



Equality in Glasgow

Glasgow's Public Bodies Progress on meeting the Public Sector Equality Duty

Coalition of Racial Equality and Rights 2016



The Coalition for Racial Equality and Rights works to eliminate racial discrimination and promote racial justice across Scotland. Through capacity building, research and campaigning activities which respond to the needs of communities, our work takes a strategic approach to tackling deep rooted issues of racial inequality.

CRER has experience of anti-racist work covering areas such as community engagement and empowerment, research and resource development, practical training and equality mainstreaming support for Public and Voluntary Sector organisations.

CRER takes a rights based approach, promoting relevant international, regional and national human rights and equality conventions and legislation.

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Introduction and Background

The general equality duty set out by the Equality Act 2010 means that public authorities must have ‘due regard’ to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. This duty applies to all protected characteristics set out in the Equality Act 2010: race, sex, disability, sexual orientation, religion and belief, age, gender reassignment, and pregnancy and maternity. Consideration of marriage and civil partnership as a protected characteristic is only required under the commitment to eliminate unlawful discrimination.

The Scottish Specific Public Sector Equality Duties (often shortened to specific duties) are regulations of the Scottish Parliament which are designed to assist organisations to meet the general equality duty. There are significant similarities between these and former equalities duties on race, disability and gender which public sector bodies were previously required to demonstrate action towards through equality schemes and reports. All protected characteristics of the Equality Act 2010 (outlined above) with the exception of marriage and civil partnership are now included in the specific duties. These are referred to as the ‘relevant protected characteristics’ for the purposes of the equality duties.

On the 30th April 2013 Scotland’s public bodies were required to publish a set of reports demonstrating how they have met the Scottish Specific Equality Duties as laid out in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012¹. These specific duties lay out requirements for relevant listed authorities to publish reports on what they are doing to meet the general equality duty. Most of these reports are required to be published by the 30th of April every two years, with some reporting duties required every four years. Below is a brief description of some of these duties and how they are to be applied. Please note this list is not exhaustive, but rather a brief introduction to the duties that CRER evaluated for the purposes of this research. For a full list of the specific duties, please refer to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012².

Duty to report progress on mainstreaming the equality duty – requires listed authorities to publish a report detailing how they have made the equality duty “integral to the exercise of their functions”. Listed authorities must report no later than 30th of April 2013, and then at two year intervals following this.

Duty to publish equality outcomes and report progress – listed authorities are required to publish a set of equality outcomes. These outcomes must be a “result that the listed authority aims to achieve” in order that it meets one or more of the ‘needs’ outlined in the Equality Act: eliminating discrimination, victimisation or harassment; advancing equality of opportunity and fostering good relations. These must be published on 30th April 2013 and then at four year intervals after this. Listed authorities are also required to publish a report on the “progress made to achieve the equality outcomes” by 30th April 2015, and then every two years after this.

Duty to gather and use employee information – information must be gathered by listed authorities on the composition, recruitment, development and retention of employees. This information must be broken down annually and listed authorities are required to publish details of the “progress that the authority has made in gathering and using that information to enable it to better perform the equality duty”.

¹ The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, Scottish Parliament <http://www.legislation.gov.uk/sdsi/2012/9780111016718/regulation/4>

² Ibid.

Duty to publish gender pay gap information – listed authorities must publish details of the “percentage difference among its employees between men’s average hourly pay (excluding overtime) and women’s average hourly pay (excluding overtime).” In 2015, this duty only applied to organisations with more than 150 staff.³ It should be reported on every two years from the 30th April 2013.

Duty to publish statements on equal pay – from 30th April 2013, and every four years thereafter, listed authorities must publish a statement detailing their policy on equal pay amongst its employees. From 2017⁴ listed authorities will also have report on equal pay between those with a disability and those who belong to a minority racial group and those who don’t. The statement must also include occupational segregation amongst its employees, in particular grades and occupations. Again, in 2015 this duty was only applicable to organisations with more than 150 employees.

Each of these duties will be covered in greater detail in later sections of this report, and for full details of the legal requirements placed on listed authorities The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 should be consulted.

³ The specific duties regulations (2012) were made with a provision that Scottish Ministers must review from time to time whether the figure of 150 should be amended. Following a consultation period in 2015 the Scottish Government amended the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to: introduce a new requirement on listed public authorities to publish the gender composition of their boards and to produce succession plans to increase the diversity of their boards, and; lower the threshold for listed public authorities to publish information on their gender pay gap and equal pay statements, from those authorities with more than 150 employees to those with more than 20 employees from 2017. This regulation was passed in 2016 and therefore was not included in this paper.

⁴ Scottish Government (2016) *Public Sector Equality Duty Amendment Regulations 2016*
<http://www.gov.scot/Resource/0049/00497889.pdf>

2013 reporting and CRER's analysis

Following this landmark legislation the Coalition for Racial Equality and Rights (CRER) analysed the reports submitted in 2013 by each of the 20 listed public bodies in Glasgow, and mapped equality mainstreaming and equality outcomes in Glasgow. This was done to compare equality approaches across the city, to highlight best practice and identify areas for improvement. Our report, *Equality in Glasgow*,⁵ cross-examined each of the reports against their respective duties and identified key themes and areas of interest across all bodies. The analysis did not identify individual organisations or their reports, but rather offered a more strategic perspective of how the Equalities Duties had been implemented. Below is a summary of the 2013 findings and key learning points identified for organisations to consider, to support their 2015 reporting.

Previous Key Findings from 2013

- There was a mixed performance on the first round of reporting. Most organisations invested considerable time and effort in preparing their reports, yet in many cases there was a lack of focus on the requirements as set out under their duties resulting in poor practice or non-compliance.
- Many organisations appeared to find it difficult to adapt to the person-centred focus required by the legal duties.
- Many of the reports did not mention all (or in some cases any) of the three needs or protected characteristics laid out in the general duty.
- Both mainstreaming reports and equality outcomes were often excessively bureaucratic.
- Equality outcomes were lacking in clear vision for the changes organisations want to see in experiences of those with a protected characteristic.
- There were concerns around the involvement and evidence gathering required in setting outcomes. There was also insufficient coverage of the three needs laid out in the Equality Act and the protected characteristics they should support.
- Many of the reports did not adequately reference their evidence or relevant protected characteristics when reporting on their equality outcomes. This made transparency in some cases very poor.
- Of the reports that were studied CRER identified four main themes, namely employment, education, standard of living and legal and physical security. There was a lack of attention given to tackling prejudice and discrimination, addressing occupational segregation (both horizontal and vertical) and a lack of focus to increase representation of staff, service users and community members with relevant protected characteristics in governance, decision making or consultative structures.
- Many organisations required significant development of their approach to employee information monitoring and reporting in order to meet the requirements of the duties.

Previous Recommendations and Learning Points from 2013

Public bodies were advised through CRER's research to consider undertaking an interim review of their approach to progressing their equality duties, with particular regard to assessing:

- The extent to which each requirement of the specific equality duties has been reflected within the current publications and practices.
- Gaps in coverage of the general equality duty needs or protected characteristics.
- Approaches to involvement and evidence gathering.
- Processes for gathering employee information.
- Potential for improvement measures, including updating equality outcomes if appropriate.

⁵ Coalition of Racial Equality and Rights (2013) *Equality in Glasgow: Glasgow's Public Bodies and the Public Sector Equality Duty* <http://www.crer.org.uk/publications/equality-in-glasgow>

Following the publication of CRER's findings in 2013, a roundtable meeting was held to discuss our analysis with the organisations who had submitted reports. Around half of the organisations accepted their invitations, with some others also arranging one-to-one support with the report author to discuss how they may set outcomes and mainstreaming activity to better meet their duties. We are pleased to find that some organisations have made a marked improvement since the last reporting round, with a general trend across the board of improved equalities working. CRER's 2014 report *Scottish Specific Equalities Duties, Get Ready for April 2015*⁶ provided a range of good practice tips for meeting the equality duties over the period 2015 to 17. A new version is being produced in 2016 (*Scottish Specific Equalities Duties, Get Ready for April 2017*), incorporating new requirements for 2017 and reflecting the findings of this report.

The regulations stipulate that public bodies must report on certain duties every two years. With the second round of reports being published in April 2015, CRER again analysed these reports in order to draw meaningful conclusions on the approaches taken to mainstream equality within Glasgow's public bodies. As stated in the legislation reports published since 2013 should highlight the progress that they have made in advancing equality. There is also a legal requirement to update the organisation's equality outcomes every four years, however these can be updated more frequently if required.

2015 reporting and analysis

It is important to note that the 2015 reports should be progress reports which should highlight the gains made in advancing the equalities duties since 2013. Where practicable this report has tried to highlight the progress that organisations have identified, by referencing the work which has been identified by the organisations themselves, however this has proved difficult due to inconsistent approaches in reporting progress. Not all reports overtly reported their progress; many simply reiterated their commitments set out in the 2013 reports. Some findings have been identified using the same quality indicators as used in our 2013 report, and where applicable this 2015 research has drawn out comparisons between the two reporting rounds and noted any changes overall.

This report takes a practical approach to exploring what can be learned from the equality duties documentation published by Glasgow's public sector bodies. We hope our findings continue to support public sector organisations in Glasgow, and further afield, to better meet their duties and inspire best practice to make a measurable difference to improving equality and people's lives.

Only those public authorities listed in the Regulations are required to comply with the specific duties; this is a smaller number of organisations than are bound by the general equality duty. These are known as 'listed public authorities'. In Glasgow there were 20 local organisations listed for the 2013 reporting session, however following several college mergers across the city there are now only 16 organisations that CRER examined for the purposes of this research.

The following documents⁷ were required to be published by 30th April 2015:

- A report describing the progress made on mainstreaming the general equality duty, including an annual breakdown of employee equality monitoring information
- Equality outcomes progress report, detailing the outcomes that were set in 2013 and how progress has been tracked and assessed (new outcomes will be required to be set in the 2017 reports)
- Gender pay gap information (only required by organisations with more than 150 staff)

Within these duties there are also obligations on public bodies such as equality impact assessment and considering award criteria and conditions in relation to equality in procurement. Additionally, all organisations are required to publish the information which requires regular publication in a manner that is accessible. These issues are touched upon in this report but are not covered in depth.

⁶ CRER (2015) *Scottish Specific Equalities Duties: Get ready for April 2015* <http://www.crer.org.uk/Publications/PSED2015.pdf>

⁷ Ibid.

