



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Equalities and Human Rights Committee

Thursday 19 December 2019

Session 5



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**EQUALITIES AND HUMAN RIGHTS COMMITTEE**

**30<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

Ruth Maguire (Cunninghame South) (SNP)

**DEPUTY CONVENER**

\*Alex Cole-Hamilton (Edinburgh Western) (LD)

**COMMITTEE MEMBERS**

\*Angela Constance (Almond Valley) (SNP)

\*Mary Fee (West Scotland) (Lab)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Oliver Mundell (Dumfriesshire) (Con)

\*Annie Wells (Glasgow) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Paul Johnston (Scottish Government)

Christina McKelvie (Minister for Older People and Equalities)

Hilary Third (Scottish Government)

**CLERK TO THE COMMITTEE**

Claire Menzies

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Equalities and Human Rights Committee

Thursday 19 December 2019

[The Deputy Convener opened the meeting at 09:30]

### Race Equality

#### The Deputy Convener (Alex Cole-Hamilton):

Good morning, everybody, and welcome to the 30th meeting of the Equalities and Human Rights Committee in 2019. There are apologies from our convener, Ruth Maguire. She cannot be with us today, so I will convene the meeting.

Mobile phones are acceptable for the use of social media but not for photography.

Item 1 is oral evidence on race equality in Scotland. We will hear from Christina McKelvie, the Minister for Older People and Equalities. She is joined by Scottish Government officials Hilary Third, who is race equality team leader, and Paul Johnston, who is director general, education, communities and justice. You are all very welcome.

Minister, do you agree with Kaliani Lyle that there has been little progress on race over the 20 years of the Scottish Parliament? Will you explore why there has not been progress?

**The Minister for Older People and Equalities (Christina McKelvie):** Thank you so much for inviting me to the committee. I was made aware that I would be making opening remarks—is that okay?

**The Deputy Convener:** My apologies. It is not in my brief. Yes. Fire away. And now you have a hint of what I will ask you.

**Christina McKelvie:** I think that my opening remarks can set the scene.

Thank you for inviting me. This is the committee's final meeting of the term, so I wish you all a very happy and joyful Christmas and new year.

On behalf of the Scottish Government, I welcome the committee's interest in the race equality action plan. I welcome the increased scrutiny, challenge and focus that you bring to the topic, which are important.

It is to our collective shame that our minority ethnic communities continue to experience racism and persistent inequality. We see that every day in the newspapers and on social media. Although

racism is not peculiar to Scotland, we need a continued focus on and commitment to eradicating racism and promoting equality in Scotland.

It is incumbent on all Governments—and that includes the new United Kingdom Government, I hope—to take the responsibility to lead. However, we all have a part to play if we are to shift the deep-seated prejudice and discrimination that perpetuate inequality on the ground of race. That is an important point, which I will make again.

Making that happen is not just a job for Government. It is everyone's business, and we should make it everyone's business. The Parliament and all elected members at national and local level, the public sector, the third sector, employers and, of course, communities themselves all have a responsibility to take action.

As a country, we need to make the decisive shift that we all want to see, so that we have a society that is reflected at us in our workplaces, our schools and our Government and elected bodies—indeed, in every area of life. I know that the committee is committed to that. All society has a part to play.

The evidence that the committee has heard backs up what we already know. There is a lot more to do.

We are taking urgent actions to tackle racism—let me list a few. We have heard a lot about racist bullying in our schools and universities. I was in this room just a few weeks ago, at a meeting of the cross-party group on racial equality, to hear about the work of the Edinburgh Intercultural Youth Scotland project on racist bullying.

We are tackling racist hate crime. You will be interested to know that, straight after this meeting, I will meet Mr Yousaf to work on hate crime. I will take into that meeting some of the learning from the committee's evidence over the past few weeks.

We continue our work on the minority ethnic employment gap, along with intermediary bodies. We are also taking action to address inequality in minority ethnic communities in relation to poverty, poor housing, social security and so on.

In short, we have made progress, but progress has not gone far enough or been fast enough—I take responsibility in that regard today. The committee, witnesses and communities are rightly impatient for change. I am impatient too; I want to see change.

We need to be sure that we focus on impactful actions—the stuff that makes a difference to people's lives, at school, at work, in the home and in the community.

It is also important to build the foundations for lasting change. We have been working on that over the past few years. Kaliani Lyle's report "Addressing race inequality in Scotland: the way forward", in which she made recommendations to us, is part of that. Getting long-term change is about ensuring that race equality is embedded and mainstreamed in our structures in a way that is secure for the long term. In her report, Kaliani talked about creating a "Race Equality Eco-System" by building those foundations.

