In view of the scale of the task the Equal Opportunities Committee has set itself in relation to a scrutiny of the budget process, I am keen to do whatever I can to assist.

After reading some of the contributions at the meeting held on 4th October and recorded in the Official Report, I was left with some concerns around some of the contribution made by Jon Harris on behalf of COSLA.

I have raised these last night with Jon but given the limited time available to Committee members in preparing for the meeting with the Finance Secretary, Mr Swinney, I thought it prudent to share with you the concerns I have raised in an email to Jon – see below.

Happy to elaborate on any of these areas if that would help.

Dear Jon

I have been reading the Official Report of the meeting of the Parliamentary Equal Opportunities Committee held on 4th October as part of an effort to bring scrutiny to bear on the government’s budget setting process from an equalities perspective. I do so as citizen with a deep and abiding interest in equalities and human rights and with a background and experience of working in and across the delivery of person-centred outcomes in equalities and human rights.

A number of issues emerged from my reading, some of them triggered by a reading of your contribution, and I wonder if I can seek your help with obtaining more clarification and a better understanding of equalities work within local government.

For instance, in column 55 of the Report, you offer the view that Scotland is “probably further forward on equalities than England, Wales or Northern Ireland.”

I found that curious to say the least.

For example, UK government some years ago established an Office for Disability Issues, attached to the Cabinet office, and with clear, measureable, person-centred goals set for disability equality [Roadmap 2025]. Scotland has no equivalent. In this sense, Scotland is most definitely behind England.
Given the focus of the Committee’s deliberations was around the protected characteristics of race and religion, I found it curious that there was no reference to the Audit Scotland report from November 2008 on ‘The impact of the race equality duty on council services’. This offered a blunt and detailed analysis on the performance of councils, best summarised by the comment on page 3 of the report that ‘Overall, we found that while councils have developed policies on race equality and have developed a range of initiatives, the duty has not yet had a significant impact on the delivery of services or on people from minority ethnic communities’. Given this, is it possible or reasonable to claim an evidence base for Scotland’s council’s being ahead of counterparts in England, Wales and Northern Ireland on equality for the BME community? My understanding is that Northern Ireland’s approach and achievements may well be ahead of ours in terms of delivering outcomes for BME communities there.

Intrigued by all of this, I took a quick tour of the COSLA website to see if I would unearth more of an evidence base on where Scotland’s councils are on delivering equality, both as framed by the required responses to previous legislation and duties and obligations on race, disability, gender, sexual orientation, religion/belief and age, as well as reading up on any early indications of COSLA’s plans for wrestling with the new general equality duty and expanded range of protected characteristics. I was unable to find any headline references to equalities or human rights, either in terms of elected member Spokespersons or which of COSLA’s ‘themed teams’ has it as part of their overall remit. Would you kindly offer me some guidance or insight as to where I as a citizen can access more detailed knowledge on what COSLA is doing at a strategic level in helping councils deliver measureable and evidenced equalities outcomes which change the lives and experiences of Scotland’s diverse communities?

You also offered the view at that same point in the meeting that there was a need to build capacity to “undertake equalities and human rights assessments and to measure their outcomes so that they can be put into single outcome agreements”. I was puzzled on reading this. Firstly that councils are undertaking ‘equalities and human rights assessments’. I would be fascinated to hear from you as to where I can find some examples of these, as most public bodies are seriously struggling to do basic equality impact assessments, never mind human rights impact assessments. I am also unclear as to how or why with impact assessments one would want or need to ‘measure their outcomes’? My understanding of equality impact assessments is that their conclusions are part of a formal narrative record of findings on
whether the policy/function/service etc. under scrutiny is helping the public body meet its general equality duty – eliminating discrimination, promoting equality of opportunity, and fostering good relations. Guidance issued by the EHRC and its predecessors requires public bodies to have ‘due regard’ to these findings and, where it was found that the policy/function/service etc. was unlawful in that it caused discrimination, the policy/function/service etc. should cease immediately. Where conclusions are more generally that changes needed to be made to improve how the general duty can be met, public bodies are expected to get on and action these – not put them into single outcome agreements – as it is the public body which has the legal responsibility for meeting the general equality duty, not the bodies which make up the partners to single outcome agreements. As you will have gathered, I am unclear as to what the Official Record has captured you as saying as it does not, to this reader, align with my understanding and knowledge of equality impact assessments. Your clarification on this would be most helpful.

I do look forward to hearing from you.

Wladyslaw Mejka
13 October 2011