Introduction

The Equality and Human Rights Commission (the Commission) was established in statute in the Equality Act 2006 and came into being on 1 October 2007. The Commission champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and make sure that everyone has a fair chance to participate in society. We promote equality across the seven ‘protected’ grounds – age, disability, gender, race, religion and belief, sexual orientation and gender reassignment.

The Commission welcomes the opportunity to comment on the Bill at Stage 1, in relation to Equality law and regulation in Scotland, and embedding equality and human rights and equality principles into the structures and ways of working of the new national services.

Equality Obligations on Public Authorities in Scotland

Our interest in the reform of the Police and Fire Service stems our role as the Regulator for the Equality Act and Public Sector Equality Duty (PSED). The PSED requires public authorities, in the exercise of its functions, to pay ‘due regard’ to the need to:

- Eliminate discrimination, harassment, victimisation, or other unlawful conduct;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

The new duty applies across the ‘protected characteristics’ of age; disability; gender; gender reassignment; pregnancy and maternity; race; religion and belief and sexual orientation. The protected characteristic of marriage and civil partnership is covered by the elimination of discrimination requirement only.

The general duty encourages the mainstreaming of equality into authorities’ core business so it is not a marginal activity but a key component of what authorities do.

In addition, Scottish Ministers have the power to introduce ‘specific duties’ which set out the particular steps that authorities in Scotland should take to help meet the general duty. The Scottish Government will shortly lay regulation in Parliament outlining what these duties will contain, but we anticipate that, among other provisions, there will be an emphasis on setting outcomes, equality impact
assessment of strategic and budgetary decisions, and the involvement and engagement of protected groups.

Given that the new police and fire service will be required to meet the PSED it will be important for the equality challenges that these are considered from the outset. Many police forces have made considerable progress in developing good practice in, for example, addressing hate crime or domestic violence, and are members of effective local partnerships which deliver responsive and multi-disciplinary services to victims. It is very important that local successes, best practice and learning is not lost.

There is clearly an opportunity to embed good equality practice from the outset of the new Services and it will be important to address some of the long term challenges that have been problematic for the Police and Fire Service in the past. For example:

- How will the national police and fire services’ workforces better reflect the communities they serve?
- How can equality monitoring of staff and service users be established and used effectively to improve representation and service delivery? We support comments made by the Association of Chief Police Officers in Scotland (ACPOS) in its written evidence on the Bill in the regard³.

**Embedding learning and human rights and equality principles**

The Commission has positive relations with current Scottish police forces and fire services, engaging through, for example the community planning partnership structures across Scotland. We also meet regularly with leadership organisations such as ACPOS. This is particularly important in working together to embed recommendations from EHRC enforcement work, for example from our two recent inquiries into disability-related harassment, and human trafficking². Both these inquiries make findings and recommendations in relation to issues such as information sharing, inter-agency working, data gathering and analysis, and consistency in approach to the needs of victims and service users across the country.

Moving to national structures for police and fire services does of course present opportunities for driving strategic change and ensuring consistency of approach. But

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³ There are a number of issues. The national board will be a very important part of the new structure. The one thing that has been missing from the discussion so far and is missing from the bill is the part that the citizen plays in it. There is no reference to the connectivity between the national authority and the citizen, nor is there any direct reflection in the bill of the relationship with the citizen and the local authority. To ensure that the process is democratic, there must be some form of compulsion on the police authority to have a consultation process with the citizen so that it is informed by what the people of Scotland think….There absolutely must be a link between the local and the national; the bill is currently silent on that and must clearly define the link. It must also set out the requirement for consultation with citizens, to ensure that citizens’ voices are heard. Evidence to the Justice Committee, 28 February 2012, http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29847.aspx

it also presents challenges, for example, in relation to how national structures will engage with local strategic or delivery networks and partnerships, either current (Community Planning Partnerships, Community Safety Partnerships, adult and child protection committees) or planned (for example Health and Social Care Partnerships).

**Conclusion**

The Commission has no argument in principle with the introduction of national police and fire and rescue services in Scotland, but shares concerns with a number of other organisations as to how changes on structure can be managed so as to preserve existing expertise, good practice, local networks and links to the public.

Equality and Human Rights Commission  
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