The Scottish Government is determined to play its part in creating a fairer Scotland for all. I would not be holding the role of Minister for Older People and Equalities if I was not absolutely committed to that; my holding that role is a reflection of how committed I am.

Our national performance framework focuses on outcomes—as my officials will tell you, outcomes are something that I go on about all the time. I am always asking questions such as, "What is the outcome?", "What is the purpose?", and "What is the point of that?" The NPF focuses on outcomes but, in doing so, it focuses on kindness, dignity and respect, which should be woven through everything that we do. We embrace our domestic law and the international treaties that require us to act to address inequality and eliminate all forms of racial discrimination. As the committee will know, we are doing a lot of joint working on those aspects.

In addition, our Parliament—this place—is built on a commitment to equality and human rights. That is one of our foundations; indeed, it might be our best and strongest foundation. It is absolutely right for the committee and others to shine a spotlight on race equality where there is continuing disadvantage and discrimination so that we can work together to develop solutions. Of course, it might take a bit longer for us to do that than the lifetime of the race equality action plan, which continues to 2021, or the race equality framework, which covers the period to 2030, but it takes a long time to unpick entrenched inequalities. I am incredibly impatient for us to do that and to encourage a much more positive outlook.

I welcome the cross-party support that has been demonstrated by the committee, which will be critical to achieving our long-term goals. If the committee has any recommendations to make following its work, I will be happy to listen and to work with it to make the necessary change. As I said at the start, I entirely welcome the committee's scrutiny of the race equality action plan, and I genuinely look forward to working with members and others on it to ensure that progress on race equality across Scotland matches our shared ambitions and the ambitions of the people of Scotland, which is to have a Scotland that is

fairer for everyone, regardless of their background or where they come from.

**The Deputy Convener:** Thank you, minister. That was a very detailed and comprehensive opening statement.

You described a long list of policies that enjoy cross-party support from every member of the committee. Nevertheless, it is clear that there is a disconnect between that and how communities feel on the ground, and Kaliani Lyle said that she felt that sufficient progress had not been made in 20 years. Why do you think that, despite all the good will that exists in this place and all the policy statements of the present and previous Governments, we are not meeting the expectations of communities on the ground?

**Christina McKelvie:** I agree. As you will know, Kaliani Lyle is still on our programme board, so she is holding us to account every day as part of her work.

We know that racist attitudes are prevalent. The prevailing weather is such that there is a feeling that we are going backwards, given the attitudes and responses that some people are experiencing. We have heard about what is going on in schools and we have read the reports on social media and elsewhere about what is happening. We simply cannot ignore it. I am not going to sit here and say, "We're doing a great job—we're getting everything right." Obviously, we are not. However, we know that when we fight against the prevailing weather, as I like to put it, the bad weather sometimes passes and we move into brighter times. All our work on all the various aspects across the board, including the mainstreaming work that we are doing across Government, has a focus on race equality. That is just as true of the work that parliamentary committees do as it is of the work that ministers do.

In one of the letters that were circulated in the summer, Jatin Haria from the Coalition for Racial Equality and Rights made a point about the need for ministers and the Parliament to focus on race equality, and I was very happy to respond positively to that, because we must take that on board. We have made progress, but we have a great deal more to do. We are not complacent.

In your opening question, you mentioned that we have had the Scottish Parliament for 20 years. It is a good time to take stock of the progress that we have made, but it is also a good time to lay the foundations for the further progress that we need to make. We take that point on board.

**The Deputy Convener:** When he gave evidence to the committee, Professor Bhopal explored the disconnect between the expectations of communities and the work of the Parliament. I think that he talked about policies that have been

generated and then forgotten about, and about the continual need to reinvent the wheel when it comes to race equality. Will you give the committee your reflections on that? Are we giving policies enough time to bed in? Are we properly resourcing them so that they can have a positive impact?

**Christina McKelvie:** I was interested to hear Professor Bhopal's evidence. If you think about the points that I made in my opening statement about setting firm foundations, that means that we cannot have short-termism—we cannot have great projects but the money dries up, so we end up starting again, reinventing the wheel. We want to build in long-term funding to establish firm foundations, so that we make lasting change. I agree that we can learn a lot from past work.

There is also a lot to do to make sure that we are not constantly reinventing the wheel. Over the years, we have provided some pieces of work with short-term funding but, when the money has dried up, the work has disappeared. We are reviewing our equality funding streams, because they all come to an end in June 2020, so it is a good time to look at how we provide sustainable, long-term funding. We are looking at all that as we speak.