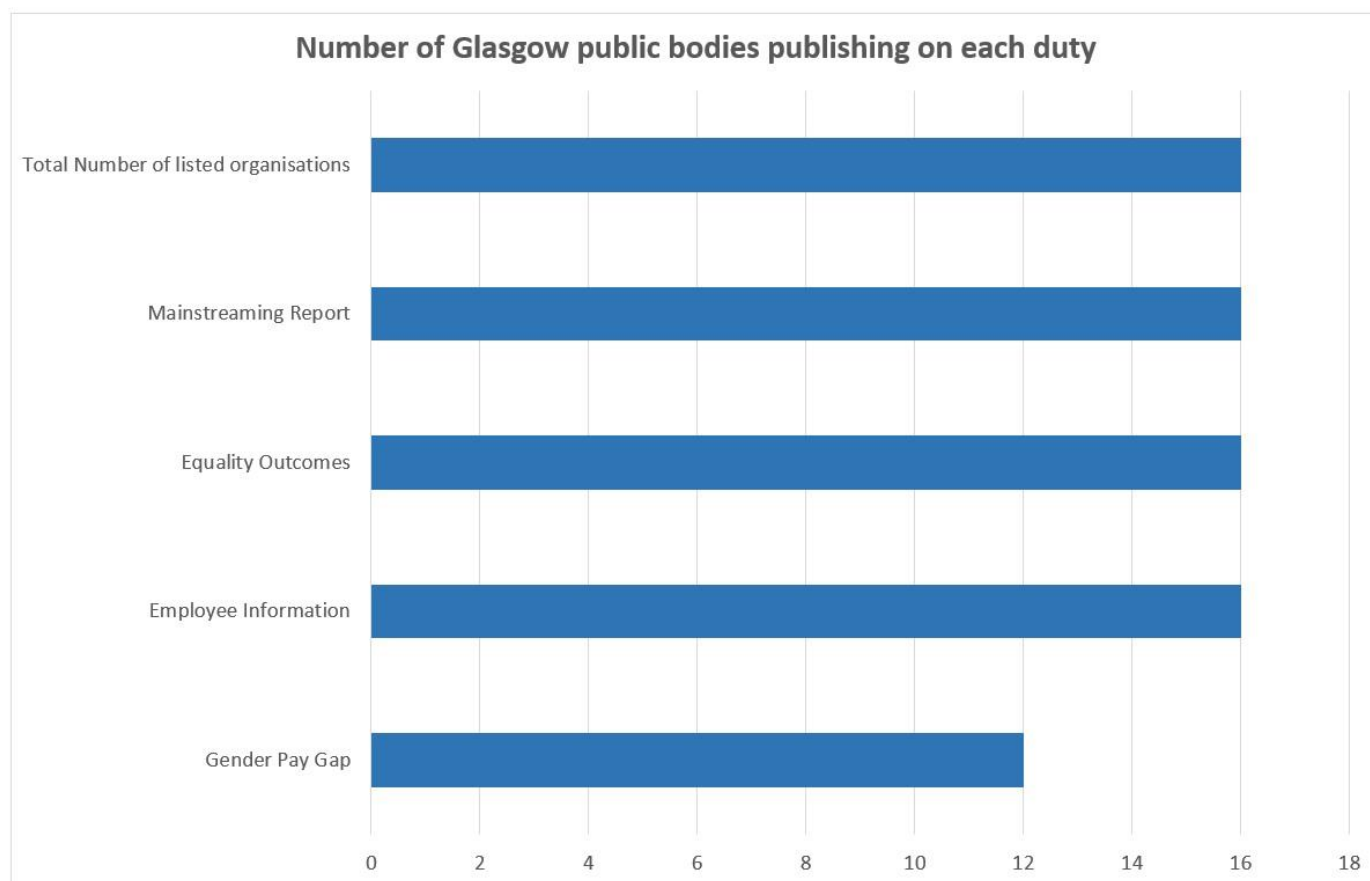
A range of case studies and examples are provided throughout the report. These are loosely based on the publications within the study sample, however each one has been altered, reworded or amalgamated with other examples to ensure that individual organisations cannot be identified. This decision has been taken to avoid appearing to endorse or condemn any particular organisation's performance. Some of the more compliant organisations in the study had areas of very poor practice, and some organisations which were not entirely compliant had areas of very good practice.

Publication

This report analyses the data supplied all public bodies in Glasgow (excluding national organisations based in Glasgow) and evaluates how far their self-reporting fulfils the requirements as stipulated in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Since the last publication of reports there have been considerable college mergers which have reduced the number of public bodies which these duties apply to in Glasgow, from 20 to 16. A full list of the organisations covered can be found in the appendix at the end of this report.

As with the last round of reporting the manner in which this data is collected and published varies significantly from organisation to organisation, however, as shown in figure 1 each of the 16 organisations have published a mainstreaming report, details of their equalities outcomes and employee information. Of the 16 organisations 12 published details of the gender pay gap. As mentioned above, in 2015 the gender pay gap reports were only required by organisations who have more than 150 staff, and this may explain why some organisations did not include this information. A full breakdown of performance on the gender pay gap duty (and publication of the equal pay statement, which was not strictly required in 2015) within the 2015 reports, are addressed in detail later in this report.

Figure 1



It should be noted that publishing the above information does not necessarily mean that each of the organisations have complied with the duties as outlined in the Act. Each duty has specific requirements and throughout this report we will outline how far each of these reports have met their legal duties. Later analysis will pull out key duties particularly under the mainstreaming reports, progress on the equality outcomes and employee information and evaluate how far the documentation is compliant. If these statutory requirements have not been reported or not reported clearly it will be noted that they have not met their statutory requirements despite publishing a report. This report will focus largely on these three duties touching briefly on the equal pay statement and gender pay gap which leave less room for interpretation.

Each of the organisations evaluated in this report delivers different services; from education, to community justice and transport. Based on the different stakeholders and functions that they carry out it is fair to assume that each organisation will take a personal approach to their mainstreaming activities as well as their equalities outcomes. The suite of reports that have been published were extremely diverse in format and content. Whilst the flexibility of the legislation allows organisations to tailor their approach the lack of standardised format has resulted in some organisations reporting in such a way that makes it unclear if they have met their statutory duty or not. This explains some of the low compliance rates that are recorded throughout this report, however it must be noted with caution that this may be due to the reporting itself not the performance of the organisations as whole.

Some of the reports were published in one large document. This was helpful when there was a clear layout defining each of specific duties separately as it allowed for individual analysis and integration within other parts of the report. Others chose to publish each of their reporting duties in separate documents. A few organisations published reports that detailed their more general equality policies and practices with little reference to the specific duties or how their activities sought to meet the requirements of the Act. For this reason it was difficult to tease out the relevant information and to determine if they had satisfactorily met their statutory requirements. In addition to this there was more than one organisation that had collected and assembled the correct information, but then buried this in a series of reports which were not all easily located and were not explicitly in reference to their duties. Whilst it is encouraging that organisations are looking to include equalities in many strands of their work, it would be beneficial for the purposes of meeting the Public Sector Equality Duty to have this information relayed in a more transparent manner. As already mentioned, all listed authorities are required to publish their information in a manner that is accessible.

Where separate reports had been created for each of the specific duties there was often confusion as what information should be included in which report. For example, many of the outcomes were listed as examples of mainstreaming actions rather than as separate, measurable activities under the equality outcomes duties. Additionally a few reports included a breakdown of occupational segregation data as part of their employee information when this should be reported under the equal pay statement duty. This leads to further inaccuracies when organisations have not reported on all sections but part reported on some duties under the incorrect headings.

Key learning points:

- A single equality duty publication makes information easier to access
- Setting out the information under clear headings for each duty makes it easier to understand
- It's not enough to publish only some of the information required – each part of the specific duties must be met in order to comply with the law

Improvements since last reporting

A key area of improvement is that all organisations published reports by the end of April 2015. Whilst there is still not a clean sweep of data being published, it is encouraging that organisations are aware of the legal duty to report at least the mainstreaming report, equality outcomes and employee information. Following the 2013 reports both CRER and the Equality and Human Rights Commission (EHRC) studied these reports and highlighted areas of weakness and areas of improvement. As mentioned, CRER's report focussed only on organisations within Glasgow, however the EHRC investigated organisations nationally. Both organisations offered support to organisations to

improve on their reporting in order that they better meet their duties. Further details of this will be outlined later in the report.



Duty to Mainstream the Equality Duty

Listed authorities are required to report the progress on mainstreaming the general equality duty. Listed authorities must publish a report detailing how they have made the equality duty “integral to the exercise of their functions” and are required to report on the progress they have made every two years. This equality duty is often referred to as the mainstreaming duty and all of the 16 Glasgow local listed public authorities have published their reports by the April 2015 deadline. This in itself is an improvement from the 2013 reporting session whereby only 18 out of the 20 public bodies published reports. As was seen in the 2013 publications each of the mainstreaming reports were presented in radically different formats with some meeting the requirements of the duties better than others. This analysis looks specifically at the structure of the reports and what they contain in relation to the requirements of the duties.

Structure of mainstreaming reports

Technical guidance issued by the EHRC describes mainstreaming as:

“Mainstreaming the equality duty simply means integrating equality into the day-to-day working of an authority. This means taking equality into account in the way the authority exercises its functions. In other words, equality should be a component of everything an authority does.

“Mainstreaming the equality duty has a number of benefits including: equality becomes part of the structures, behaviours and culture of an authority; an authority knows and can demonstrate how, in carrying out its functions, it is promoting equality; mainstreaming equality contributes to continuous improvement and better performance.”⁸

The EHRC guidance clearly states that mainstreaming should be carried out across the full range of the organisation’s functions. However some organisations only referred to the two basic functions that they perform as service providers and employers. In some cases this resulted in very limited reporting in terms of mainstreaming activities and the progress that they had made since the 2013 reports. Conversely there were some organisations that provided a full range of their functions with some listing as many as 14. By breaking down their functions more clearly this allowed for more transparent reporting, not just on the equalities work by individuals or departments, but also on how equality issues had been identified under each function, with tailored approaches implemented and measured. Examples of functions additional to employment and service provision included administration, finance, marketing, policy and leadership. There was only one organisation who did not set out any identifiable functions.

More generally, organisations which identified functions clearly within the report were easier to assess in terms of meeting their duties. In organisations which used very broad headings it was difficult to determine how they had taken “equality into account in the way the authority exercises its functions” as suggested in the EHRC guidance.

Many of the reports focussed primarily on one element of activity at the expense of detailed information which could demonstrate more practically the organisation’s ability to embed equality. Understandably policies and strategies featured in all of the reports, however in some of the mainstreaming publications these were the only equality measures that they highlighted. Coupled with a lack of analysis or recorded learning points and agenda setting, it was difficult to understand how this limited approach satisfied the requirements of the Act.

Whilst policy and process is vital in underpinning equalities it is only effective when outlined in an improvement context. Many of the reports highlighted the policies in place but did not give any further details on how the policies were formed or details of the protected characteristics that they were designed to support. Further to this many of the reports failed to outline what impact these practices were having so it was difficult to assess the depth of their implementation. Even though many of the policies could be applicable to all protected characteristics there was little

⁸ Equality and Human Rights Commission (2014) *Mainstreaming the Equality Duty: A guide for public authorities (Scotland)*

evidence of how they had fulfilled their duties to: eliminate discrimination, harassment and victimisation; advance equality of opportunity and foster good relations.

For example, some reports stated that they had assigned an equalities officer or set up an equalities working group to assess mainstreaming practices and policies however no further details were offered on the issues they prioritised or the outcomes they noted. Case studies or work plans may have been beneficial to the reader to assess whether their initiatives had fulfilled their duties.

There were, however, many examples of good practice in this area. In outlining general policies and protocols, some organisations gave details of the equality impact assessments that they carried out on these practices. Some reports then detailed how this evidence influenced changes in working and identified the individuals most likely to benefit from these improvements. This is helpful as it allows both the organisation and the wider public to measure the success of their equalities practices over time.

Another example of good practice in this area was the breakdown of equalities monitoring throughout each function. The most comprehensive reports detailed to the reader how policies were implemented by each team, from the board of directors with oversight for the whole organisation right down to the individual employees and their role in supporting and implementing best practice. This was obviously more clearly laid out by the bigger organisations with defined functions, however it was also highlighted by some smaller organisations who mentioned their community impacts as well as their internal equalities responsibilities.

This finding is broadly similar with the conclusions drawn from our 2013 analysis, however there were notable improvements by individual organisations that received support from CRER or EHRC. Around three organisations noted in their reports how they had improved their reporting practices following feedback from CRER. These included measures taken such as greater inclusion of service users and staff, particularly those who had a protected characteristics which had been under-represented in the past. Many others simply displayed their information more clearly and detailed how they had met their duties in a more distinct manner. Details of how organisations met their duties are explored further in the relevant sections of this report.

Protected characteristics and needs

As mentioned the three 'needs' set out in the general equality duty require public bodies to: eliminate unlawful discrimination, victimisation and harassment; advance equality of opportunity and foster good relations. It's expected that it may be difficult for all organisations to articulate how they have advanced each need for every protected characteristic. For example the ban on age discrimination in services and public functions which came into effect on 1 October 2012 does not extend to people under 18.⁹ This is a clear example of where organisations working with younger people will not be expected to report in the same manner.

Reports that demonstrated good practice did so by not only measuring their progress on mainstreaming equality, but also by matching their reported successes to the relevant protected characteristics. Many of the examples given applied to multiple if not all of the protected characteristics which made it unclear if these were generic, fairness focussed outcomes which have little actual connection to protected characteristics, or if their practices had been designed with individuals with a protected characteristic in mind. For instance by creating a safer environment with robust bullying and harassment procedures, organisations may feel this could address all protected groups under the first need – to eliminate discrimination. Whilst this procedure may indeed benefit all, the lack of specific targeting means there is no way of understanding which groups are most in need of these measures and currently face inequalities which can be addressed. Good practice examples drew on evidence to ensure this practice had a greater impact on marginalised groups, for instance in relation to homophobic bullying in schools.

The detail given by many of the organisations varied considerably. Some mainstreaming reports were so short in length that they didn't specify any protected characteristics. In fact in some reports the only mention of protected

⁹ Ibid

characteristics were included in their explanatory notes describing the duties themselves without then exemplifying how they have attempted to meet those requirements. The maximum number of protected characteristics mentioned was seven (out of a possible nine) however two organisations didn't mention any, with a further two only mentioning one.

