



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Thursday 3 September 2015

Thursday 3 September 2015

CONTENTS

	Col.
INTERESTS.....	1
RACE, ETHNICITY AND EMPLOYMENT	2

EQUAL OPPORTUNITIES COMMITTEE

14th Meeting 2015, Session 4

CONVENER

*Margaret McCulloch (Central Scotland) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)

*John Finnie (Highlands and Islands) (Ind)

*Annabel Goldie (West Scotland) (Con)

*John Mason (Glasgow Shettleston) (SNP)

*Drew Smith (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Peter Blair (Police Scotland)

Lorraine Cook (Convention of Scottish Local Authorities)

Elaine Gerrard (Scottish Fire and Rescue Service)

Eilidh Prentice (NHS National Services Scotland)

CLERK TO THE COMMITTEE

Ruth McGill

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Equal Opportunities Committee

Thursday 3 September 2015

[The Convener opened the meeting at 09:30]

Interests

The Convener (Margaret McCulloch): Good morning and welcome to the 14th meeting in 2015 of the Equal Opportunities Committee. I ask everyone to set their electronic devices to flight mode or to switch them off.

I will start with introductions. I should point out first of all that we are supported at the table by clerking and research staff, official reporters and broadcasting services and around the room by the security office. I also welcome the observers in the gallery.

I am the committee convener.

Sandra White (Glasgow Kelvin) (SNP): I am the deputy convener of the committee.

John Finnie (Highlands and Islands) (Ind): Madainn mhath. Good morning. I am a Highlands and Islands MSP.

Christian Allard (North East Scotland) (SNP): I am a North East Scotland MSP.

Annabel Goldie (West Scotland) (Con): I am a West Scotland MSP.

John Mason (Glasgow Shettleston) (SNP): I am MSP for Glasgow Shettleston.

Drew Smith (Glasgow) (Lab): I am a Glasgow MSP.

The Convener: Agenda item 1 is a declaration of interests. I welcome to the committee our newest member, Drew Smith, and in accordance with section 3 of the "Code of Conduct for Members of the Scottish Parliament", I ask him to declare any interests that might be relevant to the committee's remit.

Drew Smith: Thank you for the welcome, convener. It is a pleasure to join the committee. In the light of some of the correspondence that the committee has received, I say that I am a former member of the general council of the Scottish Trades Union Congress and former board member of Scottish Union Learning. Both are previously held positions.

The Convener: Thank you very much.

Race, Ethnicity and Employment

09:31

The Convener: Agenda item 2 is our second evidence-taking session in our inquiry into removing barriers: race, ethnicity and employment. I welcome our panel of witnesses and ask them to introduce themselves.

Peter Blair (Police Scotland): I am head of resource management for Police Scotland.

Lorraine Cook (Convention of Scottish Local Authorities): I sit on the Convention of Scottish Local Authorities migration, population and diversity team.

Elaine Gerrard (Scottish Fire and Rescue Service): I am diversity manager for the Scottish Fire and Rescue Service.

Eilidh Prentice (NHS National Services Scotland): I am associate director of corporate affairs and compliance for NHS National Services Scotland.

The Convener: Thank you. We will go straight to questions. I believe that Annabel Goldie will go first.

Annabel Goldie: Thank you very much, convener. Good morning. The committee is interested in trying to understand what organisations are doing to improve employment of people from ethnic minority backgrounds or to increase the proportion of people from such backgrounds getting into employment. I will focus on the national health service and Police Scotland to begin with. Do your organisations think that they are doing enough to engage with and support ethnic minorities in participating in employment?

Peter Blair: Perhaps I can give the committee a picture of what Police Scotland is doing at the moment. We have a dedicated team of four police officers who are employed specifically to work with ethnic minority groups in order to facilitate employment, as police officers, of people from those groups. Given that we are talking about the whole of Scotland, four is not a huge number; the team is made up of one sergeant and three cops—one for each of the north, west and east regions.

However, we have just recently increased that number. Our new recruitment strategy is about pushing a localism agenda; we are pushing recruitment to divisions, and we are seeking further support from them in that respect. I am not saying that that has not happened up to now, but we are trying to encourage divisional commanders across the 14 territorial divisions to take more responsibility for recruiting within those divisions,

and we have appointed another two staff in an attempt to push the work to local communities.

Is that activity enough? Given that, according to the statistics, only 1 per cent of our officers are from an ethnic minority background, it is probably not, and that is why we are proactively trying to increase the amount of activity that we carry out with communities. There is a lot of work going on with ethnic minority communities, but we face many difficulties in encouraging people from those communities to apply to and work with the police. Only 1 to 2 per cent of applications to join the police come from people from ethnic minority backgrounds; that is insufficient, so we clearly have additional work to do to encourage more such applications. We hope, however, that our new localism strategy, which will be supported by additional officers, will assist us in that.

