission is to: 1) protect, enhance, and promote the rights of minority ethnic communities across all areas of life in Scotland and 2) empower minority ethnic communities to strengthen their social, economic, and political capital.

We welcome the opportunity to give evidence to the Commission on Parliamentary Reform on the issue of diversity and inclusion within the Scottish Parliament. While some of our considerations raised may be beyond the current scope of the Commission, we believe it is important to contemplate a variety of proposals and initiatives to increase the diversity and scrutiny powers of the Scottish Parliament.

Issues³

Under-representation

Firstly, CRER recognises the significant under-representation of Black / minority ethnic (BME) individuals within the Scottish Parliament. While BME groups account for 4% of Scotland's population, only 1.6% of MSPs have a BME background, unchanged since the 2011 election. The first BME MSP was elected in 2007.

This under-representation is not limited to elected office. In March 2016, 1.2% of parliamentary staff listed their ethnicity as "other than white" (with 135 nil responses). There were no staff members from a BME background at grades 6 and above. There were also no internal BME applications for posts. The percentage of applications from BME people was 10%, with 8% of BME applications moving to interview stage, and 11% passing the interview. However, no BME applicants were appointed in the 2015-2016 reporting year.

These figures do not include MSP staff, which we believe from anecdotal evidence to be very low. This is due to a lack of openness in recruiting, with many posts being made within parties themselves. As such, if party membership is not diverse, parliamentary staff will not be diverse.

Interest

This has a knock-on effect throughout the Scottish Parliament. There has never been a BME MSP on the Equal Opportunities Committee (now the Equalities and Human Rights Committee) and race is a subject rarely addressed during parliamentary debates, questions, and motions. Indeed, a majority of parliamentary questions addressing race in 2016 were the direct result of CRER intervention. In 2013, it was reported that only 2.3% of events hosted by external groups were coordinated by organisations/groups with a focus on race.

Without BME voices and voices articulating racial equality issues in elected office, the work of keeping race on the agenda falls to third sector organisations and external pressure. While the parliament should be responsive to this pressure, it is often not enough.

Expertise

While having a BME background does not necessarily make one an expert on racial equality issues, it does provide a unique perspective which is all too often not expressed in the Scottish Parliament. In our work, CRER finds that there is often a lack of expertise in racial equality issues amongst some elected officials.

³ Citations are available upon request.

While MSPs cannot be expected to be proficient on all issues and inequalities, we believe equalities training could improve understanding and awareness, and, therefore, improve policy and scrutiny.

In summation, under-representation, low levels of interest, and a general lack of equalities expertise persist across the Scottish Parliament, which, we believe, severely limits the parliament's ability to be inclusive and respond appropriately to issues affecting under-represented communities. Without a concerted effort, this will not change and BME voices and issues relating to racial equality will continue to be excluded from the Scottish Parliament.

Opportunities

CRER acknowledges that efforts to see the Scottish Parliament fully reflective – both in participation and in issues discussed - of the people of Scotland will be a long-term effort. Simply raising awareness of opportunities to participate and engage will not be enough; the structures, practices, and procedures of the parliament must undergo purposeful change backed by institutional will until such a time that racial equality in the Scottish Parliament is a natural occurrence. Furthermore, commitment from political parties to increase their diversity is needed – if there are few minority ethnic individuals in the pipeline, few will go on to being active in the Scottish Parliament.

To this aim, the Commission must take a wider scope, examining all aspects of the Scottish Parliament from events, to parliamentary questions, to committees, to debates, to scrutiny of legislation, to parliamentary and MSP staff. This Commission must focus on structural issues that limit engagement in the parliament rather than issues of national dress, language, or art, which, while perhaps relevant and important, can sometimes detract from wider institutional problems.

As the parliament is not representative of the people of Scotland in terms of ethnicity, the emphasis should be on widening diverse participation with a focus on obtaining expertise on equalities issues.

Regarding “The Good Parliament,” we suggest that, while some of the issues raised may not neatly apply to Holyrood, others could be seen as priorities for discussion for this Commission, including:

- The Speaker's Office [Presiding Officer's Office] to **monitor and report on the parliamentary activities** of MPs by major characteristics (2)
- Targets for a **representative parliamentary press gallery and distribution of lobby passes** (4)
- Engagement in parliamentary and other activities (including by political parties themselves) to enhance the **supply of and demand for diverse parliamentary candidates** (7) (43)
- A requirement of the House Service [SPBC] to provide **comprehensive and systematic diversity data in respect of committee witnesses** and establish annual rolling targets (28)
- Introduction of permissive legislation allowing for **party quotas for under-represented groups** (9)⁴
- Commencement of **Section 106 of the Equality Act 2010** (22) (24)⁵

In addition to these, CRER also offers the Commission the following areas for consideration:

- **Conducting a bespoke parliament-wide quantitative and qualitative equality audit to identify issues**
- **Establishing and resourcing an equivalent to the Commons Reference Group on Representation and Inclusion** to offer political direction and leadership to the Scottish Parliament
- **Monitoring and publication of MSP staff appointments, parliamentary party staff, and backroom staff** by protected characteristics to examine levels of under-representation

⁴ While the power to address this issue lies with Westminster, we believe it still merits discussion by the Commission.

⁵ Ibid.

- **Monitoring responses to legislative consultations** for equality and diversity information
- **Allowing expert non-voting, non-MSP members on committees** to address any lack of diversity or sector expertise
- **Designating MSP Equalities Reporters**, or even specific racial equality reporters, in the manner of European Union Reporters to provide equalities perspective in all committees
- **Placing independent expert consultants on committees** to provide equality and diversity perspective
- **Considering changes to improve scrutiny by committees**, including in-depth inquiry of witnesses, allowing witnesses to question each other, and clarification on the scope of committee evidence sessions
- **Considering changes to the structure of debates** to identify whether scrutiny of legislation and policy could become more robust and responsive to concerns
- **Increasing the role of SPICe**, requiring the production and publication of reports on all issues being scrutinised by committees and chamber debates
- **Requiring Equality Impact Assessments** to be conducted early in the legislative process to allow committees to consider relevant issues
- **Improving scrutiny measures for parliamentary questions**, including allowing external organisations/groups to lodge questions themselves, public calls for questions, and holding Ministers to account when questions are not fully answered
- **Introducing robust equalities training for MSPs** to increase awareness and understanding of equalities issues
- **Working with political parties to increase their diversity** through measures such as auditing and monitoring the diversity of party members at all levels, setting targets where there is under-representation, and addressing barriers to participation in party activities
- **Supporting a BME political mentoring scheme** which involves both political parties and elected officials to further engage politically active minority ethnic individuals in the political arena