Overall organisations reported more conclusively on meeting the second need, advancing equality of opportunity. This was particularly well reported by education institutions as they detailed the various approaches taken to reduce attainment gaps for people with a protected characteristic. Fostering good relations was the most under-reported of the three needs with some reports labelling 'culture days' or student surveys as meeting this need. Whilst both activities may have ostensibly been implemented to support equality, they did not address which of the protected characteristics these methods were implemented to support, and there was very little supporting evidence to explain why these approaches were taken and what they might be expected to achieve.

The most reported of all of the protected characteristics was disability. There were some excellent examples of good practice in supporting service users and staff with disabilities; however some reports simply detailed how they had improved access to their buildings under this section. Whilst important, and covered under the Equality Act that reasonable adjustments should be made, these reports should have detailed how those with a disability were meaningfully seen to be participating in the service or employment setting on an equal footing, rather than simply being able to access the buildings themselves.

Of the 16 reports there were four organisations who did not highlight any of these three needs in their report. These reports were very short in length and had not met many of the reporting duties as they had mentioned strategies and high level policies rather than individually identifying the issues for protected characteristic groups within their organisations and measures they were undertaking to reduce inequality. Conversely there were many organisations that claimed their activities benefitted all service users or staff without mention of what they had done to tackle inequalities or disadvantage specifically within this, and were unclear how these policies are effective in promoting equality for marginalised groups. However positive the organisation may believe this work to be, unless they explicitly meet the requirements as outlined in the Act and the EHRC guidance it could not be deemed to be compliant with the specific duties. Where protected characteristics were mentioned this was usually done in a relatively narrow range of contexts. For example, of the few reports that included eliminating discrimination, victimisation and harassment for those with a self-identified religion or belief, almost all of these examples referred to sectarianism without mentions of reducing any other forms religious harassment.

None of the mainstreaming reports examined directly mentioned all protected characteristics. Three organisations outlined activity that was directly linked to seven out of the eight possible protected characteristics covered by the specific duties. The protected characteristics that were missing from most reports were pregnancy/maternity, gender reassignment, race and sexual orientation. None the less, there was a marked improvement in the number of protected characteristics covered since our report in 2013. Despite the smaller number of organisations covered in this study two thirds of all organisations commented on sex, religion or belief, disability and age, with more than half reporting on the others.

There was a lack of understanding of how the protected characteristics should be measured in some of these reports. As highlighted, there were two organisations who did not mention any characteristics in relation to their mainstreaming activity, showing they have not met their statutory duty. In addition to this, one organisation wrote at length about human rights, as defined by various UN Conventions. This additional data was helpful in terms of understanding the equality agenda of this particular institution as they had adopted a rights based approach, however in terms of reporting on the equality duty this is unnecessary and did not tease out the information required under the reporting duty.

Some reports mentioned various side projects that had been set up under the banner of equality, however their reporting of these projects did not correlate directly to any protected characteristic, making their effectiveness difficult to analyse. Without acknowledgement that some of these activities may benefit some groups more than others it was again hard to see how these projects in themselves had mainstreamed equality as required by the specific duties.

There is no consistent approach taken by organisations to meet their mainstreaming responsibilities under the specific and general equalities duties. This resulted in a lack of attention to the overall range of protected characteristics. Once these duties were then cross referenced with each of the three needs it becomes apparent that certain combinations of characteristics and needs dominated many of the reports analysed.

Fostering good relations was mentioned most frequently when addressing sexual orientation and race. These approaches varied considerably; from involving people from different ethnicities in decision making and policy development, to holding 'cultural food' days in their canteens. The purpose and expected impact of these one off events and campaigns was not well reported and they often did not reflect the requirements of the equality duties well. There were, however, examples in which service users were included in decision making processes, for example sitting on committees or providing information directly to the board of management.

Since the last reporting round in 2013 there was a greater inclusion of more protected characteristics in the reports submitted and an attempt to address each of the three needs on at least some level. Additionally there was less disparity between each protected characteristic, and whilst pregnancy/maternity was still the lowest scoring across the board, the differences between the other seven characteristics has narrowed.

Eliminating discrimination, victimisation and harassment was the most mentioned of the three needs, however on analysis this was scored at a low rate as in many cases organisations had not adequately met their duties. Whilst all of the organisations had in some way or another highlighted their work on creating a safe environment for all staff and service users, in many cases this was not cross referenced with the associated protected characteristics. Whilst it is welcome that these organisations are attempting to create a safe space for all, it does not reflect the specific needs of some of these groups. The purpose of the equality duties is to draw out these specific issues; activities designed to benefit all can often benefit the most marginalised groups least, reinforcing inequality rather than tackling it.

Some examples of good practice in this area can be identified, however. One organisation had created a more flexible holiday scheme to support staff with different religious beliefs. Another had changed the term and exam dates to be more sensitive to times when certain students may have high demands on their time through periods of high religious observance. These examples highlight how discrimination can be tackled by actively changing policy and practice, whereas almost all of the reports only addressed this need through their anti-bullying policies.

Some organisations described activities in a way that made it difficult to ascertain which need would be met, or to prove there was a likelihood all needs could be met. Although this study has assessed all activities clearly intended to progress one or more of the 'needs' of the general equality duty, it should be noted that CRER makes no judgement as to the effectiveness of these activities. For example, as a race equality organisation, CRER has concerns about the quality of activities around cultural awareness in general – without appropriate depth of involvement from minority ethnic individuals and understanding of subtle and institutional forms of racism, these activities (in particular short-term initiatives such as 'diversity days') risk becoming counter-productive.

Equality impact assessment, procurement and involvement

Although organisations are not required to include details of their equality impact assessment (EQIA) and procurement duties within the mainstreaming report, the majority chose to mention these in some way. Of the 16 organisations examined, 12 mentioned their use of equality impact assessments in their mainstreaming reports with seven of these also mentioning them in their other suite of documents.

Procurement was less often mentioned, appearing in only eight of the mainstreaming reports and five of the other documents supplied. However, this is one more than in the 2013 reporting round. Given the importance of these two duties CRER would again recommend that it may be beneficial to set out some procurement information within the mainstreaming report. Again these should be laid out in terms of how this has progressed mainstreaming equality as opposed to simply highlighting the organisations internal processes.

Under the mainstreaming reports only 11 organisations reported involvement, with another five reporting these again within other documents. The detail of this reporting varied from a brief list of the organisations involved, to a full list of each protected characteristic and the mechanisms used to support their involvement. There were some good practice examples given by some organisations that recorded their progress since the 2013 reports in their equality impact assessments. This showed not only the extent to which people with a protected characteristic were involved but also the outcomes of their inclusion and next steps for improvement.

Whilst there is no duty to involve people with protected characteristics and their representatives in the mainstreaming report, it would be effective to ensure an evaluative approach is taken when reporting to include the experiences of the people affected.

Key learning points:

- Strategic and policy information should be included alongside practical examples when compiling mainstreaming reports to ensure that all needs are addressed for all protected characteristics
- Including EQIA, procurement and involvement activity in the mainstreaming reports can aid effective reporting on complying with the general duty
- Clearer definitions of organisational functions can improve the coherence of the mainstreaming reports

Equality Outcomes

The specific duty on equality outcomes requires listed authorities to publish a set of equality outcomes which will enable them to better perform the general equality duty. This duty also requires authorities to publish reports on the progress that they have made to achieve their equality outcomes every two years. The analysis included in this report seeks to evaluate the outcomes produced in Glasgow and measure their progress since the 2013 reports.

Outcome setting

There is no legal duty to set new outcomes under the 2015 reports, only a duty to report on the progress made since the 2013 equality outcomes reports. The legislation does, however, allow for organisations to update their outcomes as often as required. Almost all of the organisations studied did not change their outcomes since the last round of reporting. Whilst reporting on their progress towards achieving their equality outcomes, many organisations included additional actions which provided greater detail to the outcomes themselves and how the organisations planned to measure their effectiveness.

Involvement

The specific duties state that individuals with a protected characteristic must be involved whilst preparing a set of equality outcomes, but there is no requirement to involve people in the progress reporting on outcomes required in 2015. New outcomes are not required to be set until 2017, and none of the organisations that CRER examined had updated the full set of outcomes in the 2015 reports. Nevertheless, some organisations did still mention how they had involved staff or service users with a protected characteristic in their progress reports. Some organisations mentioned the use of focus groups, staff or student surveys and consultation initiatives to support and inform their equalities work.

Those involved and the methods in which they have been consulted remain fairly static since the 2013 reports meaning that the gaps CRER identified in the 2013 reports do not seem to have been addressed in the 2015 reports. It would therefore be reasonable to assume that whilst organisations are documenting their progress on their outcomes that they would use this information to tailor their practices in order to better promote equality. For example, if an organisation finds that their outcome to tackle bullying has been effective in tackling homophobic bullying, yet race related incidents appear to have risen, it would be expected that the organisation would tailor this action to better address the needs of all relevant protected characteristics. Some organisations did adopt this approach, with one organisation overhauling many of their outcomes to make them more effective in addressing each of the three needs and those with a protected characteristic. Others made simple modifications to the wording to ensure clarity, or simply added more operational level actions to achieve their outcomes.

There were a few good examples of organisations who not only reported in a more comprehensive way, but also laid out in their reports demonstrating how this learning had changed their practices. It may well be that the organisations who did not record any changes had engaged but found insufficient evidence to change practices, however this was not articulated in their reports.

Again, although there is no requirement to involve people in progress measurement, in the spirit of the involvement duty for setting outcomes it could be expected that organisations would ensure all protected characteristic groups are involved. It is very difficult to assess whether this has been done or not, as in much of the documentation the involvement has been through large groups with mixed protected characteristics. There has been some good practice in this area however, particularly around disability. One organisation highlighted how a disability focus group had been established to examine all areas which may affect people with a disability and report on measures to be considered to improve this. Some of these outcomes were practical, for example ensuring that all meetings and events were fully accessible. Ensuring accessibility through making reasonable adjustments for disabled people is a key requirement under the Equality Act 2010, however the effort made to ensure these opportunities are accessible

and effective also embeds equality into the everyday activities of the organisation as the mainstreaming duty requires.

Almost every organisation mentioned the use of staff and/or service user surveys, which is helpful to provide an overview of experience. However, these surveys are only useful in equality terms where they specifically draw out the views and experiences of protected characteristic groups, which organisations should highlight and subsequently address. Whilst some reports then went on to offer more detail and highlight the evidence garnered on equalities, most did not.

From evaluating all of the reports, a clearer picture emerges on the spread of protected characteristics described as being involved. Consistent with the 2013 reports, disability was by far the most mentioned protected characteristic with pregnancy/maternity being the most omitted.

Despite the smaller sample size in the 2015 reporting (from 20 organisations down to 16) and lack of a duty to involve in this particular reporting round, there was an improvement in involvement approaches across all protected characteristics apart from gender reassignment. Organisations that wish to further develop their approach to involvement may wish to use Scotland's National Standards for Community Engagement¹⁰ to inform a best practice approach.

Evidence

The specific duties require authorities to consider relevant evidence relating to persons who share a relevant protected characteristics in setting their outcomes. This includes, but is not limited to, the evidence gathered through involvement activities. As mentioned, whilst this part of the duties is not relevant for the 2015 reporting cycle as organisations are not legally required to set new outcomes until 2017, in practice, progress reporting is not viable without some element of evidence gathering. Evidence gathering on how individual organisations could be seen to be meeting the outcomes set in 2013 was therefore a key element of most reports examined. Most organisations gathered quantitative data on staff or service users (including, for example, students) on an annual basis with additional qualitative information collected through focus groups, surveys and formal feedback channels.

This part of our analysis aimed to evaluate the evidence supplied to determine if it had an impact on progressing the equality outcomes set in 2013. Again, as setting new outcomes was not obligatory for this reporting round, CRER evaluated the evidence gathered and matched this to the modified outcomes or additional actions contained in the progress reports to determine if the information collected by these bodies had been used to support measures to improve equality. Many organisations submitted general statistical information, but this wasn't always used to directly inform the outcome agenda. For example more than one organisation used census data to compare employment statistics with the general Scottish population, but this did not then feature in subsequent outcomes or targets. Similarly some organisations listed bodies that they consulted with in order to create actions to achieve their equality outcomes, but with no obvious correlation to the content of the outcomes and actions.