Annabel Goldie: Thank you, Mr Blair. That was very helpful.

Does Police Scotland attempt to engage with employees who come from ethnic minority backgrounds in order to ascertain how they are getting on and how they feel about being part of the organisation?

Peter Blair: Absolutely. We have a number of representative groups and staff associations from a variety of different backgrounds. For example, we have the supporting ethnic minority police staff for equality in race group—or SEMPER—which looks across the whole range of ethnic backgrounds, and we have a Muslim group and a recently established eastern European group. We are in constant contact with those groups; they sit on the working groups for recruitment, and we include them in consultations all the way through the process. We are continually monitoring the situation, and our activity is very much based on the feedback that we get from those groups.

Annabel Goldie: I want to direct the same question to Ms Prentice. I am also interested in hearing about the inclusion plan that is mentioned in your submission and which I think is in draft form at the moment. Will you comment on the themes that Mr Blair has already addressed and bring us up to date on the plan?

Eilidh Prentice: That is not a problem. First of all, though, I should explain that National Services Scotland is a special—and therefore stand-alone—board with about 3,500 employees. We work across Scotland, and our specialism is delivery of shared services to support the health of the people of Scotland.

NSS has a recruitment team of experienced recruiters, who understand that the experience of the recruitment process can be absolutely pivotal in bringing people, particularly people from black and minority ethnic backgrounds, into the

organisation. We recognise that there are areas for improvement across all protected characteristics—that came out of our last mainstreaming report—and, as Ms Goldie mentioned, we have an inclusion strategy in draft form at the moment. It is currently being put through our committee structure and I hope—I expect—that it will be implemented towards the end of the year. In the strategy, we recognise that all protected characteristics are equally important; it has to be recognised that although we can take positive action, we cannot have positive discrimination, apart from in relation to disability.

We also recognise that we have to be inclusive and, as a result, we encourage all job managers to be inclusive in job descriptions that they write and to ensure that inclusivity is promoted outwards as well as inwards. For managers, we have a robust training programme on recruitment that covers issues such as unconscious bias. In line with the duties that we are expected to carry out, the plan recognises that we have to utilise our data better to show where our gaps are.

Key to all this, particularly for the BME population, is positive action with regard to where we promote our adverts. We already work with the Council of Ethnic Minority Voluntary Organisations Scotland to focus employment opportunities better, and I foresee further work happening in that field. We are also looking to implement a modern apprenticeship scheme across NSS; we have introduced it in some, though not all, parts of our business, but we are looking to roll it out further. Again, that will bring more opportunities.

Annabel Goldie: Thank you. In case Ms Cook and Ms Gerrard think that they are being neglected, I wonder whether they can build on the themes that Ms Prentice and Mr Blair have been discussing in relation to their own organisations.

Elaine Gerrard: Certainly. The fire service has a tradition of doing quite a lot of outreach work through, for example, positive action databases to ensure that people from underrepresented groups get advance notice of adverts instead of waiting for them to be publicised in the press. Moreover, for a number of years now, we have been holding open days specifically for minority groups. Despite that and despite feeling that we have exhausted the traditional set of positive action initiatives, we still find that the workforce profile for our ethnic minority staff is only 0.5 per cent. The numbers are extremely disappointing, because they do not reflect the effort and resources that have been put into this area of work.

Since the new Scottish Fire and Rescue Service came into being, there has been very limited recruitment, so we took the opportunity to carry out a research project—a positive action review—on all our previous activities and looked at what

has been happening in other countries that have had more success. I have to say, though, that we did not find anywhere that was doing particularly well with regard not only to ethnic minority or minority religious groups but to the proportion of women in the fire service. We then carried out focus group work with minority ethnic communities to find out what was causing the barriers to people coming forward and applying, because we found that the issue was not that people were not getting through the process but that we were not getting many applicants.

We identified a potential barrier in our recruitment process, which we had been unaware of. We tested all our recruitment with an independent company, taking into account potential bias—either prejudice or unconscious bias—that would discriminate against people on the grounds of gender or ethnicity. In the sample, no discriminatory practice was identified in our recruitment processes. However, when we looked at the data from our processes for the last couple of large recruitment campaigns for whole-time firefighters, we noticed that fewer women and fewer people with an ethnic minority heritage were getting through the first stage. We are now considering how we do the cut-off at each stage of our recruitment process, to see whether that is having an impact because of our inadvertently putting in some bias. We do not believe that that is the case, however; we think that the reason might be that we have so few such applicants. However, the matter deserves further investigation.

