

Review of the Operation of the Public Sector Equality Duty in Scotland

Overview

<i>General Comments</i>

Detailed Response

Specific Comments

Part 1: Proposals to Improve the Scottish Specific Duty Regime	
Proposal 1: Creating a more cohesive regime and reducing perceived bureaucracy	
1.1	What are your views on the proposal outlined above in relation to the substance of reporting?
<p>Scottish Water welcomes the government’s view that duties should be seen as a collective list and not tasks to be completed in isolation. The Scottish Duties reporting mechanism currently allows the interconnectedness of most of these areas to be demonstrated when publishing our biennial reports. We are of the view that we will provide more information than has been requested by Scottish statute alone and have demonstrated this since 2013.</p> <p>Regarding the publication of a strategic plan, Scottish Water would support this approach to provide clearer linkage between strategic action and our equality outcome and mainstreaming activities.</p> <p>Finally, through use of our grass-roots equality networks, we often use lived experience to inform decision making. We see the value of capturing employee voice in reporting. This may become more complicated if employees are not willing to share information or experience from lesser represented protected characteristic groups.</p>	
1.2	What are your views on the proposal outlined above in relation to the reporting process?
<p>We believe that while a 4-year reporting process will reduce levels of documentation produced, we do feel that our biennial reporting cycle gives impetus and business</p>	

focus on progress of our outcomes. While we see the value of adding areas of PSED reporting into our corporate annual reporting (something we do already), there is no prescribed structure for this.

1.3 What are your views on consolidating the previous sets of amending regulations?

We believe that consolidation of regulations is positive and will make clearer and more streamlined expectations on Public Bodies.

Proposal 2: Embedding Inclusive Communications

2.1 What are your views on our proposal to place a duty on listed authorities to embed inclusive communication proportionately across their work?

We welcome the Scottish Government’s commitment to support public bodies with guidance and centralised translation services. Where possible, we already translate customer documentation on request, but we are pleased that the consultation talks of providing this within a reasonable timeframe, rather than immediately. We agree with those already consulted that we often do not fully understand the wide range of communication needs we have across the country, and we feel to create a set of national standards is wise.

Proposal 3: Extending pay gap reporting to include ethnicity and disability

3.1 What are your views on our proposal to require listed authorities to publish ethnicity and disability pay gap information?

We currently use our PSED reporting to publish ethnicity and disability pay gap information, along with gender pay gap data. Unfortunately, our data completeness is low so confidence in its statistical value is low.

3.2 Should the reporting threshold for ethnicity and disability pay gap reporting be the same as the current reporting threshold for gender pay gap reporting (where a listed authority has at least 20 employees)?

We believe they should be reported equally.

3.3	What are your views on the respective formulas that should be used to calculate listed authorities' gender, ethnicity and disability pay gaps?
Mean and median	
Proposal 4: Assessing and reviewing policies and practices	
4.1	What are your views on the proposal outlined above?
We feel that current policy review through EQIA processes is sufficient. We also implement EQIA reporting in our project management cycles and any strategic or transformational change initiatives. These are encouraged to be early intervention at macro level, flushing out issues early on.	
4.2	The Scottish Government recognises that improving the regime around assessing and reviewing policies and practices will take more than regulatory change. How else could improvements be made?
We believe that policy makers and strategic change implementors should be educated in equality impact at a training and development stage, this may be through formal education or elements of relevant charterships. We feel that there is further work to do with regards to equality culture within policy creation teams and believe recent successful national work to highlight environmental policy awareness could be learned from and replicated.	
4.3	What are your views on the current scope of policies that should be assessed and reviewed under regulation 5?
All People related policies generated by HR teams, organisational strategy and any large-scale change or transformation practices would be reviewed. Also, large programmes with multiple related customer-facing projects are covered under regulation 5.	
Proposal 5: A new equality outcome setting process	
5.1	What are your views on our proposal for the Scottish Government to set national equality outcomes, which listed authorities could adopt to meet their own equality outcome setting duty?

We believe freedom to set organisational outcomes is important to get to the heart of changes required within individual public sector organisations. While we can see the benefit of being given guidance around national outcomes and aiming for alignment, this may not always be possible or desirable. The Scottish Public sector is diverse and reporting bodies have multiple areas of focus.

Proposal 6: Improving duties relating to Scottish Ministers

6.1 What are your views on the Scottish Government’s proposal to simplify the regulation 6A process?

We have expressed our views in previous answers.

6.2 What are your views on the proposal in relation to regulations 11 and 12?

We have expressed our views in previous answers.