Of the 16 organisations that have been examined two did not mention any protected characteristics in their evidence for outcomes. This is an improvement on the 2013 reports as of the 16 organisations monitored, only ten provided some details of evidence gathered regarding specific protected characteristics. With regards to employee information, as stated in the specific duties, listed authorities must use the information gathered to "better perform the (general) equality duty".¹¹ Most organisations did publish this information to some extent, however there was huge variation of the data collected and the extent to which it was used to inform practice.

¹⁰ Scottish Community Development Centre (2005) *National Standards for Community Engagement*
<http://www.gov.scot/Resource/Doc/94257/0084550.pdf>

¹¹ Ibid

There were only two organisations that didn't mention any protected characteristics in their evidence. Disability related evidence has been used in half of the reports. This is consistent with the 2013 analysis, as is the poorer reporting of evidence on pregnancy and gender reassignment characteristics.

The updated EHRC guidance that has been mentioned throughout this report suggests that "seeking the views of experts, equality groups and communities through involvement will often help to provide further evidence." It also concedes "there may be a lack of evidence about the needs and experiences of people from some equality groups, for example concerning religion and belief, sexual orientation or transgender."¹²

Due to the patchy evidence set out in many of the publications it is very difficult to draw meaningful conclusions between the effectiveness of the outcomes and the extent to which protected characteristics were mentioned in the evidence gathering. However as a general rule the more comprehensive reports did, to some extent or another, mention protected characteristics in their evidence. This was done at a basic level by most organisations through focus groups, targeted surveys and working groups, whereas there were some organisations who presented very detailed information. This was done through extensive work with representative organisations such as Stonewall as well as targeted, peer led projects designed and implemented internally to improve access to services and decision make. We would strongly recommend considering and contextualising external evidence to ensure that outcomes meet the needs of people with protected characteristics.

Good Practice Case Study: Outcomes and Evidence

In one of the reports examined, an organisation had laid out under each outcome the protected characteristic it referred to and the evidence it used to identify the needs as well as those responsible for implementation. Next to this there was also a review and update from the 2013 report, with indicator(s) and date for monitoring progress. This information was clearly laid out in the body of the report, but the organisation had also summarised this information into a table which was a living document to be updated by the relevant departments and individuals involved. This was not only good practice in terms of gathering data to inform and implement the duties and report on progress, but also a good example of meeting their reporting duties as the information was clearly presented, making it easy to analyse.

Key learning points:

- Using evidence separated by each protected characteristic to inform the outcomes improves their relevance and effectiveness of implementation
- In order to meet their duties, organisations must clearly report on the progress made in achieving their equality outcomes rather than simply reiterating their commitments and protocols

¹² Equality and Human Rights Commission (2014) *Evidence and the Public Sector Equality Duty: A guide for public authorities* (Scotland)

Analysis of outcomes

For a full analysis of the equality outcomes set in 2013 and how closely they were deemed to have met their legal duties please refer to the analysis included in the 2013 CRER report, Equality in Glasgow.

As reported in our analysis of the 2013 reports, too many of the reports failed to report the purpose of their activities. Some organisations also tried to tie in their outcomes to their mainstreaming report without paying due attention to the differences required under the reporting duties. For example one organisation included extensive data on the composition of their service users and found not enough people from BME backgrounds participating on an equal footing with the white service users. This was then included very briefly as an area to improve on with no further details on how this would be done, no details of the outcome itself (in the sense outcomes are defined within the specific duties) or measures of success. This practice was seen in almost all of the reports for at least one of the protected characteristics, with more than one report applying this method to every protected characteristic and outcome.

As per the legislation, equality outcomes should aim to tackle inequalities that the organisation itself has identified. This should empower organisations to examine their practices and focus their efforts into implementing equality legislation in the most effective manner. However, too many used the outcomes section to reiterate the wider picture covered in the mainstreaming report and include a list of processes and policies.

It is also worth noting that some of the organisations that scored poorly in the outcomes section relayed a lot of information, however much of it had limited relevance to fulfilling the outcomes reporting duty. This was because so much of this information did not relate to any specific inequalities, or referred to inequalities which have limited relevance to the meeting the duties. For example one organisation reported at length all of the ways in which they had tried to overcome income inequality. Whilst this can be argued to be a worthy initiative, unless these activities also cross reference race, age, sex or another relevant protected characteristic, they are irrelevant for the purposes of the equality duties. Additionally, those outcomes that did refer to inequalities within a protected characteristic group have limited scope and dubious effectiveness. Many organisations detailed their progress on these areas by changing processes within the organisation rather than citing how activities have been implemented to change the life experiences of those facing inequality.

Quality of equality outcomes

To explore the overall quality of outcomes and any potential changes brought in since 2013, CRER evaluated the following quality indicators which reflect our previous work on analysing the outcomes set in 2013:

- Equality outcomes that are general or aimed at a strategic level.
- Equality outcomes that are specific or are of a more operational nature.
- Are all outcomes reported in 2015 the same as those outlined in the 2013 reports?
- Have any outcomes been modified since the 2013 reporting round?
- How many new outcomes have been included by the organisation?
- Are there specific actions which have been assigned to people within the organisation in order to meet their outcomes?
- Have the intended outputs or measures of success been detailed in their outcomes?
- Is there accountability for each outcome, or group of outcomes?
- Have timescales been allocated for the outcomes?
- Is the review process for measuring the organisation's progress been relayed clearly in the reports?

In the 2013 reports there were 115 outcomes set over 16 reports (out of a possible total of 20, as some failed to publish). One organisation's outcomes information was published in a way that made analysis impractical, so in 2013, CRER's analysis covered a total of 104 outcomes from 15 reports.

In 2015, no organisation produced an entirely new set of outcomes. As mentioned, this is not required under the specific duties for the 2015 reports, however six organisations did publish outcomes with slightly modified wording compared to the originals set in 2013. This shows that in terms of outcome setting, there was little change from the 2013 reports.

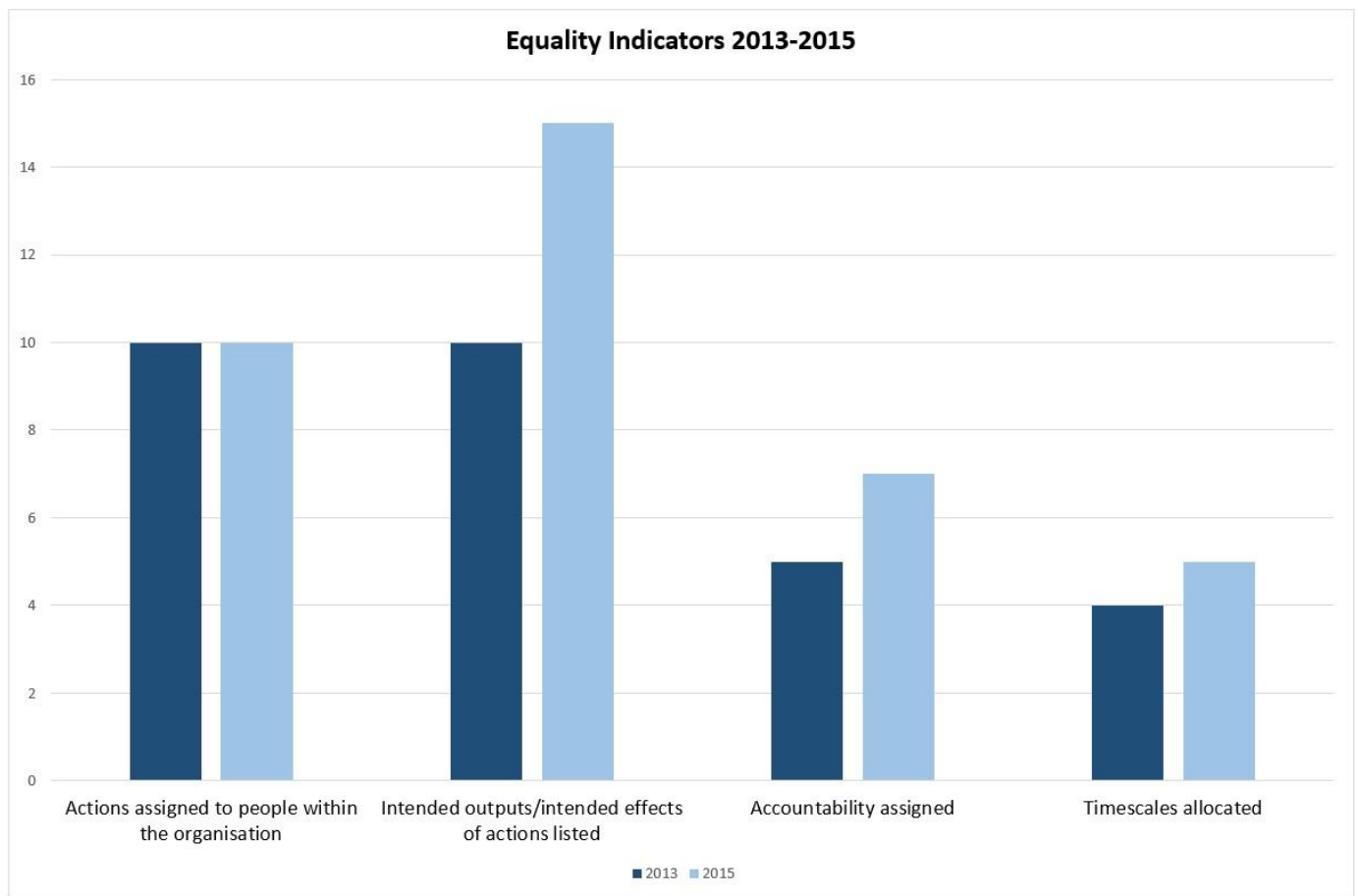
It is important to note, however, that much extra context can be gained from examining the actions and accompanying information given alongside each outcome. In some cases, these had more of an outcomes focus in the sense of the specific duties than the equality outcome itself – these could be described as ‘secondary outcomes’. In 2015, the number of secondary outcomes or actions that were more specific or aimed at a more operational level remained fairly similar. In 2013 there were 469 of these secondary outcomes reported from 10 organisations, however in 2015 this had dropped to 335 from 10 organisations.

This was disappointing, as many of the organisations set their outcomes at a strategic level to begin with and had then insufficiently reported on any progress, or even in some cases failed to explain which protected characteristics or needs of the general duty were included. The additional context given by ‘secondary outcomes’ and other accompanying information (whilst not as compliant or relevant as a well-written equality outcome itself) could have helped to remedy this.

In all of the reports, additional information would be required to provide strong supporting evidence of how their outcome had been progressed. As already stated, many of the organisations took a policy based approach, or displayed a longer term ambition for improving equalities in their organisation. Whilst new outcomes are not legally required until 2017, it is surprising that so few changes have been made since 2013 as there has been limited progress reported and therefore it could be assumed that organisations know which outcomes are proving difficult to implement and evaluate. In order to show commitment to tackling the inequalities that many face it would be expected that poorly performing outcomes would be modified or have more targeted actions put against them in order to ensure that they will be achieved. Yet there were very few examples of this within the reports examined.

Other indicators relating to the general quality of the outcomes were examined by CRER, with comparison against the 2013 reports. These indicators included: have specific actions been assigned to people within the organisation in order to meet a particular outcome; have the intended outputs been clearly articulated to allow measurement of whether the outcome has been successful; has there been clear accountability to ensure that an outcome is taken forward; and have timescales been assigned as to when the outcome will be measured or completed. Figure 2 below shows how each of these indicators compares to the 2013 reports.

Figure 2



As can be seen from Figure 2, there is a general positive trend towards including indicators to measure progress, however it is disappointing that these basic measures to ensure outcomes are achieved are by no means common practice. In fact, of the reports examined, three organisations did not include any information on how they would review their outcomes or track progress. This impacts their ability to meet the duty to report progress (as evidenced by the inconsistent and generally poor approaches to progress reporting in this publication round) and will need to be examined urgently before introducing new outcomes as required in 2017.

Similar to the findings reported in 2013, accountability and target dates were the least reported of all of the indicators we examined. There was a positive increase in the number of organisations reporting on their intended outputs or intended effects of their actions, as only one organisation failed to report on this. However, whilst they may have reported on their intended effects, few organisations demonstrated clearly what they were actively doing to achieve this. Less than two thirds of organisations actually outlined clear actions, activities or outputs for the outcomes. For example, an organisation may state that they want to see a 10% reduction in staff grievances, without then outlining actions to achieve this. Therefore some reports read more like a wish list rather than a set of outcomes that organisations are responsible for bringing about.