The work that we did with the focus groups and the positive action review brought information to us through the equality outcomes evidence gathering. It was shown that the fire service has a very strong brand and is very highly respected. However, when people started to think about potential career opportunities, it was not one that automatically jumped to mind. Because 90 per cent of our jobs are operational firefighter roles, unless someone wants to be a firefighter, there are limited opportunities. However, we do have more than 800 support staff roles that we need to take better steps to promote, in order to ensure that people see that there is more than just the firefighter role in the fire service.

It came through clearly from the focus groups that there is not a perception that the fire service is racist—or any more racist than any other public or private sector organisation. The service is perceived as being broadly representative of Scotland's society. If there is racism in Scotland's society, there would undoubtedly be racism in public organisations, which was a fear of some minority groups: if a visible ethnic minority employee could not be seen within the workforce profile, that might be an indication of racism within that organisation. That may well be the perception,

rather than the reality. We are still working on our positive action review action plan to undertake some of the tasks that we felt we needed to undertake on the back of the review.

Annabel Goldie: It might be helpful if we could be kept up to date with how you are getting on with that review.

Elaine Gerrard: Certainly.

Annabel Goldie: That was a very helpful piece of evidence. Thank you very much.

Lorraine Cook: Judging from the written evidence from local authorities and from the work that we know local authorities are doing, there is a lot of good practice. COSLA is considering having forums that will help to share that good practice. In particular, we are working with the SNEIP—the Scottish national equality improvement project—sounding board which is providing spaces for public sector organisations, including local authorities, to share their good practice.

Some good work, including the public sector equality duty, is being done and is producing positive outcomes, but it is a matter of getting that across to all 32 local authorities. There is a need to develop better evidence and data and benchmarking groups are considering that. They are not just examining how organisations employ people from BME communities; they are also considering those people's progression through and exiting from those organisations. They are gathering those data and are achieving better consistency so as to monitor better. It is also about gathering better evidence so that we can monitor progress and ascertain what practices are working—what can we share, and what is valuable?

I have mentioned SNEIP; another crucial network is the Scottish councils equality network, with which we work very closely. It comprises the leads from all 32 local authorities. It is a crucial forum for sharing best practice, for improving based on evidence and for achieving consistency.

Annabel Goldie: To some extent my second question has been answered. Over and above what you have been telling us about what your individual organisations are doing, is any specific work being done to attract young people from ethnic minority backgrounds to join your workforce?

Eilidh Prentice: We have a graduate scheme, as well.

09:45

Peter Blair: As part of our proactive work, we do some work in schools, targeting in particular the sixth year students. Although that is not

specifically for people from ethnic minority backgrounds, that is one of our targeted areas. We employ people to be police officers from the age of 18, and they can apply from the age of 17-and-a-half. We will target schools in areas where there is a higher percentage of potential candidates from ethnic minorities.

Annabel Goldie: Who does the targeting?

Peter Blair: It is the proactive team, in the main. A lot of schools have community officers based in them, and we are trying to increase the activity of those officers in order to make the recruitment part of their general vocabulary when they are in schools. That is very much the work that we are moving out in terms of localism.

Annabel Goldie: Are some of those personnel from ethnic minority backgrounds?

Peter Blair: Yes.

Elaine Gerrard: The fire service has the same sort of youth engagement initiatives as the police. One initiative that is not current at the moment, but which I suspect will be reviewed again, is an apprenticeship scheme that specifically targeted schools for girls and schools that had a high representation of ethnic minority pupils. Through that, we got substantially better results in the application and appointment process for the apprenticeship scheme than we did through our normal recruitment campaign. We would use those techniques again if we were looking at a similar opportunity.

Lorraine Cook: The work that is done by local authorities is wide-ranging and specific to local needs. For example, in rural areas there have been roadshows around farms to promote people's rights and entitlements in the workplace. There have been projects to attract overseas talent in relation to highly skilled workers that are needed in particular areas, such as Aberdeenshire. There has also been targeting of particular communities, with people promoting the council as a place to work. Promotion of the council in general goes on through work in schools, work experience, shadowing and internships.

We have been working on a small pilot project called migration matters Scotland. It examines how community planning partners can promote their area and attract migrant workers who have the skills that they need, and how they can help people to integrate and encourage them to stay in those areas. We have been working on that along with five pilot councils. We have also been asking migrant workers who live in those areas—175 of them—what would be useful for them.

We also collate information for the Migration Advisory Committee and examine skills shortages

and ways by which councils can ensure that they get to their areas the people from overseas that they need. Primarily, the feedback that we have received has been around teachers and social workers, and we are awaiting that evidence so that we can feed into the Scottish and United Kingdom shortage occupation lists.