**6.3 In 2019, the First Minister’s National Advisory Council on Women and Girls recommended that Scottish Ministers deliver an Annual Statement, followed by a debate, on Gender Policy Coherence to the Scottish Parliament. In our response to this we said we would: “Consider the merits of aligning the delivery of a statement and debate with the existing legal duty on Scottish Ministers to publish a report on progress to better perform the PSED under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012”.

What are your views on this?**

We support any initiative that brings greater awareness and understanding of any Diversity and Inclusion issues.

Proposal 7: Procurement

7.1 What are your views on our proposal and call for views in relation to procurement?

We believe further clarity on intentions is needed but do agree with any initiative that puts proportional requirements for consideration of equality in procurement. We also believe it is important to align Human Rights, Fair Work, Equality and Gender initiatives as one information request of our partners.

Part 2: Exploring Further Areas	
8. Intersectional and disaggregated data analysis	
8.1	<p>The First Minister’s National Advisory Council on Women and Girls called for the Scottish Government to place an additional duty on listed authorities to “gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women”?</p> <p>(a) What are your views on this?</p> <p>(b) How could listed authorities be supported to meet this requirement?</p>
<p>(a) We believe there are foundation level data gaps that may prevent this aspiration.</p> <p>(b) We need reinforcement within the Scottish Regulations to justify gathering specific data and address how this would work in relation to GDPR concerns. We also require a national campaign for public bodies supporting data disclosure.</p>	
8.2	<p>[Question directed specifically to listed authorities]</p> <p>(a) If there was a requirement for your organisation to “gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women”, would you be confident your organisation could comply with it?</p> <p>(b) If no, please state your reasons.</p>
(a) No	

<p>(b) In order to successfully implement an intersectional gender data gathering, Scottish Water needs stronger and more reliable intersectional data and evidence to support analysis.</p>	
<p>9. Intersectional gender budget analysis</p>	
<p>9.1</p>	<p>The First Minister’s National Advisory Council on Women and Girls called for the Scottish Government to integrate intersectional gender budget analysis into the Scottish Budget process, and to place this on a statutory footing.</p> <p>What are your views on this?</p>
<p>We believe this is a question for the Government’s Chief Statistician.</p>	
<p>9.2</p>	<p>The First Minister’s National Advisory Council on Women and Girls called for the Scottish Government to place an additional duty on listed authorities to integrate intersectional gender budget analysis into their budget setting procedures.</p> <p>(a) What are your views on this? (b) How could listed authorities be supported to meet this requirement?</p>
<p>(a) We believe there are foundation level data gaps that may prevent this aspiration.</p> <p>(a) We need reinforcement within the Scottish Regulations to justify gathering specific data and address how this would work in relation to GDPR concerns. We also require a national campaign for public bodies supporting data disclosure.</p>	
<p>9.3</p>	<p>[Question directed to listed authorities]</p> <p>(a) If an additional duty was placed on your organisation to integrate intersectional gender budget analysis into its budget setting procedures, would you be confident your organisation could comply with it?</p>

	(b) If not, please state your reasons
(a) No	
(b)	In order to successfully implement an intersectional gender budgeting approach, Scottish Water would need stronger and more reliable data and evidence to support analysis.
10. Coverage	
10.1	<p>(a) In your view, are there any Scottish public authorities who are not subject to the PSED or the SSDs that you think should be?</p> <p>(b) If YES, please give detail on which Scottish public authorities you think should be subject to the PSED or SSDs.</p>
(a) No	
(b) N/A	
10.2	<p>EHRC has expressed the view that regulatory bodies, as part of their own compliance with the SSDs, should be encouraged to do more to improve PSED performance within their sector.</p> <p>What are your views on this?</p>
	We believe Scottish Water has a comprehensive understanding of compliance with SSDs and a strategic plan to deliver on our own PSED objectives.
11. Strengthening leadership and accountability and enhancing capability, capacity and culture	
11.1	<p>The Scottish Government will consult on the issues in this section further through the mainstreaming strategy. However, if you think any of these matters could be addressed through the PSED review, please give details here.</p>
	No further opinion.

12. Guidance	
12.1	What would you like to see in improved revised guidance for the SSDs?
Consistency in guidance and who is responsible for producing it (EHRC).	
13. Positive action	
13.1	EHRC has expressed the view that listed authorities should report on how they have used positive action under section 158 of the Equality Act 2010, as part of their reporting obligations. What are your views on this?
We already include positive action examples within our mainstreaming report.	
Part 3: Overall Reflections	
14. Overall reflections	
14.1	Overall, what are your reflections on the proposals set out by the Scottish Government and the further areas explored?
Many topics have been suggested for regulation, but it is important to stay focussed on the spirit of the consultation which sets out to streamline Scottish regulatory duties and provide clearer reporting.	
14.2	Please use this box to provide any further information that you think would be useful, which is not already covered in your response.
No further opinion.	

- End of Document -