Again, it is disappointing that only five of the organisations out of a potential 16 laid out timescales for achieving their outcomes. Some did stipulate that their outcomes would be ongoing due to the nature of that they wanted to achieve. For example, an organisation may set an outcome that intends to make their organisation a welcoming environment to all students and staff. It would be reasonable to assume that this work would constantly be underway and constantly evolving to the needs of new students and staff. However rough timescales or milestones could still be in place to periodically measure staff or student happiness, or indeed to review the effectiveness of approaches to meeting the outcome. Very few organisations detailed this important information, with many simply putting April 2017 as their target date. This may be the date required by law for publishing a renewed set of outcomes, but it would be very surprising if all of the work required to achieve the outcomes already set could be progressed along the same timeframe, culminating at the same date.

Overall, however, it should be noted that a large number of the organisations evaluated reported some information on improvements they had made to their equality outcomes or the approach to achieving them since the 2013 reports. This included organisations which had received advice and support from either CRER or the EHRC to achieve better practice; for these organisations, the differences were notable in the 2015 reports. Recording this learning not only showed how organisations had attempted to better embed equality in their everyday practice but also identified gaps in previous practice, for example not recording data on a particular characteristic as it was seen not to be applicable. These improvements have given the organisations a greater understanding of inequalities and the steps that can be constructively taken to combat them.

Good Practice Case Study: Reporting on Progress of Equality Outcome Structure

To summarise the key learning points, the Equality Outcome Progress Report structures that were the easiest to evaluate included the following information:

- Which need and protected characteristic(s) it related to
- A brief summary of the evidence used to form the outcome
- The outputs or actions planned to achieve this
- Measurements of progress, including time-frames and targets (rather than simply stating this would be reviewed in the next report)
- Details of who was accountable/responsible for implementation and recording progress

Some organisations included some of these points but only one included all.

Achieving outcomes and measuring progress

The specific duties place a duty on listed authorities to publish a report on the progress that they have made to achieve the outcomes that they have set at intervals of two years. Most organisations published this alongside their outcomes, however there were some examples in which the progress was reported in the mainstreaming reports, or as a separate report altogether.

The fact that many organisations did not include complete data on protected characteristics or reported on very vague outcomes meant that tracking progress was difficult in some instances. Almost all of the organisations examined included at least some information on progress in meeting their equality outcomes since the last reporting round. Again, the way in which this was done varied considerably. The inconsistency of the approaches taken mean that a quantitative analysis of compliance with the duty to report progress towards achieving outcomes was not possible on this occasion.

Some organisations assessed the effectiveness of each of their outcomes from the 2013 reports through peer reviews before then indicating if the outcomes themselves should remain or be adapted. Whilst this does not always necessarily indicate that they had registered progress, at least this demonstrated that consideration had been given to whether the outcomes themselves were appropriate and effective. This could have been strengthened for each organisation if more consideration had been given to the three 'needs' for each protected characteristic. This would have enable the outcomes to be more effectively measured. Few organisations did this however, with many setting broad outcomes under multiple needs and characteristics making it difficult to assess if progress had been (or even could be) achieved under those definitions.

Many organisations offered very little in the way of meaningful information on progress. A number of organisations simply requoted their policies on certain issues without addressing whether the policies had been effective or whether the implementation of these had led to any progress towards their equality outcomes. This is very poor practice and breaches their duty to report on their progress towards achieving outcomes. With the suites of information and support available to improve reporting, this seems unjustifiable. With publication cycles every two years, this is both short enough to gather up-to-date data and long enough for organisations to identify challenges in achieving and reporting progress based on continual assessments.

The best examples of recording progress included a bank of both qualitative and quantitative data. There was a trend amongst many organisations to focus on quantitative data as this is easier to track and record, however without the addition of qualitative information this sometimes only presented half of the picture. For example there may well be data that suggests that more people from BME backgrounds are being accepted to a higher education institution, however if this is not balanced next to the experiences that they have as part of the institution this does not demonstrate that all three of their 'needs' have been met. Similarly there may well be evidence to suggest that almost all women who have gone on maternity leave return to work. However if there is no data to include their experiences upon return this cannot accurately determine that no discrimination has taken place, perhaps by being excluded from professional development opportunities for example.

As was recorded in the 2013 reports study, only one of the organisations covered the use of procurement and budget allocation in their outcomes. CRER would recommend this to all organisations; although it does not necessarily enable organisations to demonstrate progress towards achieving outcomes in the conventional sense, it does assist in showing that the expected resources have been used as planned, demonstrating action has been taken.

Key learning points:

- Clear indication of the progress towards achieving outcomes, rather than broad sweeping statements or catch-all objectives
- Greater consideration of three 'needs' and protected characteristics allows for clearer reporting on progress towards outcomes – especially where this shows the change in the lives of people with protected characteristics
- Reiterating information on policies and practices does not contribute to reporting on progress towards achieving outcomes
- Explaining new or revised processes, actions or approaches is useful, but reflects progress towards more effective implementation of the work needed to achieve the outcomes rather than actual progress made towards achieving outcomes

Under represented issues

Our analysis found that, despite some organisations having expanded the contextual information slightly within the outcome sets and their accompanying information, a number of well-evidenced, important equality issues continue to be under-represented. Whilst it should remain the priority of organisations themselves to examine the potential gaps and action needed to address inequalities with a flexible approach that meets the needs of their organisation, there are particular areas where CRER would like to see more focus in future (for example in the renewed sets of outcomes to be published in 2017). Based on our professional knowledge and from working closely with Glasgow communities over many years CRER would welcome increased recognition of these issues under the three 'needs' of the general equality duty:

- Tackling prejudice and discrimination.
- Improvements in access, retention and attainment within education institutes of people with certain protected characteristics, especially across subject areas where they may be under-represented.
- Improvements in recruitment, promotion, training, development and retention of employees within under-represented groups, and improvements in the focus on staff with protected characteristics which are not often mentioned within equality outcomes at present (for example pregnancy and maternity).
- Ensuring that all mentions of general or wider issues are linked back to protected characteristics, for example the implications of welfare reform for people of differing ages.
- Increasing the representation of staff, service users and community members with protected characteristics in governance and decision making.
- Bringing together individuals and groups from a range of backgrounds to foster good relations in a meaningful manner, rather than simply holding 'diversity days' and awareness raising campaigns.
- Increasing access to support on equality issues that match the range of needs that individuals may have, for example moving away from addressing disability only in terms of physical accessibility or addressing race only in terms of issues affecting migrants such as language and asylum support.

Duty to Gather and Use Employee Information

The employee information duty outlines a range of specific information which should be published within the mainstreaming report, if it has not already been published elsewhere. The information required includes an annual breakdown of a range of employee equality monitoring information and details of progress in gathering and using information to better perform that duty.

All of the organisations studied in 2015 published some degree of employee information although only a small handful included enough information to be deemed compliant with the duty. Many organisations published information on only a few of the protected characteristics or failed to provide any narrative on the data, particularly in terms of gathering and using the information.

The analysis of this report looks in some detail at the information published regarding:

- Employee composition (also known as the workforce profile)
- Recruitment
- Staff development
- Retention (for example data on staff leaving the organisation or returning from maternity leave)

These are the four basic areas in which the regulations require organisations to publish information. The non-statutory guidance on employee information from the EHRC, as mentioned throughout this report, summarises the main part of the duty: “A listed authority must take steps to gather information on the composition of its workforce and the recruitment, development and retention of its employees, with respect to, in each year, the number of relevant protected characteristics of such persons.” This reflects the previous requirements of the race equality duty and so while the breadth of coverage is different, the basic concepts should be well understood by public organisations. Not least as this is now the second round of reporting under the Scottish specific duties.

The guidance further sets out a range of information which could be collected in pursuit of the duty:

“We recommend that you work towards gathering and using information disaggregated by protected characteristics on the following:

- Recruitment and promotion
- Numbers of part-time and full-time staff
- Pay and remuneration
- Training and development
- Return to work of women on maternity leave
- Return to work of disabled employees following sick leave relating to their disability
- Appraisals
- Grievances (including about harassment)
- Disciplinary action (including for harassment)
- Dismissals and other reasons for leaving”

One organisation managed to cross reference each of these areas with protected characteristics where enough data was available. This gave an excellent overview of, for example, gender patterns in part-time working or how promotion was linked to age. Other organisations touched on these areas lightly, however for many of the protected characteristics it was reported that there were too few employees for the data to be included. This does not mean that the information could not be presented in a manner that was sensitive to the employees’ data protection rights. There were some reports in which apparent concerns about small sample sizes were used to omit important information on some protected characteristics. As recommended in CRER’s 2013 analysis, there are ways of including this important information without identifying individual staff members, for example as a narrative setting out where the organisation is aware of under-representation or inequalities.

Employee composition was by far the most well documented of the four primary areas analysed. Figure 18 below shows that two thirds of the organisations examined covered composition with just under half including information

on recruitment and development. Similarly to our 2013 findings, staff retention was the least recorded of employment areas, featuring in only five out of the 16 reports.