Sandra White: We have heard evidence about subtle discrimination—I believe that Ms Prentice mentioned unconscious bias. Is enough work being done in organisations to recognise that and to educate people about it? We have heard evidence that unconscious bias exists. What do you do to weed it out?

Peter Blair: All Police Scotland interviewers for selection go through an extensive course that highlights the potential for unconscious bias and for good practice around interviewing: nobody sits on an interview panel without being fully trained to a level of competency in that regard. Unconscious bias should not play a part in the recruitment process.

Every member of staff gets equality and diversity training on induction, and there is regular training throughout the police service. I hope that people are fully aware, from the start of their service, both as police officers and as members of staff, of issues around equality and diversity. We do quite a lot in that respect.

The Convener: If anybody else wants to speak, they should indicate that to me or the clerk and we will take them in turn.

Eilidh Prentice: We, too, have mandatory training for all members of staff, and our induction process for all new members of staff has a specific section on equality and diversity that covers unconscious bias. We have equality and diversity roadshows that travel to work locations all round Scotland. The roadshows are voluntary, but managers encourage staff to attend and managers are also encouraged to attend. The roadshows also cover unconscious bias.

All our recruitment processes are blind so, when we receive applications, we have no information about who the applicants are. However, when an applicant is invited for interview, some matters might be taken into consideration—for example, we might not hold interviews on a Friday. Little things such as that can help. Managers are also given training in recruitment processes that covers unconscious bias.

Elaine Gerrard: Our position is similar to that of the police and to what Eilidh Prentice described. In addition, the equality sub-group of the justice board is looking specifically at unconscious bias across the justice sector. The committee might want further information on that work and how it is being rolled out.

The Convener: That would be excellent.

Lorraine Cook: Councils have given examples of training at induction and managerial levels, and some councils reflect diversity in interview panels. Diversity is also promoted as a positive aspect of the council workforce because of what it brings to the organisation. We need to get that best practice across all councils.

Sandra White: What percentage of your interview panels are from BME backgrounds? I imagine that that is where this starts. What is the percentage on managerial interview panels and among people who get out to roadshows?

The Convener: Do you know the answer?

Eilidh Prentice: No.

Lorraine Cook: No.

The Convener: If you could send us it in writing, that would be excellent—thank you.

Sandra White: I have another question on the same theme. If an equal number of people from ethnic minorities and white people are interviewed for jobs and only one person from an ethnic minority gets a job, do you follow that up? Do you keep figures on the people who apply and on who gets through the process to become employed?

The Convener: If you do not know the answer, that is fine. You can find out the information and send it to us.

Lorraine Cook: I think that councils have identified a lack of data on progression. The data shows that there is an issue not necessarily with getting to the interview but with getting beyond that stage. We need to build evidence, particularly on progression, when we are talking about BME communities and low-level jobs. There is a job to be done in gathering that evidence to be able to answer your question.

Sandra White: Ms Gerrard said that you are all doing lots of work on the lack of progression from stage 1, so it would be interesting to get evidence on that.

I have a question about the barriers that have been mentioned. There are lots of barriers, but are you aware of barriers such as the one that Ms Prentice mentioned of Friday being a prayer day for some people, who cannot attend an interview on that day? Are you aware of such barriers for people from different ethnic minority groups?

Peter Blair: Our entire recruitment process is subject to an equality impact assessment. In fact, we are working towards a new recruitment process that we have called pathways to policing, which is going through a rigorous equality impact assessment. Every stage of it will be examined to ensure that there is no unnecessary or

disproportionate impact on any particular group; every stage of the process will be reviewed on those grounds. We will also monitor the statistics for each stage.

Since the eight police forces merged into a single police service, we have had trouble gathering data. The systems had to be merged, and we are working from spreadsheets and manual counting at the moment. However, we hope to bring in a new recruitment solution that will allow us to have much better data on all aspects of internal and external recruitment. That will allow us to better monitor each stage of the process against the equality impact assessment. That work is very much on-going, but we hope that it will bear fruit within the next 18 months or so.

Elaine Gerrard: On the monitoring of the recruitment process, I was referring to historical data that we had. Since the Scottish Fire and Rescue Service came into being, we have not recruited in large enough numbers for us to run any sort of data analysis.

On cultural awareness, the recruitment teams or interview selection panels that we set up run recruitment events or open days. In addition to ensuring that panels are familiar with the reasons for not having things on Fridays and are aware of equality impact assessments, we issue everybody with a cultural calendar that specifies dates throughout the year that they might want to avoid for having a big event. That is primarily for community safety engagement activities, but it is also used by staff who conduct interview panels.