We are also looking at how to build sustainability—we want to build organisations' foundations, so that they can continue and are not reliant on short-term funding. Professor Bhopal was right. If we continue with short-termism, we will not get the long-term change that we want. We absolutely see the benefits of that work and of joining things up in a better way.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Good morning. You mentioned in your opening statement that it is everybody's job—not just in the public sector but across society, I suppose—to take responsibility and to take action. How does the Scottish Government encourage the public sector to meet the public sector equality duty? Is there any update on the review of the public sector equality duty?

**Christina McKelvie:** The committee will know that the public sector equality duty, which replaced the race equality duty, places an obligation on all public authorities to uphold the highest standards. You will know that the Scottish Government is a duty bearer—it is a public authority that is governed by the public sector equality duty. Specific duties are placed on the Scottish ministers and parliamentarians.

The public sector equality duty on the Government has two aspects. The first part is about being a better employer and a better service provider—that relates to internal matters, which we might come on to. The second part is to do with how we make our duties much more effective.

To that end, and to the end of meeting a recommendation from the committee a while back, we are looking to review the entire public sector equality duty work.

We have just recruited new staff into the equality unit who will be looking at mainstreaming equality and the public sector equality duty. In the new year, they will begin a range of stakeholder engagements to progress some of our ideas on how we strengthen and review the duty, learn lessons and place duties on public authorities that are much more functional. We want to hold people to higher standards. We also want to make some of it a bit clearer to ensure that they understand what the duties are. That public engagement work will be huge.

As I said, we have some key new members of staff. Once we are ready to tell you who is leading up some of that work, I think that you will be pleased to know who they are and the work that they will do to ensure that the review gives us the outcome that we need, which is that we have better systems, better understanding and clarity on what a public sector equality duty is and the difference that it should make in ensuring that we embed it, create that eco-system and build on those foundations.

Paul Johnston might have something to say from a Government point of view.

**Fulton MacGregor:** Perhaps Paul Johnston could address my next question. Is there an issue with local authorities and others in the public sector understanding what their responsibilities are? The minister has addressed that to an extent, but it would be interesting to know whether the issue has been identified. In the evidence session that we had with race equality organisations, we heard that it is an issue. In particular, BEMIS mentioned the fact that there are 84 action points across six large policy areas, and there is a feeling that perhaps some duty bearers are not sure of their responsibilities.

09:45

**Paul Johnston (Scottish Government):** I start by saying how much I, too, welcome the committee's scrutiny of the matter. It is my absolute privilege to chair the Scottish Government's race equality programme board, which responds to Kallian Lyle's recommendations and tries to ensure that the civil service takes a collective and cohesive view of the actions that need to be taken. We do not want simply to have disparate actions that do not join together to have the impact that is needed. One of the programme board's key roles is to bring together directors from all the areas of the Scottish Government that have some responsibility for the actions in order to

ensure that everyone is held to account for taking forward the actions in their area and, crucially, to look at what it all adds up to collectively.

We are not there yet and we have a long way to go but, in the course of our first few meetings, we have concluded that there must be a focus on employment. In many ways, the minority ethnic employment gap should shock us all. With the input of our advisers, including Kaliani Lyle, we have agreed that that gap should be a focus for attention. We recognise that we need to start with the Scottish Government and ensure that we lead the way. I have been impressed by the energy that colleagues in the Scottish Government have put into seeking to improve what we do in our recruitment processes, on retention and promotion and through creating an environment in which all our colleagues in the Government can flourish.

Part of the board's focus has been to ensure that we learn from that. We are moving on to try to share and spread that practice and good practice that we see elsewhere. Even starting with the public sector, we have a long way to go before we can be confident that public sector organisations are reflective of the communities that we serve. I am happy to say more if the committee wishes or to provide follow-up information in writing about the range of things that we are doing in the Scottish Government and how we are trying to share the learning from our practice elsewhere in the public service.

**Mary Fee (West Scotland) (Lab):** I want to ask about definitions of race. You will be aware that there is a legal definition of race but that a number of different terminologies and languages are used to describe race and ethnicity. I am interested in your views on whether it is helpful to have those different definitions sitting alongside the legal definition. BEMIS's view is that it causes confusion. I am keen to hear your view. If you disagree with BEMIS, will you explain why?

**Christina McKelvie:** I would never disagree with BEMIS. [*Laughter.*]

It is a really important part of the conversation that is going on. We have a legal definition and we know what it means. The definition includes colour, ethnicity and nationality, and everyone is covered by it under the Equality Act 2010. However, different minority groups experience discrimination and barriers to full participation in different ways. There are different forms of racism and racial inequality, and those require different policy responses. Although we know what the legal definition is, there are ways in which we need to target and focus on the specific and acute—and in some cases intersectional—inequality that we need to understand. To advance race equality, we need to understand all those issues. We also need to understand how the lived experience of different

groups can be used to inform our work. We welcome all the conversation that is going on around the issue.