Figure 3

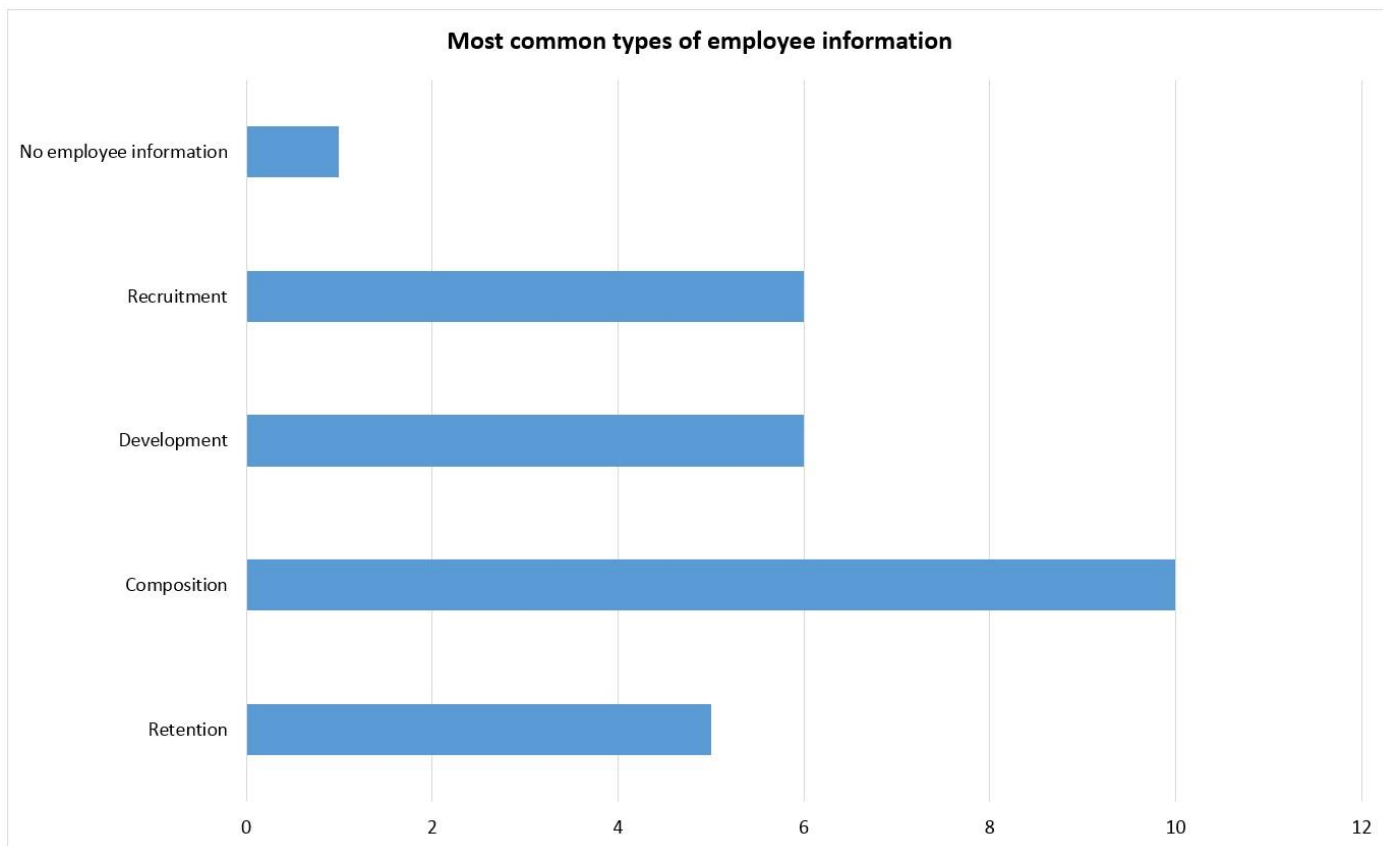
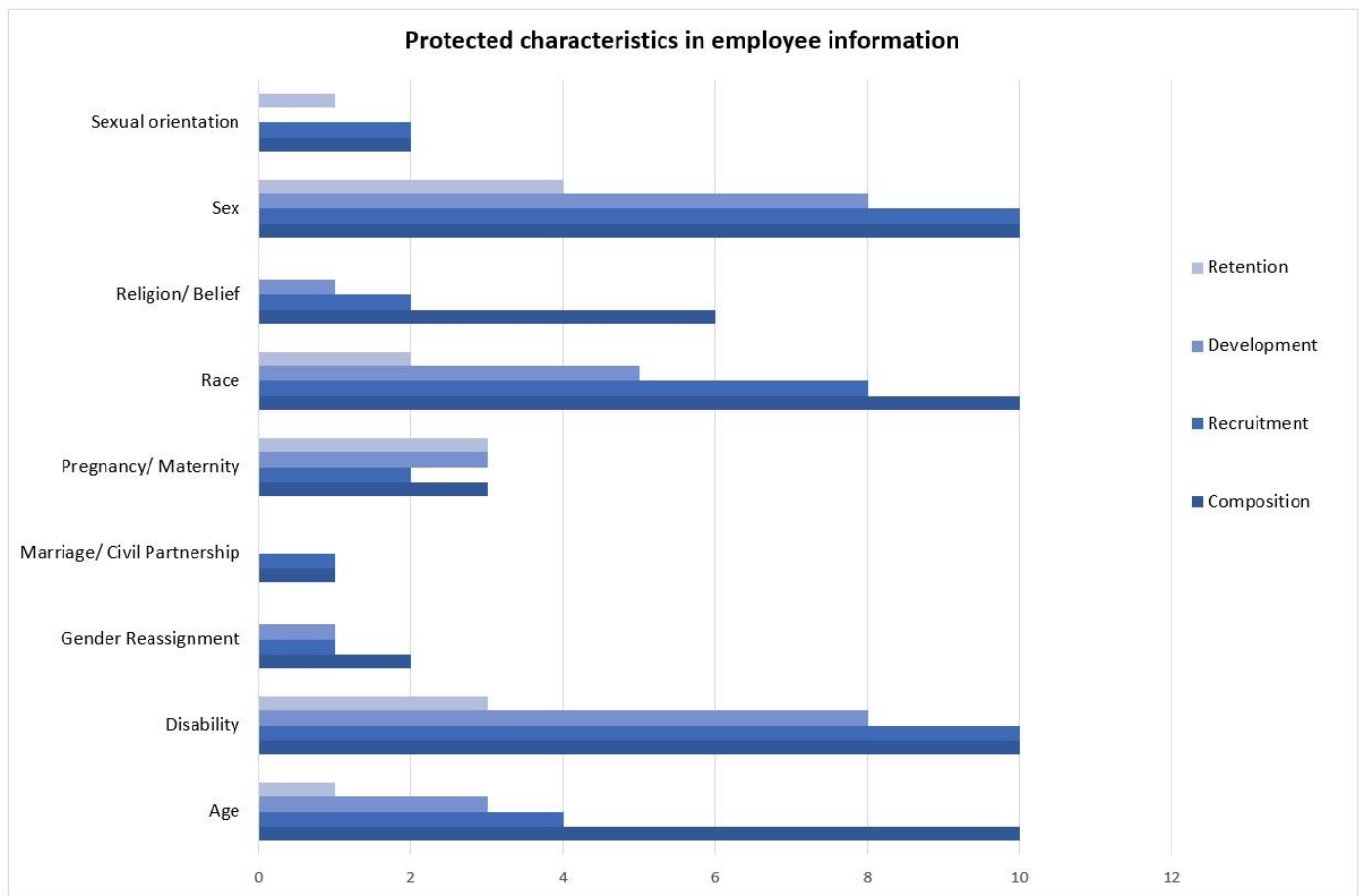


Figure 3 shows the overall degree in which protected characteristics were covered by organisations in respect of each of these areas. Some organisations provided only partial information for some or all of the protected characteristics covered.

Figure 4



There were minor changes in the distribution of protected characteristics within employee information as noted in the 2013 reports. As noted previously there is a greater emphasis on sex, race and disability however there were also more mentions of pregnancy and maternity than in the previous reports.

Age was also well covered however this saw the greatest disparity in the categories in which it was recorded. Many organisations included information on the composition within the workforce but there were very few reports that highlighted age in any further meaningful way.

Employee composition data

Employee composition data was included in the majority of reports. As with all employee information categories, it was rare that organisations then separated this by the full range of protected characteristics. As shown in figure 5 just under half of all reports included eight protected characteristics with a further quarter only covering four. Although there is no requirement to report on marriage and civil partnership, this was also analysed as some did include it. However, none of the organisations covered all nine of the potential groups.

Figure 5

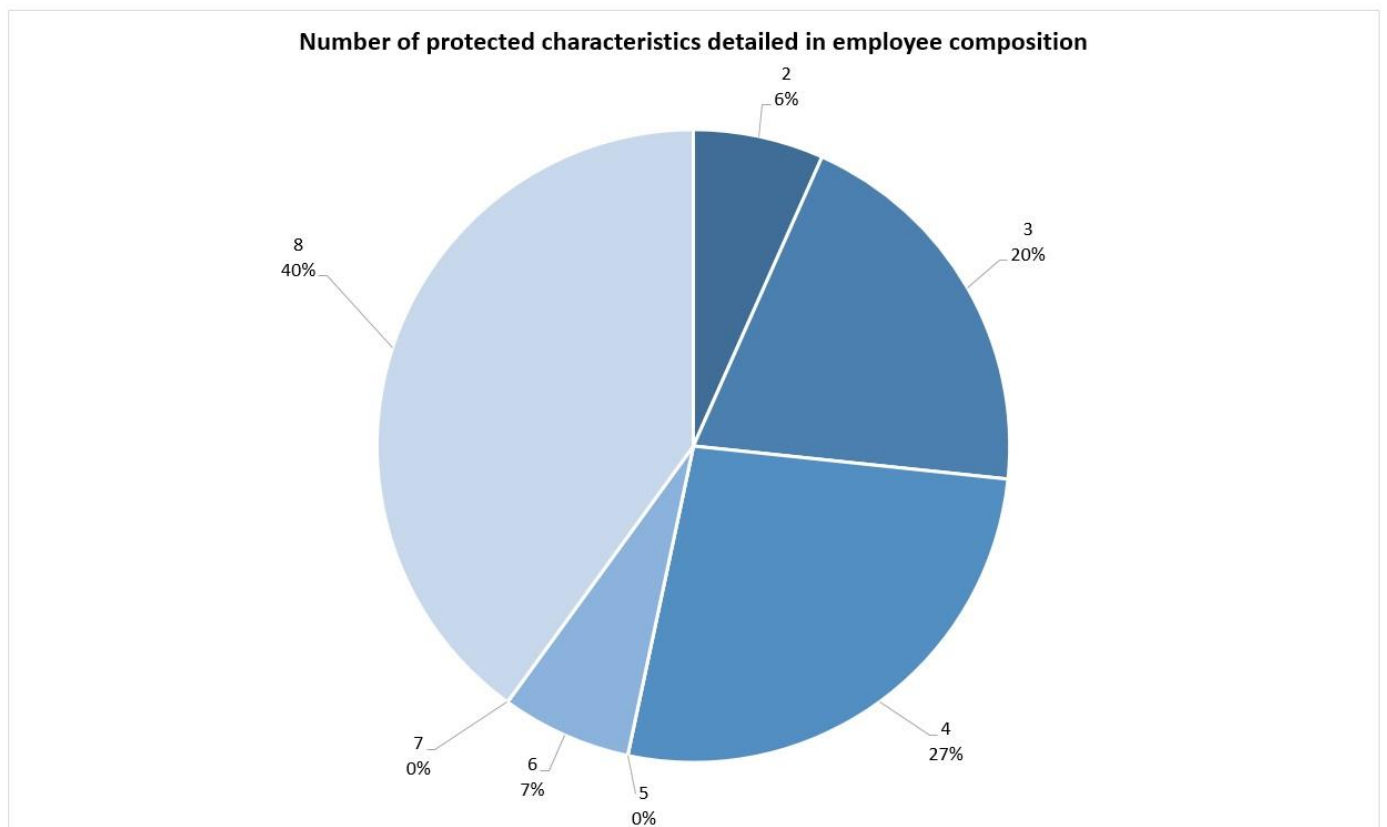
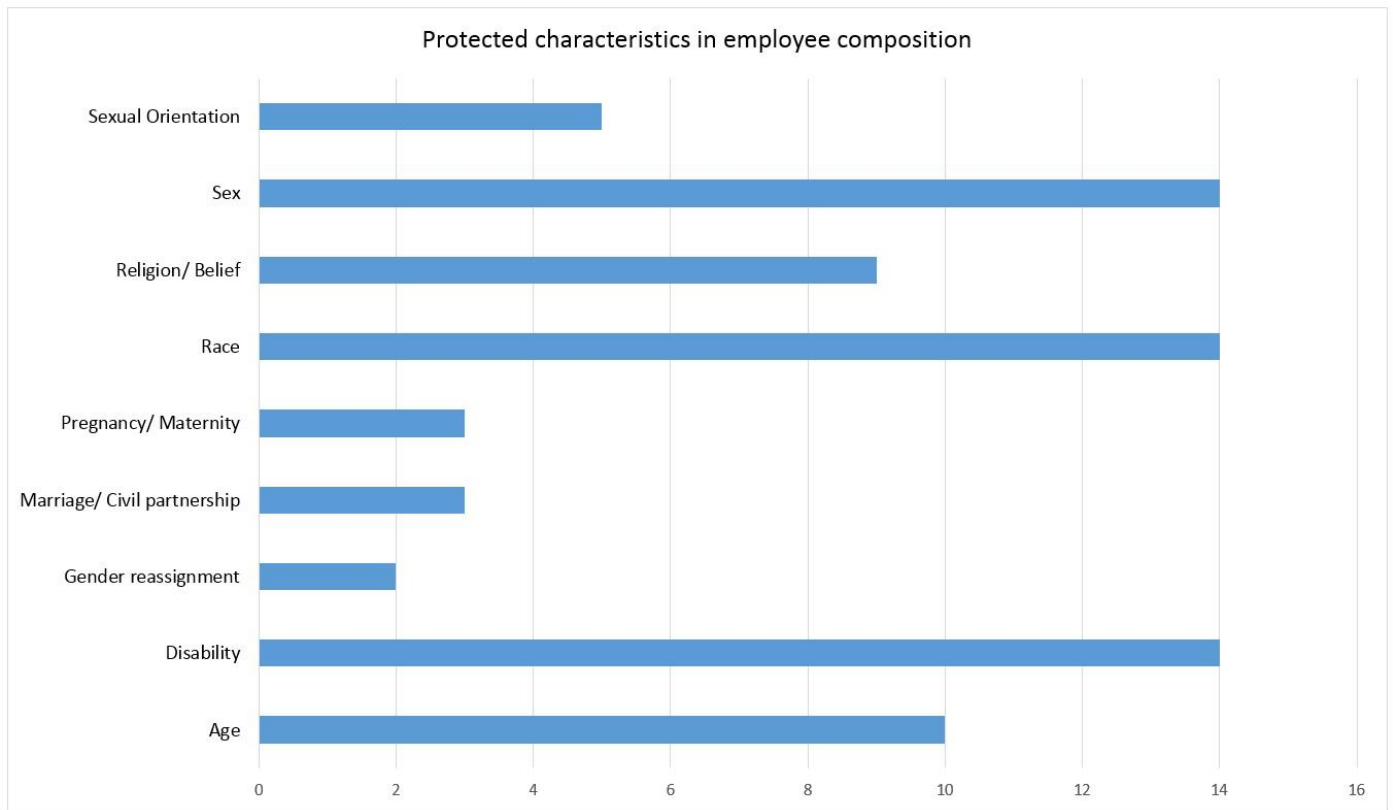


Figure 5 shows the extent to which each of the protected characteristics was covered in the reports. Some protected characteristics have a longer history of being monitored under previous legislation, which perhaps explains why the information largely focusses on three of the longstanding characteristics of sex, race and disability. These were mentioned in all but one of the reports. This was also a similar conclusion from the 2013 analysis, however it could be expected that this second round of reporting in 2015 would have considerably improved the coverage of protected characteristics.