Eilidh Prentice: Our answer to Ms White's question is very similar to the answers that the others provided. We have an equality impact assessment process that is embedded throughout all our processes, so it covers the recruitment process. We also ask candidates whether they wish to draw any matters to our attention. In the past, we have been known to offer translators when they are required.

Sandra White: It is important to understand why some people might not apply for jobs because of certain barriers. I have two quick questions. When you are out attending forums and so on, do you ask people who might be interested in applying for a job whether they perceive any barriers for themselves? I think that Lorraine Cook brought up the issue of barriers for professionals. Do you think that some people's professional qualifications are perhaps not recognised, so they end up in lower-paid jobs? I wonder whether that prevents a lot of people from applying.

Lorraine Cook: Definitely. Qualification recognition is a huge issue. As I said, in our migration matters Scotland—MMS—project, we spoke to 175 migrants, but only one person out of

the 175 mentioned the UK national recognition information centre—NARIC—which helps to translate foreign qualifications into UK equivalents. I have heard that there are issues with that process, but it is still a good resource to have. Perhaps that service needs to be promoted so that people know about it; we have recommended that it should be promoted more widely.

There is a problem in qualification recognition, but that is not the only issue. I suppose that there are many nuances. There is so much diversity in a community, although it might be regarded as a homogeneous group. However, in terms of—sorry, I have lost my thread.

Sandra White: I do that all the time.

Lorraine Cook: As well as qualification recognition, there is the issue of experience, with UK experience being valued. We must understand or get a better grasp of the employment experience of people from overseas and how we get similar recognition for that. The issue is both qualifications and experience, which is a point that came clearly out of the MMS project, as well as frustration that people are going into a lower level of employment although they are highly skilled and have a lot of experience.

10:00

The Convener: We are working to a really tight timescale, so I ask you to keep your answers short and to the point, if you do not mind. A number of members want to ask questions. I smoothly pass you on to John Mason.

John Mason: I think that we are going over the same ground in different ways; I am sure that you all accept that. I listened to the answers to the first two sets of questions and I am happy to accept that all four organisations that are represented on the panel and the people underneath you have policies in place and are doing the right thing. So far, I have not really picked up a sense of frustration that we are not solving this. Are you frustrated that we are not getting there?

Lorraine Cook: A lot of action and projects have been short term. The public sector equality duty gives every public sector organisation a chance to embed this as a long-term project—a chance to look at action, to share best practice on what is happening, to be informed about action that works, to embed it as a long-term process and to be involved.

John Mason: Do we just need to be patient? Should I and my colleagues be a bit more patient and say that, over time, the issue will work its way out?

Lorraine Cook: There is now a duty. I had a quick look at all our member councils and the vast

majority of them have an equality outcome that relates to employment, to having a diverse workforce and to reflecting in their workforce the diversity in their community. Those outcomes are in place and the councils have a duty to publish progress every two years. The public sector equality duty has created momentum and there is a chance to embed it in the long term. However, there is still work to be done not only in sharing best practice, which I mentioned, but in having better evidence and tracking progress to see what is effective and what is less so.

Peter Blair: I agree. I would not say that we are frustrated, but there is still a lot of work to be done. Anecdotally, when we are out in the community, we find that one of the barriers to people joining the police service is the perception of the police officer's role in communities. People from different backgrounds do not necessarily hold that in sufficiently high regard as employment that they would want to enter. There is frustration about that, and we have to work with communities to inform them better about what policing in Scotland is like and to encourage them to apply. The role is very different from the roles in some other countries that people in one generation or another have come from.

There is frustration about that, but we are working hard on it. I suppose that it is about a return on investment. The more we invest in working with communities to encourage them into the police, the more we will get back. At the end of the day, there is a balance of resources. As I said, the executive has agreed to put in additional resources to work in local communities to redress the balance. Without the additional activity, we would not achieve the 4 per cent that we are working towards.

John Mason: I will follow up on the police issues. I have never been in the police service, but it strikes me as an organised and maybe rigid—that might be unfair—organisation. We have previously looked at the subject of women not getting promoted in the police and the problems with breaks and things. The suggestion has been made that, although a young person from a BME background might have grown up entirely in Scotland and might therefore have a positive attitude towards the police, the previous generation might have more influence on them than the parents of a white Scottish kid might have on their kid. Can you deal with that, or is that just getting too far away?

Peter Blair: We would like to deal with it. You will have noticed from the evidence that the Scottish Police Federation supplied that we hear anecdotally that one issue is that the fathers and mothers of potential applicants are putting them off; another is that being in the police would

necessarily interfere with cultural traditions about what is expected of children.