One of the first things that I did for black history month was a slavery walk in Glasgow. It was interesting, because I look at a lot of the places in Glasgow, and have done for many years, as having been built on the back of slaves, tobacco and sugar. I have always viewed it that way—I do not know whether that is because I grew up in the city.

On the definition of racism, with regard to slavery and the work that is needed to atone and make reparation for that, what the young people who were sitting here a few weeks ago are experiencing now is a bit different. Having that diversity of understanding and lived experience will allow us to ensure that we respond appropriately to some very small intersections that make a huge difference to people's lives.

Although we have the legal terminology, we also have all of that work to do. In order to do that, and to use the energy of all of that, we need to make sure that meaningful change happens. That is incredibly important. The Scottish Government has a responsibility as a duty bearer, and I will turn to Paul on that in a moment. I come back to the point that Fulton MacGregor and Mary Fee have made: how do we embed that understanding and use legal definitions and the rest of it to make that meaningful change?

The two main issues for me are protection and prevention. Prevention is always the best measure; however, there are also areas where we need to protect. Paul Johnston has examples of work that we have been doing in Government.

**Mary Fee:** Before we bring in Paul Johnston, I will ask my next question, because his input on it may be helpful. Minister, you touched on the issue of policy responses. In different policy documents and policy papers, different terminology is used. If someone is reading that terminology but does not understand where it sits within the legal definition, does that have the potential to cause confusion?

**Christina McKelvie:** Yes. I made the point yesterday in the debate about female genital mutilation that language matters and that we need to get it right. It has to be absolutely clear. Some of the criticism that we have had about the public sector equality duty involves its lack of clarity—what it actually means. It is the same across all these things. Part of the work that we will do on mainstreaming and understanding is to ensure that we have got the language absolutely right. I absolutely agree with you on that, and we are currently working on it, but now that you have put some renewed focus on it we will go back and make sure that we are getting it right.



**Mary Fee:** That is helpful.

**Paul Johnston:** I agree that we need to ensure consistency and clarity in the language that we use. I absolutely acknowledge that people's understanding will vary in different areas of Government and public service. It is an area in which we can improve knowledge, understanding, and consistency of language by working together.

In agreeing the approaches that we take in areas such as improving minority ethnic recruitment, real clarity around the data is essential. The documents in front of me show what we seek to do at every stage of the process in our recruitment exercises in Government. When we are recruiting at a particular scale, we are able to really look at what is going on across different ethnicities, so that we are not taking a one-size-fits-all approach and we are checking whether our approach is right for a range of individuals. That applies to race and to other protected characteristics. It is not taking a broad-brush approach; it is saying that we are going to go really deep into the data and evidence, and try to ensure that our approach is delivering our overarching objectives. Through looking carefully at the data, and at times through recognising that we are not having the impact that we need to have, we will be able to review and adjust our approach if necessary.

**Christina McKelvie:** We have some very good recent learning on visible and non-visible minorities. The work on the Gypsy Traveller action plan, of which Mary Fee has been a great champion, has shone a light on how we do intersectional work and how we can drill down into communities and make a difference to them. We have taken a lot of learning from that.

The Gypsy Traveller joint ministerial group was set up by Angela Constance, and I hope that she will be pleased to see the outcome of that, because she set a very firm foundation for me to work from. We have learned a lot from that process and we now have a joint ministerial group that works across Government, with our local government partners, with all our agencies and the third sector and, more important, with the community to make a difference. We are on it.

**Mary Fee:** The Parliament is a human rights guarantor. Does a broad-brush approach strengthen the ability to pick out specific areas of human rights to focus on, or does focusing on specific things minimise the impact that we can have?

**Christina McKelvie:** You will not be surprised to hear that I absolutely agree with you, given the work that I did when I was a member of this fantastic committee and the work that we did in Strasbourg and other places. All the

recommendations that the committee made to Government were sent by me. I am now having to live up to the committee's high expectations and I intend to do that.

You are right about all of us—committees, this Parliament and the Government—taking that work forward. We know that human rights are universal and inalienable. Rights are identified under 20 major human rights declarations, conventions and treaties. We are working on how we embed all that. You know about the United Nations Convention on the Rights of the Child, the UN Convention on the Rights of Persons with Disabilities, the UN Convention on the Elimination of all Forms of Discrimination Against Women and all the work that we are doing now.

When a Parliament puts out a clarion call and says that it will be a human rights guarantor, we expect our local government, national Government, third sector and public sector players to be those champions. That is grist to my mill. When I go back upstairs and we are talking about what we need to do next, that call gives me strength to keep pushing that agenda across the Government. My role in Government is to mainstream all that stuff. Believe me—I am doing that.