Pregnancy and maternity, gender reassignment and marriage and civil partnership have all been mentioned in less than a fifth of the reports examined. There can be sensitivities around transgender protected characteristic reporting, however there is comprehensive guidance from EHRC on how to approach this. Also, as stated marriage and civil partnership information is not strictly required so this may account for the low numbers in this field. However these three were also the lowest scorers from the 2013 reports, demonstrating that there has been little improvement in recording for these characteristics since the last reporting session.

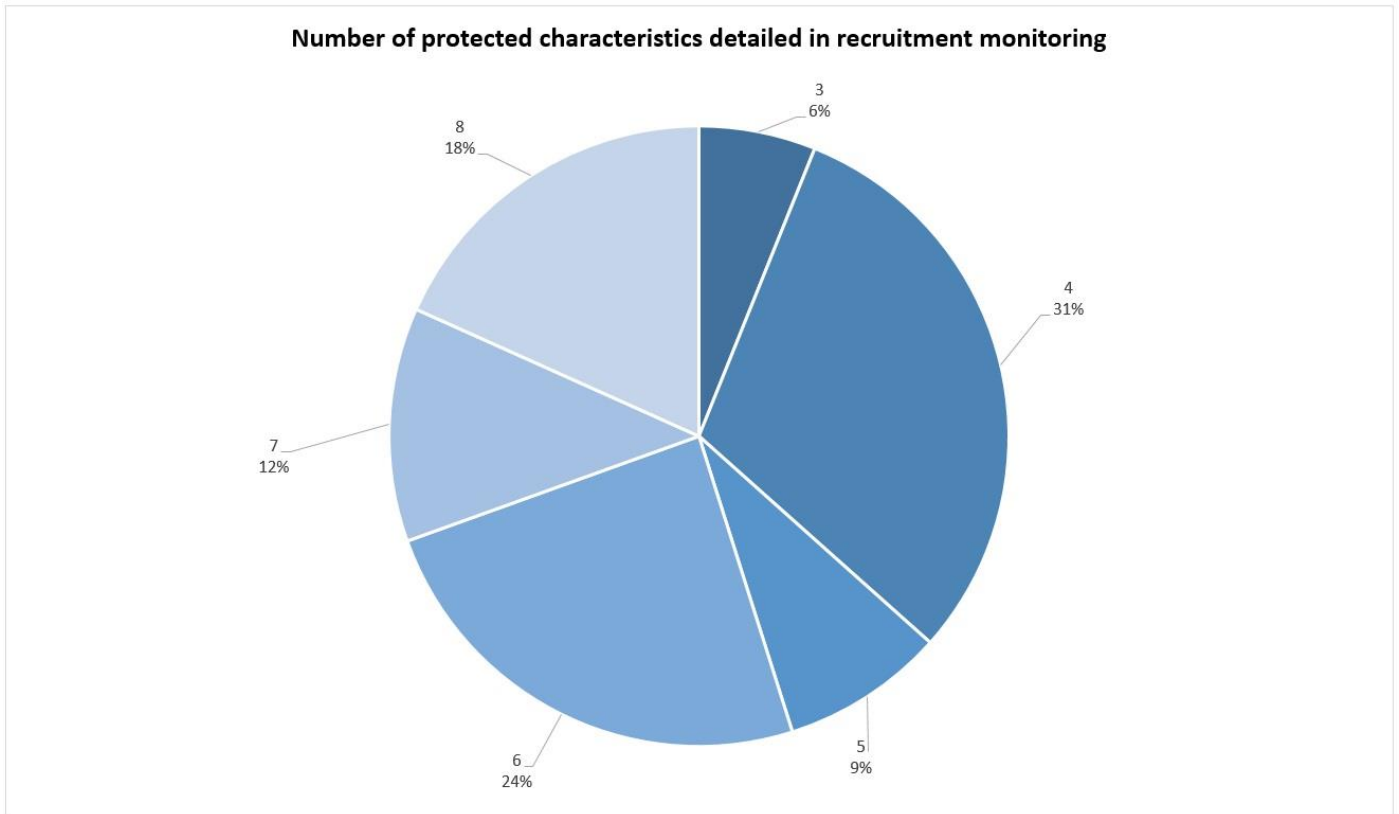
Figure 6



Recruitment monitoring data

In total six of the 16 organisations published recruitment monitoring data, however, as with all other aspects of the reporting the extent of the reporting varied considerably. As can be seen in figure 7 just over a third of organisations reported between three and four protected characteristics in their recruitment monitoring, however gains were made from the 2013 reports with over half reporting six or more.

Figure 7

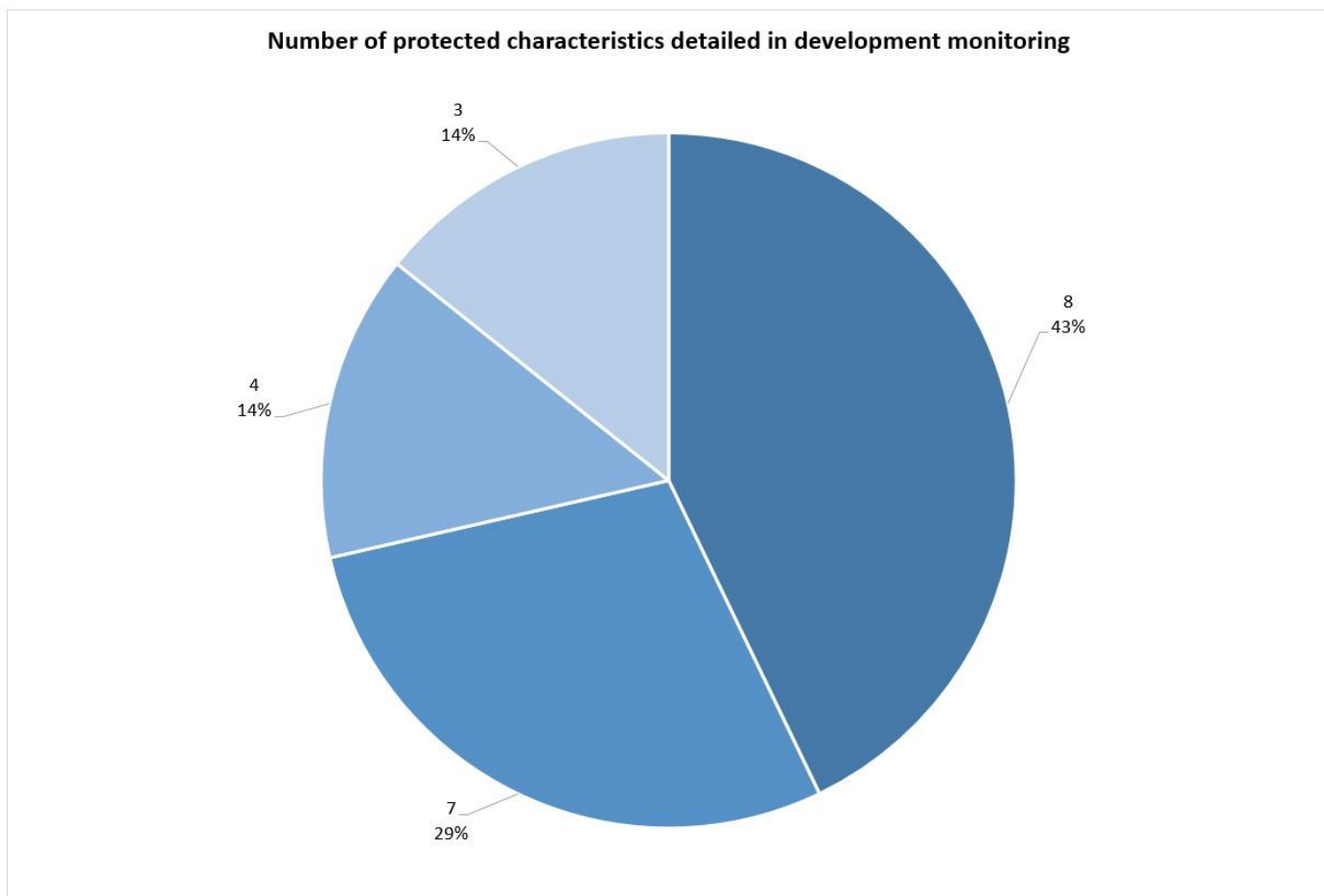


In the 2013 reports this data was then broken down by the protected characteristics involved, however with a sample size of six compared to the 12 organisations from 2013 this has not been possible.

Staff development monitoring data

Of the 15 organisations that published employee data only six published details of staff development monitoring. Of the organisations that did publish, most included a high number of protected characteristics with no one recording less than 3. Figure 8 includes further data on this.

Figure 8

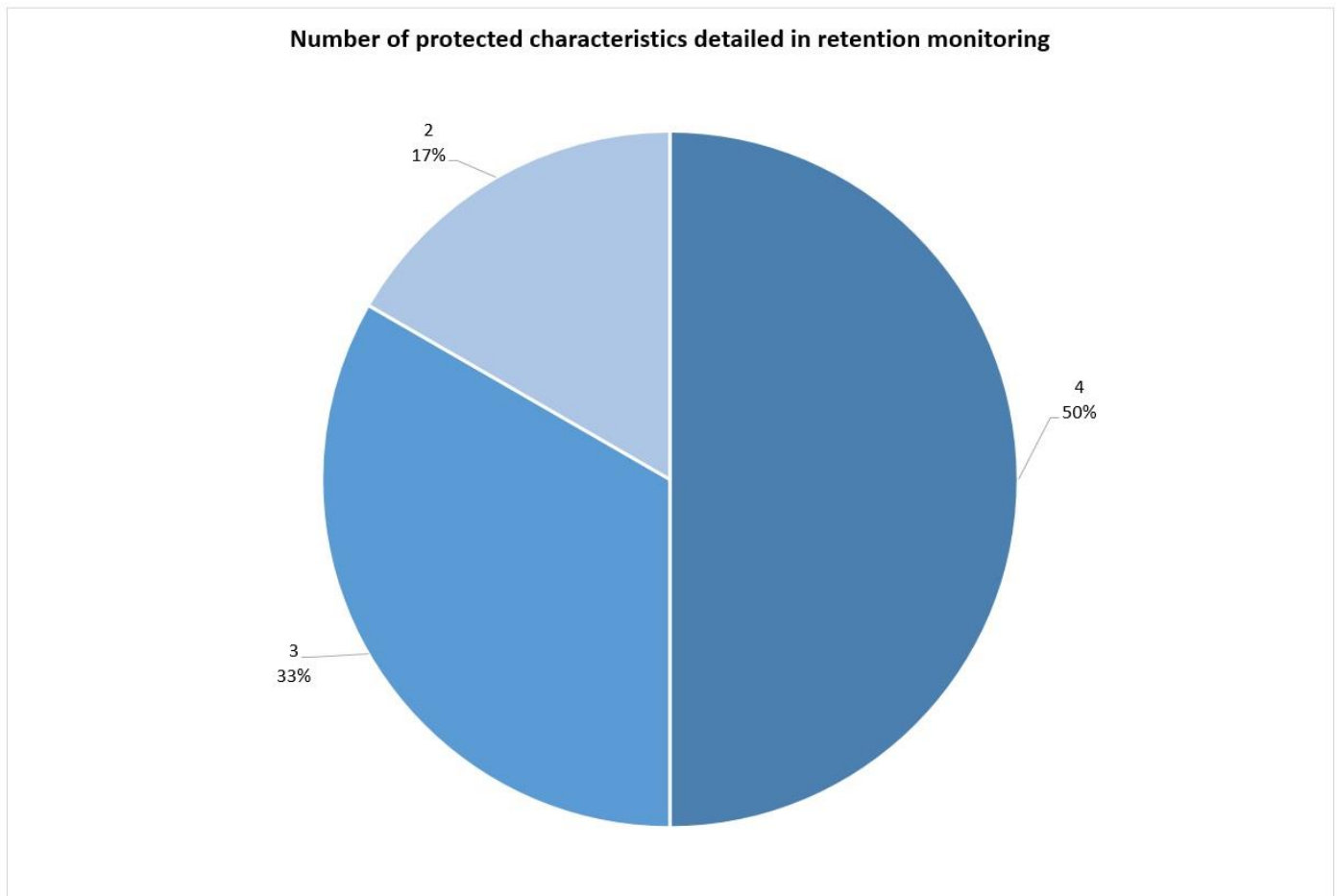


This figure shows a regression in the number of protected characteristics that were recorded in the 2013 data. In 2013, nine organisations reported on development with some reporting up to nine protected characteristics. This smaller sample size and the loss of some protected characteristics may be partly due to the smaller number of organisations reporting in 2015.