We are not focusing our activity just on potential applicants. We are working in mosques and in places where older people congregate. We are working with communities to encourage them to recognise that the police service offers a good career opportunity for their children. We are working across the spectrum but, without a doubt, it is difficult.

John Mason: How adaptable can the police be? What if someone wants to take off all or part of a Friday? What about people not eating during Ramadan? Is it not possible for an organisation such as the police to adapt to such situations?

Peter Blair: It is absolutely possible, and we do our best to do that. In fact, we are considering opportunities for people to work as part-time police officers, which could open up options that we do not have. Equally, we are—potentially—going to take away the requirement to hold a driving licence, because a large proportion of people from different communities cannot get a licence before they join the police. We are looking at what we can do across the organisation to remove some of the barriers to recruitment.

John Mason: What about the fire service? If there is a fire on a Friday, you cannot give people time off for prayer, can you?

Elaine Gerrard: No—we could not allow that for people in operational roles, because they would have to respond to the fire. We have not yet had any requests from people to work altered hours on the basis of religious observance. However, we accommodate people who observe Ramadan. We do that by giving them alternative duties, which depend on the extent to which they want to observe Ramadan.

We have had no requests from operational firefighters to alter their work patterns. However, we can accommodate support staff, and we have compressed hours and flexible working policies.

John Mason: There is a wee bit of a chicken-and-egg situation: if you have not been asked for something, you will not do it, but if you do not do it, you will not get people in. What is COSLA's view? Is there a bit more flexibility in local government?

Lorraine Cook: I could ask equality leads about that, but I imagine that that comes under every local authority's equality policy.

John Mason: I accept that COSLA and authorities have policies in place. However, there is also evidence that people feel isolated at their workplace because, for example, they are the only person there from an ethnic minority. Can policies deal with that? Is that about attitudes?

Lorraine Cook: Training may be required to deal with that. That training would have to be useful and experiential. Large areas of Scotland are not particularly diverse. There are white Scottish communities where people do not experience much diversity, so the training should be made to be important, with people getting to walk in someone else's shoes, if you like.

The Convener: Eilidh Prentice is desperate to get in.

John Mason: I will just make one further point to which I am not expecting an answer. I am confused by some of the local authority figures that we have been given. We have a submission from Fife Council that says that its total BME population is 1.27 per cent, but the Scottish Parliament information centre says that the figure is more than 2 per cent just for non-white ethnic minority groups. I am not sure where we go with that, but I find that difference a little bit strange.

Eilidh Prentice: I wanted to come back to the issue of the sense of frustration. I absolutely agree with Lorraine Cook about the impact of equality outcomes and the progress that has been made. They have allowed us to stop and look at the evidence in order to shape where our organisations wanted to go. We had to choose our equality outcomes based on our evidence. Therefore, at times, some of the protected characteristics had to be promoted over others. As long as we could justify our approach, we were in line with the legislation. However, we are going through a process. There has to be patience, as we cannot solve all problems in one day. We are trying our very best across all the public sector. That is the sense that I am getting from all the evidence presented today.

When NSS was considering its outcomes, we were outward looking. That helps the inward focus, too. A key service is taking blood donations from mosques. That allows people to access our blood donations who may have never accessed it before. The service is working, and the impact on staff is that they have a much greater awareness and understanding of the Muslim community's issues.

John Mason: Can you clarify something for me? You are here representing NSS. Can you speak for the whole NHS?

Eilidh Prentice: No, I cannot.

John Mason: But is it the case that NSS has a responsibility for the whole NHS in some areas?

Eilidh Prentice: It has a responsibility in limited shared services areas. For example, our blood donation service is Scotland-wide. We have procurement services that facilitate procurement

for boards, but we do not control what other boards do on equality.

John Mason: One of the issues that have come up—in local authorities and in the NHS, I think—is about the spread of people from ethnic minorities through the organisations. My understanding is that within the NHS, there are a fair number of people from ethnic minority backgrounds at a lower level but there are not so many at a senior level. Is that something that you can speak to?

Eilidh Prentice: I cannot speak to that for other boards.

John Mason: And NSS would be too small?

Eilidh Prentice: We have 3,500 people. We publish our figures in line with the equality duties. They should be in our NSS mainstreaming report.

John Mason: Do you have figures for the number of people from ethnic minority groups at different levels?

Eilidh Prentice: We do not have figures on retention and progression; we have figures on recruitment and leavers. However, as requested by the committee, we will look at retention and progression figures.

John Mason: Okay. That will do for now.