You are right—the broad-brush approach does not minimise the impact. In the current weather, we should maximise all those voices, in order to ensure that this Parliament, our Government and our agencies are human rights guarantors in all the work that we do. Our approach is that every policy decision has a human rights focus.

**Annie Wells (Glasgow) (Con):** Respectively, what oversight do the minister and Paul Johnston have of the race equality framework and race equality action plan?

**Christina McKelvie:** I will use acronyms but I hope that you will know what I am talking about. The REF is a long-term vision that goes to 2030. The REAP sets out concrete actions to be taken by 2021. I like the idea of chunking it up into three-year blocks: "This is what we are focusing on. Let's focus on that as well." You will not be surprised that, as the lead minister for equalities, I take the REF and the REAP very seriously. I am always happy to discuss, improve, update, change and focus on things such as unemployment. That example was brought to us by CRER and others.

We are doing a prioritisation exercise to look at how we access the best information and data and focus on the issues that matter. That relates to questions about how we focus on the communities that face the biggest discriminations and how we remember to take others along with us. We are using our energy on that and I frequently discuss it with equalities officials.

The equality unit is expanding and is getting much bigger. We have additional people in the teams that work on race, gender, older age, social isolation and human rights. That is a reflection from Government that there is more to do and that we need more capacity to do it. I am working on that every day of the week, and Paul Johnston will give you an update on what he is doing on the programme board. Again, I put this plea back to the committee: if you have ideas on how we could do more of that in a more progressive and positive way, I am happy to hear that.

**Paul Johnston:** The first recommendation in Kaliani Lyle's report was:

"The Scottish Government should put in place new governance arrangements across directorates at a sufficiently senior level to ensure greater co-ordination on equality with a particular focus on race".

That is what the race equality action plan programme board has been set up to do. As I mentioned earlier, it is my privilege to chair the board and to ensure that there is buy-in across the Government. I am supported in that work by colleagues in the equality unit. So far, the board has met six times. Its focus has been on reviewing the progress that is taking place across all the actions and agreeing on priorities.

At this point we have identified employment as a key priority, but that is not to undermine the importance of other priorities. The board is planning a significant amount of work that will take place over 2020. I intend that to start early in the new year, when we will allocate a chunk of time to ensuring that we are absolutely clear about the vision that we are pursuing, the method by which we are going to achieve progress and the priorities that we will focus on in 2020.

The programme board is the overall piece of governance at official level. A delivery group that brings in colleagues from other areas of Government supports the programme board and reports to it. If the committee would find it helpful, we could share further information about the governance. We are trying to work in an open and transparent way. We are committed to publishing the minutes of the programme board meetings, and that has been done already.

**The Deputy Convener:** Thank you. We would welcome that insight.

10:00

**Oliver Mundell (Dumfriesshire) (Con):** When I hear the minister mention mainstreaming, and as I listen to a lot of the things that she and Paul Johnston are saying, it all sounds very positive. However, do you feel that there has been buy-in at senior level across all of the other areas of Government, particularly when—according to a

briefing from the Scottish Parliament information centre—40 per cent of the race equality action plan progress updates do not have a race focus? How is the minister making sure that race is being prioritised?

**Paul Johnston:** Some of the specific actions in the plan relate to equalities more generally; they have an intersectional approach as opposed to one that is focused solely on race. We accept that we need to be clear about the actions that are going to focus specifically on race.

In answer to Oliver Mundell's question, we are making significant progress, but I am not satisfied by it. There is a huge amount of work that we still need to do. I have mentioned the board's early priorities, but I am very clear that there is a need for us to ensure that that work is shared out consistently across the organisation, that it is a priority for many individuals across the organisation and that the work reaches into broader areas of public service.

The committee will probably be aware of the Scottish leaders forum, which is a gathering that brings together senior leaders from across a wide range of public bodies and third sector organisations. The forum met in June and November 2019. At the meeting in June, part of my role was to bring a specific focus on race equality. We were able to hear some examples of good practice—some organisations are really upping their game, particularly in relation to recruitment and retention. Following that forum meeting, we have been taking forward work to bring together some of those organisations so that they can deepen their work and share good practice with others.

We are also seeking to develop a toolkit that will enable all employers—it will start with the public sector, but it needs to go wider—to understand what "good" looks like when it comes to addressing the minority ethnic employment gap.

**Christina McKelvie:** I am very aware of the concerns that have been raised by all of the bodies that are working on this. I met them recently and officials meet them regularly. We have taken on board concerns that have been raised by stakeholders about how mainstreaming could dilute the race focus. We are clear that we need to take an intersectional approach. CRER has raised issues about the employment gap and other organisations have raised similar issues.