Retention monitoring data

Only five organisations reported on retention within their employee information. This is again a reduction on the 2013 reports where just under half of all organisations included this data, which has now slipped to only a third. Figure 9 shows the number of protected characteristics that were covered in these reports. It is clear that not only was retention the least monitored of all of the employment areas, it also addressed the fewest number of protected characteristics. This is a significant drop from the 2013 reports with no organisation recording fewer than three protected characteristics and over half noting between four and nine.

Figure 9



Again with the small sample size for this reporting round, information has not been broken down into the number of mentions that each protected characteristic received. The most common to be included were age, sex and disability which follows the pattern of employee composition data. There was an awareness in some organisations of the need to create additional reporting mechanisms in order to better assess retention data, however these fell short of outlining the protected characteristics themselves.

Whilst there was a disappointing drop in the number of organisations reporting on retention, most of those reporting covered a broad range of areas within retention, for example resignations, dismissals, redundancies, retirements and the end of short term contracts.

Employee information data analysis

As highlighted above, the employee information duty requires organisations to publish details of the progress it has made in gathering and using information to enable it to better perform the general duty alongside annual employee monitoring data. This part of the duty is worded in a fairly broad manner, however it would be expected that a narrative analysis would be included.

Unfortunately there was little in the way of data analysis, comparison or narrative in the employee information supplied. In some cases only the bare minimum information was presented in terms of laying out the number of staff they currently employed under the protected characteristics of sex, race and disability. Some reports failed to highlight any benchmarking data, whereas others included contextual evidence without relaying it back to the organisational profile. For example one organisation mentioned that roughly 4% of the population of Scotland identifies as being BME. Whilst their data on race was suppressed due to the very small numbers involved there was no mention of whether they fell above or below this benchmark in terms of employing people from a BME background.

There were some good practice examples of benchmarking however with one organisation laying out how their employee information compared to similar bodies, not just in Scotland but also across the UK. This gave a much clearer picture to the reader of how their equalities information compared not just from previous years, but also in the wider setting.

Similar to the 2013 reports many organisations who did provide information on particular characteristics did not break this down further. For example there may only be monitoring of white and BME staff without noting the significance of this data, or there may well be data on age, but not sufficient categorisation of the age ranges involved. This can potentially lead to under-reporting of particular inequalities, especially where there is a lack of clarity in the categorisations used (for example using ethnicity categories such as 'minority ethnic' and 'white' without explaining where white minority ethnic staff fit into this). CRER would recommend that employee information on ethnicity be recorded under the same categories as the Census to improve data analysis.

In 2013 some reports noted that people who had identified as transgender were recorded alongside the information on males and females as though this was a third sex category. This was concerning, highlighting misunderstanding of what identifying as transgender means and conflicting with both legal and social definitions. However, this was less of a concern in the 2015 reports with improvements in organisational understanding that identifying as transgender does not preclude identifying as male or female. Nevertheless, levels of reporting on transgender staff still remained very low, and if this is not applicable to the current composition of their staff body the reports should articulate this.

In line with the duty to report on progress on data gathering, some reports mentioned that they wished to improve the data collection in certain areas. However, they did not always explain which of the protected characteristics they were referring to. Similarly it was not clear if this information was not available due to staff being unwilling to disclose it or if there had been insufficient recording processes in place. More information on this would be helpful in terms of tracking progress over the years.

In most the reports, it was not clear how the data collected had been used. Reporting on progress in using the data is a requirement of the specific duties. Whenever possible CRER would recommend including a narrative to all statistical information required under the duties, with explanatory statements for all missing or suppressed information.

Good Practice Case Study: Cross referenced data

As mentioned earlier in this section, one of the best examples of reporting meaningful employee information was displayed by a larger organisation that cross referenced much of their data with particular protected characteristics. This is not possible for all organisations, particularly those with a very small staff base, however when executed appropriately this allowed the reader a greater understanding of inequalities for particular protected characteristic groups. For example there was a much higher instance of women working part-time and a clear link between age and pay grading. These trends should allow the organisation to look at the bigger equality picture and to devise policies that address the root causes.

Key learning points:

- Most organisations require significant work towards compliance with the employee information duties, not just limited to including more information on the full set of protected characteristics as outlined in the duty, but also including meaningful information across the board on recruitment, development and retention as well as composition.
- Adding a strong narrative analysis of employee information will not only display the information in a clearer manner but will also help improve the organisation's compliance with their duties.
- Organisations should ensure that their equality monitoring approaches are in line with guidance, particularly around categorisation of protected characteristics such as gender reassignment and race.
- Data protection must be adhered to, but where information cannot be explicitly expressed there should be some form of analysis to address the affected protected characteristics. Simply not including them in any form may be seen to be non-compliant.
- Organisations must be explicit about the progress made in using employee information collected to better meet their duties in order to be compliant with the legislation. Information on progress made in gathering the information is also a requirement of the duties.

Equal Pay

Two of the specific equality duties relate to equal pay and are considered briefly below.

The first of these duties is an obligation to publish information on the percentage difference among its employees between men's average hourly pay and women's average hourly pay (also referred to as the gender pay gap duty). At the time of the 2015 reporting round, this was only required by organisations with 150¹³ staff or more, and thus excludes some of the organisations examined in this study. The second is a requirement to publish a statement specifying the policy on equal pay between male and female staff, including information on occupational segregation across grades and occupations between women and men (the equal pay statement duty). There was no requirement to publish this in 2015, however from the next reporting date in 2017 the equal pay statement duty will also cover race and disability.

Our analysis looked briefly at reporting around these duties. Of the 16 organisations covered 11 complied with publishing information on the gender pay gap. There were five organisations that were non-compliant but did have some supporting information elsewhere in their suite of documents. It is worth noting that although organisations with fewer than 150 staff are exempt from reporting on this duty, some of the smaller organisations still included some level of information on this which is encouraging as it shows greater thought on gender equality rather than simply meeting the minimum standards required by law.

Two organisations published information on pay gap information for additional protected characteristics, also showing a willingness to go beyond the basic legal requirements. This provided a much richer evidence base and displayed a greater awareness of the impact of pay inequality on the wider range of protected characteristic groups.

Some organisations went further in breaking down gender pay information by grading and seniority of staff. The duty only requires that single overall figure is considered, however this additional information further highlighted the differences, showing the impact of gender inequalities in senior grades on pay.

Organisations are required to publish their equal pay statement in 2013, and then every four years on both horizontal (occupational groups) and vertical (seniority / grading) across the organisation.

As mentioned, this was not required for the 2015 reports, however seven organisations chose to publish an equal pay statement. Some of these organisations also covered other characteristics such as disability and race, which will be required from 2017 onwards. There was even one organisation that cross referenced disability, race, age and gender with part-time working and hourly pay rates. This level of detail was very well presented and highlighted the issues around pay well to the reader.

As with the employee information duty, there was very little narrative offered even in the most comprehensive of the reports. Many simply displayed the information without further analysis of the inequalities or indicating steps taken to see improvements. However, it is difficult to assess the impact of this on compliance as unlike other areas of the specific duties which have an improvement focus, the equal pay statement duty simply requires publication of the organisation's 'policy on equal pay'. There is no explicit direction as to what this policy should entail, or what its purpose should be.

¹³ The specific duties regulations (2012) were made with a provision that Scottish Ministers must review from time to time whether the figure of 150 should be amended. Following a consultation period in 2015 the Scottish Government amended the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to: introduce a new requirement on listed public authorities to publish the gender composition of their boards and to produce succession plans to increase the diversity of their boards, and; lower the threshold for listed public authorities to publish information on their gender pay gap and equal pay statements, from those authorities with more than 150 employees to those with more than 20 employees from 2017. This regulation was passed in 2016 and therefore was not included in this paper. Scottish Government (2016) *Public Sector Equality Duty Amendment Regulations 2016* <http://www.gov.scot/Resource/0049/00497889.pdf>

The Way Forward

Our analysis suggests that public bodies in Glasgow have made some progress since the first round of reporting in 2013, however the picture remains mixed with many inconsistencies. It is obvious that many organisations have invested considerable time and resources into compiling the data and producing their documents, however on too many occasions organisations are still not properly meeting their duties.

There are examples cited throughout this report, but one area which needs immediate attention is the implementation of a person centred approach. Whilst many organisations had identified ambitious equality outcomes there is too often a lack of focus on the changes the organisation wishes to create in the lives of people with protected characteristics. Again there was some good practice moving towards this approach, notably with the use of representative bodies to involve people with protected characteristics, however with this being the second reporting round this focus should be stronger.

The Equality and Human Rights Commission is responsible for enforcing the public sector equality duty. In order to evaluate the effects of the specific duties, they have produced a series of documents evaluating how well public bodies have met their duties in Scotland. Most recently the EHRC published their fourth *Measuring Up* report which was split into two parts measuring both performance¹⁴ of the organisations, and their practice,¹⁵ setting out best practice examples.

On a broader scale the EHRC have reported that organisations have a weak approach to reporting on some protected characteristics, with some data too poor to be of value to decision makers – something that is mirrored in this research report. Similarly the EHRC found that whilst some organisations had made considerable efforts to produce their reports, some offered very little detail, particularly around evidencing progress. This has also been a key concern for CRER and 2015 the Glasgow reporting.

The key learning points at the end of each of the sections offer more detailed actions moving forward, however there are some more general observations and recommendations as a result of our research:

Key learning points:

- Inclusion of a breakdown of the gender pay gap information across grades or occupational groups is useful, however for compliance, it is still essential to publish a single gender pay gap figure covering the whole organisation.
- The equal pay statement in the next round of reporting will need to include disability and race alongside the information on gender. Some organisations are already doing this, however many will need to plan ahead for this new requirement.
- There should be greater consideration of horizontal and vertical occupational segregation within the information published in order to be more compliant with the equal pay statement duty.

¹⁴ EHRC, *Measuring Up? Report 4: Performance - a report of public authorities performance in meeting the Scottish Specific Equality Duties* <http://www.equalityhumanrights.com/publication/measuring-report-4-performance-report-public-authorities-performance-meeting-scottish-specific>

¹⁵ EHRC, *Measuring Up? Report 4: Practice - a report of public authorities practice in meeting the Scottish Specific Equality Duties* <http://www.equalityhumanrights.com/publication/measuring-report-4-practice-report-public-authorities-practice-meeting-scottish-specific-equality>

Recommendations

Public bodies should consider reviewing their approach to reporting on and progressing their equalities duties, with particular consideration given to:

- The extent to which the information included in the reports can be seen to be compliant with each of the specific duties
- Ensuring that all relevant needs are addressed, with no gaps in coverage of the general duty
- Assessing the organisational approach to involvement and evidence gathering to ensure that accurate information, including the views of people with protected characteristics and their representatives, are informing approaches to equality (particularly equality outcomes)
- Reviewing how employee information is gathered to ensure that data is comprehensively gathered, well analysed and used to inform equalities practices within the organisation
- Fully implementing mechanisms to report progress of equality outcomes, as required by law

Appendix: Listed Public Bodies in Glasgow in 2015

The following listed public bodies were included in the study. National agencies based in Glasgow were not included.

City of Glasgow College
East Park School
Glasgow Caledonian University
Glasgow City Council
Glasgow Clyde College
Glasgow Community Justice Authority
Glasgow Education Authority
Glasgow Kelvin College
Glasgow Licensing Board
Glasgow School of Art
Jordanhill School
NHS GG&C
Royal Conservatoire of Scotland
Strathclyde Partnership for Transport
University of Glasgow
University of Strathclyde

In 2013, college mergers related to the Scottish Government's Post-16 Education Reform agenda resulted in the following changes:

- Anniesland, Cardonald and Langside Colleges became Glasgow Clyde College
- John Wheatley, North Glasgow and Stow Colleges merged to become Glasgow Kelvin College

By the time of publication, the new Integrated Joint Board for Glasgow Health and Social Care Partnership and the Glasgow Colleges' Regional Board were added as a listed public body, publishing its first suite of reports in 2016.

The Glasgow Community Justice Authority is due to disband in March 2017 and therefore will not be publishing any further reports.

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