Drew Smith: We talked a little bit about unconscious bias and other subtleties. On the issue of institutional racism, can you say on behalf of your organisations what your understanding of that term is? It has sometimes been raised with the committee in evidence. How would your organisations seek to identify what could be described as either institutional racism or a perception of its existence? I am thinking about John Mason's point that it is not just about recruitment but about sustaining staff in employment and giving them opportunities for promotion.

Peter Blair: Since the Macpherson report, all police services have been very aware of institutional racism and have worked very hard to address any evidence of that in their organisations. As I said earlier, all officers and staff are trained very strictly in equality and diversity at induction and it is quite a significant course. It is not just a half day; it is a full course on equality and diversity to raise the issues.

We also have confidential reporting mechanisms in the organisation, so should people wish to raise issues, they have the ability to do so. We also have staff associations, which should report back to us on anything that we are not conscious of that would have an impact on people from an ethnic background working in the force.

The issue is always going to be difficult to address and the culture of the organisation will

dictate to some extent how much we are aware of it. However, right across Police Scotland we have put in the mechanisms, as far as we are concerned, that should be able to address that. Confidential reporting of any instances is a positive step in addressing anything that is there.

We do not believe that there is any significant institutional racism within Police Scotland—in fact, I would be astounded if there was any at all—and those mechanisms have been put in place to ensure that that situation continues.

Lorraine Cook: It is about positive action and it is about training, which I mentioned earlier. That includes induction training, but it also includes training of managerial staff who are interviewing people and creating those opportunities for progression as well as developmental opportunities. It is about putting training in place for managers about those opportunities and making them aware of the importance of fairness in those opportunities.

It is also about raising awareness among the workforce in general across the protected characteristics, including cultural differences and disability and so on. There are good examples of such awareness raising and of promoting diversity within the workforce and the positive aspects that that brings.

10:15

Eilidh Prentice: We have an annual staff survey across the NHS that is run by an external agency, which asks individual staff members whether they are aware of bullying, harassment or discrimination in the workplace. We get some feedback in that way. The feedback for NSS is not that we have an issue around race, and that is very positive for us.

There are other measures that we can use to promote things such as positive action or not being a bystander. For example, we have linked into Stonewall's campaign about not being a bystander. There is no reason why similar language cannot be rolled out across other protected characteristics to promote inclusivity.

Elaine Gerrard: We carried out a cultural audit, in which, as with NSS, racism was not identified as a particular issue, although other issues that we have to address came out. We are looking for trends in bullying, discipline, grievances and absence management by the characteristic of the individual who makes a complaint and the trend in terms of whether there is any racism behind the complaint. The numbers are so small, however, that they would never give us an indication of institutional racism, so we need to look at other ways of capturing that data. Different ways of training, positive action, the cultural audit and

employee satisfaction surveys are probably our best tools, along with making sure that the equality impact assessment embeds the dynamics of what somebody has to do in order to apply each of our policies and practices.

Drew Smith: I do not know whether this is a comment or a question, but I will see whether anybody wants to respond. There is a reluctance about using a term such as “institutional racism”, which is understandable because people feel that it brands what you might regard as a small, isolated problem with the connotations that come with it. However, for people who are not in management positions and thinking about the cultural sensitivity of the organisation, it is about their lived experience at work or their experience of going for a job, and they might be much more likely to see things in terms of racism. I suppose that it is about getting the balance right and the correct level of concern about a problem, which does not exaggerate it but makes it clear within an organisation that there is something that you have to be on the lookout for and take seriously whenever it arises, instead of belittling people’s experiences, even if, in the management’s view, it is a perception rather than the reality of the situation.

The Convener: Is that a question or a statement, Drew?

Drew Smith: Looking at the panel, I think that it was a comment.

The Convener: Does anybody want to respond to that? If not, we will leave it as it is.

Annabel Goldie: Convener, can I ask a question?

The Convener: Yes.

Annabel Goldie: It will literally take 30 seconds.

The Convener: I will time you, Annabel.

Annabel Goldie: I was interested to hear that NSS has an annual staff survey that is carried out by an independent organisation. The Scottish Fire and Rescue Service referred to a cultural audit—was that a one-off, or is it an annual audit?

Elaine Gerrard: I would need to get back to you with the exact details. We have done a cultural audit and we are going to do an employee satisfaction survey. One of those will become annual and the other will follow a cycle, although I do not know the number of years. One of them will be annual at some point, but I would need to get back to you to verify that.

Annabel Goldie: Does Police Scotland carry out an annual survey?

Peter Blair: Police Scotland has just embarked on its first staff survey, and we expect the results later this month. It will be a biannual survey.

Annabel Goldie: Thank you.