The Council of Ethnic Minority Voluntary Sector Organisations is now working on the early learning and childcare recruitment campaign. We do not have numbers yet because it is still recruiting, but the Government has worked with CEMVO to give a very clear focus on the diversity of that workforce. They have focused on intersectional

issues that affect women, those seeking asylum and others.

We still have to focus on the intersectional part, and we are aware of the concerns that have been raised by those organisations. We are working with them right now to develop some informed work and evidence on race and inequality and how it is manifested in Scotland, and to ensure that mainstreaming looks like concentration, not dilution.

**Oliver Mundell:** That is excellent, and I am sure that that will reassure the committee. It is partly about a gap between people's expectations and what is possible to deliver.

That leads me to my next question, which is on engagement with grass-roots communities. We know from the work that we have been doing that you engage widely with lots of organisations. However, there are people in Scotland who feel that they are not directly engaged on some of the issues. What consultation are you doing when it comes to the race equality framework, in particular?

**Christina McKelvie:** I will come to that in a second, but there is something that I want to add in relation in your previous question.

In March, we will have the year 2 update on REAP, and one of the aspects of that is that we are separating out the race actions to ensure that there is a focus on them. Hopefully, that provides the committee with further reassurance.

On your point about engagement with communities, my watchword for many of the aspects of the work that I do is "nothing about them without them", which means that communities, their voice and experience need to be at heart of that work.

My equalities officials meet people and organisations all the time. I attempt to get along to everything that they ask me to attend, which can be quite challenging sometimes, especially during black history month when there are lots of competing priorities. My role is to go to events, meet organisations and listen to what people need and want. What we cannot do in any of this work is say, "We think we know what's best for you," because people know what is best for them. We should be listening and thinking about how we can use their experience in the work that we implement.

We have regular dialogue with and hear directly from communities, and we act with them in the work that we do. They hold us to account, which they do very effectively. Sometimes, they can be pretty tough, but we need to hear that, act on it and understand how difficult it can be for people

living in Scotland these days, which is not acceptable.

**Paul Johnston:** Those communities are also reflected in our organisation. I have learned a huge amount from engaging with the race equality network in the Scottish Government and I have found it really striking. Along with my role of chairing the REAP programme board, I have had the role of executive team champion for the network. Through a process of one-to-one discussions, listening and learning, my knowledge of the issues—and that of my executive team colleagues—has grown.

We continue to learn through a mutual mentoring scheme that we have put in place, which means that senior leaders in the organisation are paired with a member of the race equality network for the purpose of shared learning. That is really valuable and I hope that many other employers will roll out similar schemes.

We recognise the need to support our employees and their networks and, as part of our overall work, we have put in place a full-time co-ordinator so that the race equality staff network flourishes in its role. There is learning there for other employers.

**Oliver Mundell:** What wider public consultation was undertaken on the race equality action plan? Did you consult the regional equality councils? Previous witnesses asked questions about that.

**Christina McKelvie:** All the organisations with an interest in the issue have taken part in conversations and consultations with us. I have attempted to get to all the regional equality councils. I went to Aberdeen, central Scotland and Ayrshire in order to build relationships, because, as with the full-time co-ordinator in Government, building relationships and trust with people is incredibly important. We have continuous consultation and conversations with all the bodies, including the cross-party groups of the Parliament, in which some fantastic work goes on. I spoke to Intercultural Youth Edinburgh here a few weeks ago, too.

There is so much going on, so maybe we should send the committee a list of all the work, meetings and consultation events that are taking place. A few months ago, CRER organised a really good event on employment, which had a joint ministerial focus, so it was opened by Mr Hepburn and closed by me. We have had other events with BEMIS and CEMVO. Lots of work is going on across the board, but we need to do a bit more work in some areas. It might be worth while sending the committee the engagement calendar, so that members can see for themselves how wide, varied and deep the work is.

**Oliver Mundell:** That would be helpful. Was there any wider public consultation specifically on the race equality action plan? Multiple witnesses have raised that as a key issue, so I was looking for a yes or no answer.

**Hilary Third (Scottish Government):** As you will know, there was extensive engagement on the race equality framework—about 700 members of the community were involved. The race equality action plan sets out the concrete actions that we will take during the current parliamentary session to get as close as possible to the goals that the communities said that they wanted to achieve. Although there has been a lot of engagement, particularly with organisations, our view is that we need to focus on taking the actions that people have asked us to take, rather than constantly going back and asking the same questions. As the minister said, we know that we have not yet reached the goals that the communities have set for us in the REF, which is the long-term framework. We are focusing on connecting with and using that information to deliver the REAP.

The year 2 update in March has been mentioned. There will be a conference, and we are looking at ways in which we can reconnect with some of the people who were involved in the REF, as well as bringing into that event a wider range of community members to help with the work. There is a balance to be struck between setting up new structures and mechanisms for engagement and actually getting on with the work that people have already told us they want us to do.

**Oliver Mundell:** I understand your point. From what I have heard through the inquiry, people feel that they want to have further input, if we are deciding what the short-term priorities are, as opposed to the long-term aspirations.

**Hilary Third:** The prioritisation exercise involved a number of our stakeholder organisations, which worked with us in devising the criteria for the exercise. They are working directly with different policy teams in Government. For example, a few weeks ago, they helped our education colleagues to work through the exercise, and they will comment on the first cut of actions that come out of that.

Regional equality councils are involved in a number of areas of work that we do. For example, our public appointments team recently held a meeting to look at its action plan on increasing the diversity of public appointments. The regional equality councils were core participants in that meeting. A number of things are happening.

**Christina McKelvie:** If Oliver Mundell is still picking up some issues from his conversations across the board, please let us know, because we would want to address them as quickly as

possible. We feel as though we speak to all those organisations a lot but, if there is a specific issue, please let us know.

**Oliver Mundell:** Thank you. My point is less about the organisations and more about individuals who are not necessarily working directly with groups feeling that there is no broader consultation. They think that, in some cases, the consultation focuses on speaking only to organisations instead of widening the conversation.

**Christina McKelvie:** I understand that point. I will have a look at it.

**Mary Fee:** I welcome the number of visits and activities that you undertake and the number of organisations that you speak to. How do you ensure that one organisation's good practice in one area is shared with other organisations that work in similar areas in order to build progress?

**Christina McKelvie:** We do a number of engagement exercises, which includes all of that. Notwithstanding Oliver Mundell's point about some individuals not feeling that they are part of the bigger picture, we do lots of joint work with groups and organisations. Some of them will be set up for, and work on, specific purposes. Working together is the only way in which we can make the progress that is needed across the board, including on tackling hate crime and discrimination.

We encourage that kind of working as much as we can, including across Government, and notwithstanding that some organisations have particular interests.

The mainstreaming work is not just about what we do across Government; it is about what society, the public sector, local authorities, the third sector and individuals do, to get the overall picture right.

Mary Fee made a good point about how we can use the diversity that we have to get better outcomes. I will have a think about that, Mary.

10:15

**Angela Constance (Almond Valley) (SNP):** Mr Johnston correctly reflected that one of Kallian Lyle's key recommendations was on the need for leadership at a very senior level in the Scottish Government, so that senior managers take responsibility.

The academics from whom we heard said that, although it is good to have senior people leading from the front, they wanted to be reassured that the programme board is more than just a surface-level group. They were interested in knowing more about the infrastructure that underpins the board and the delivery group. It would be good to hear

from Mr Johnston about that infrastructure across Government and our institutional partners.

Will you also talk about how you improve accountability? I know that you will ensure that there is accountability in your division—the minister will ensure accountability, too—but how will the programme board ensure that there is accountability across Government, whether we are talking about education, health or employability services?

You said that you publish the board's minutes. Is there other information that can be published?

**Paul Johnston:** We can certainly provide more information about the infrastructure, which I fully accept might not be immediately apparent if you look at the minutes alone.

The programme board is an innovation, which we will probably need to introduce in other areas, given that so many of the important policies that we are pursuing do not sit in only one area. I am adopting a very similar approach to our work on tackling child poverty. It is about expecting and requiring colleagues from right across Government to put time and energy into cross-cutting commitments of Government, whether or not that means that they put a lot of time into work that has not always been part of the day job. We are taking a new approach, which we expect to take an awful lot more.

I absolutely accept that it is not enough simply to have a programme board that meets six times a year. The team has given a lot of thought to the supporting infrastructure. I will say a couple of things about that. The delivery group is key, and in that context we need a well-resourced equality unit, which can run delivery mechanisms and engage, week in and week out, with all the different areas of Government, on the progress that is being made. As the minister said, we have sought to increase the resourcing of that area.

It is also vital that we have proper resourcing of specific priority areas. I will not suggest that that is easy; we face constrained resources in many areas of Government. The committee will be conscious of how much staff time and attention has been taken up, this year alone, in all the work to prepare for Brexit. However, we have sought to utilise the resource that we have and to find additional resource in key areas.

When it comes to minority ethnic employment, for example, I can assure the committee that ownership of the issue sits in our fair work, employability and skills directorate and that we have additional resource in that directorate to ensure that the work is taken forward effectively. I have also asked another director to ensure that we are pulling together the whole range of employment work, internally, externally and in the

public sector—and, I hope, moving on to the private sector—to ensure that the work has impact.

Yes, we are making sure that we have the right governance arrangements and that senior colleagues are held to account, but we are also making sure that we have people in post who can do the work on a day-to-day basis.

**Angela Constance:** Good. I am very pleased to hear that Ms Third will be ably supported by other colleagues.

Mr Johnston, you have spoken a lot about employment. It is very welcome that there will be a renewed focus on employment, given the links with poverty, housing and health. That seems to be a good place to start. I am conscious that, throughout the meeting, you have spoken about the tools, the need to work across the public sector, and Government investment in the black and minority ethnic network. Can you give some more examples? In particular, how will progress be measured? Are there timescales? I know that, in the past, the Scottish Government had to do a lot of work to improve the numbers of modern apprenticeships and young people in the organisation. When can we expect to see measurable and tangible progress? Will you consider targets, for example?

**Paul Johnston:** We have some targets. We need to keep those targets under review and potentially introduce others. The programme board has looked at that. We have targets in the Scottish Government that we can share with the committee for when the organisation will be fully reflective of the communities that we serve in respect of race and ethnicity. I would be very happy to follow that up and share the details of those targets.

Obviously, there are issues to do with the imposition of duties on other public bodies, but I would like to see other public bodies also adopting and pursuing very ambitious targets in relation to employment.

Angela Constance asked about other areas. Work is going on across the whole sweep of areas that Kaliani Lyle set out in her report. It might be worth mentioning education as another area that requires a real focus—I think that we would agree on that. The work that the programme board has considered has included the work that is going on in the education system on anti-bullying and tackling race discrimination in our schools. I know that members will agree that that is a vital area. We have been working with partners to strengthen the support that is available for schools as they try to tackle bullying, and racist bullying in particular.

The diversity of the teaching profession is another area that requires real attention. Members will know from recent data that there has been

some progress in that area, but significant further progress is needed in it. We are pleased to be working closely with Rowena Arshad, who has written to directors of education about the issue and specifically requested responses that set out what they are doing on it by January 2020. Colleagues in the learning directorate will work closely with Rowena Arshad on those responses as we seek to take forward that work.

We could speak at much greater length about other areas, but I hope that what I have said illustrates that we are looking beyond employment, although it is a clear focus of work.

**Angela Constance:** Good. I have a brief final question. In the evidence that the committee has heard, there was a suggestion that the establishment of an advisory group to provide external scrutiny of the action plan would be welcome. Have you had an opportunity to consider that suggestion or some other arrangement?

**Paul Johnston:** We have absolutely heard the call for that, and we are keen to work with the programme board, including Kaliani Lyle, to ensure that we have in place the best possible mechanisms for obtaining advice and support. As Hilary Third mentioned, we will have a further conference on that early next year. That will be another opportunity to get further advice. I want us to give further consideration to whether we should formally establish an advisory group. We will update the committee on our conclusions on that shortly.

**Christina McKelvie:** We hope to use the annual conference to test everybody's thoughts on that and to come up with a response to it. We can respond to the committee on that in 2020.

I want to pick up on a point that Angela Constance made. When Rowena Arshad gets her responses back in January 2020, we will take on board what is said, and we will be happy to update the committee on that.

Great progress has also been made in the police service, and BEMIS has been incredibly helpful in that. We are talking about 11 per cent of the police service, which is almost three times the percentage in the Scottish population. *[Christina McKelvie has corrected this contribution. See end of report.]* We have a lot of learning to do on how Police Scotland has managed that and how we can apply that learning across the board in other ways. To be fair, people in early learning and childcare are taking that on board, and they are working really hard to get a more diverse workforce so that we have a Scotland that reflects who we are.

**Angela Constance:** Hear, hear.

**The Deputy Convener:** As there are no further questions from the committee, I thank the minister and her officials for joining us and wish them a merry Christmas.

I bring the meeting to a close—I apologise; this convening was a last-minute gig for me. I should say that details of our next meeting will be available on our website in January. Last night, the Parliament agreed to pass the Female Genital Mutilation (Protection and Guidance) (Scotland) Bill at stage 1. The deadline for stage 2 amendments to that bill is noon on Friday 17 January 2020.

I thank you all for your attendance and wish you all a merry Christmas. We will now move into private session.

10:25

*Meeting continued in private until 11:01.*

## Correction

Christina McKelvie has identified an error in her contribution and provided the following correction.

**The Minister for Older People and Equalities (Christina McKelvie):**

At col 19, paragraph 7—

*Original text—*

We are talking about 11 per cent of the police service, which is almost three times the percentage in the Scottish population.

*Corrected text—*

We are talking about roughly 8 per cent of new police officer recruits in 2018-19, which is on par with the Scottish population.

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