The Convener: Some of my questions have been covered by other members. You say that you monitor recruitment. What information do you keep on people being promoted, and what do you use it for? Do you keep information on the exit rates of BME groups? Can you expand on what you do to monitor recruitment? I know that you go through that process, but I am asking about the promotion aspects of it and the exit rates for ethnic minority groups. What do you do with that data? Is there any way in which the data monitoring could be improved or expanded to make it more effective?

Eilidh Prentice can answer that. Everybody’s head is down, avoiding eye contact, but it is okay—I will work with you.

Eilidh Prentice: As has been stated already, we take data at the recruitment stage. As I am sure the committee will be aware, there are rules on what data can be kept and for how long. For example, data on candidates who are not successful is kept for a much shorter time than data on candidates who are successful.

We do not have the figures for promotion at the moment, and we will come back to the committee on those. On exit rates, the leavers report within our mainstreaming report details leavers by ethnicity. I have that report in front of me now. It is voluntary, in that staff do not have to make a response. The highest number of our employees who are leavers are white Scottish—we can perhaps take some comfort from that, but I do not know. We do not do much with that data at the moment, as far as I am aware. I agree that we could do more with our data and that we could use it to examine outcomes for the next time round.

The Convener: Excellent—thank you.

Peter Blair: We monitor at every stage, so we have data on those various areas. The issue is that the numbers are so small, with only 1 per cent in ethnic minorities within the organisation, so it is therefore difficult to identify trends.

Since we became Police Scotland, we have been working with legacy systems, and we are still catching up on some of the data. We are just about to embark on a new set of exit interviews. The proposal for that is sitting with the executive at the moment. We should gather better data as a result. We did not feel that the data that we previously gathered about the retention of staff was strong enough for us to fully understand the reasons for people leaving. We are going to bolster that evidence by having much better exit interviews.

Lorraine Cook: There is a diversity of collecting data and evidence among all the different local authorities. From what I have picked up from speaking to council representatives and from the evidence that has been submitted, it seems that there are gaps in the evidence on promotion and in exit data. Work is being done, however, by benchmarking family groups. Those are groups of councils with similar demographics and make-up.

One group is being led by West Dunbartonshire Council, I think, and is considering employment in terms of progression, outcomes at interview stage and exit for the BME community, for disability and for gender. Work is going on to achieve consistency across local authorities in the gathering of evidence.

Elaine Gerrard: The fire service is still working with a number of legacy databases, and we are in the process of developing a human resources payroll system that will capture all that information for us appropriately. We are working with the individuals who provide us with our recruitment and selection recording models, so that we can get better data from that. At the moment, I would not be able to give you all the statistics to answer all the questions that you have just asked.

John Finnie: I will pick up on a point that Mr Blair made. I do not know whether you know my background—I was previously a Police Federation official—and my point relates to a problem that both of us will have had. I am sure that we would both have encouraged the use of exit interviews, because of what we could learn from them, but the frustration is that a lot of people, in their anxiety to exit quickly, have no wish to engage. Ironically, sometimes it is the cause of that anxiety to exit that it would be most informative to find out. Historically, I have had experience of that, and I have also experienced that as part of my constituency workload over the past four years. How do we address that? We would get a lot of information from exit interviews.

Peter Blair: You are absolutely right. Some of the options that we are presenting to the executive for its decision involve completely outsourcing that, so that people can have confidence that the individuals they are speaking to are not necessarily their line manager or somebody in the organisation who might be subject to the criticism that is the reason for their leaving. That is one of the options on the table. Again, it will come down to a return on investment—the more we invest, the better the data will be.

For me, as head of resource management, the issue is critical. We need to develop a retention strategy as well as a recruitment strategy, because, in the past few years, larger numbers of people have left the organisation voluntarily than have ever done so before. For me to address that

internally, I need to understand the reasons why they are leaving.

Part of our corporate strategy was to have processes in place so that we would be an attractive organisation that would retain people. We need to understand the leavers in order to get things right. You are right to say that it will be a challenge, because some people who are leaving for various reasons will just want to get out the door and not want to speak to us. However, we do what we can to encourage them to give us that particular data before they leave.

John Finnie: As you have said, there is no compulsion to give you that data. I am heartened to hear you say that you understand that that data is about retention—it might not help you retain that individual, but that person's experience might help you retain others.

We will not go into the detail of it, but we have received a paper from the Scottish Police Federation. I do not know whether you were aware of the concerns about the policing of the Commonwealth games, but a wider awareness of those issues would, of course, impact on recruitment potential.

This question is for anyone, but I am targeting it at Mr Blair. In terms of exit interviews, what will you do about that? People can have grievances that they genuinely feel, but which others might not. Are you able to say what you are going to do in that regard?

Peter Blair: We have to work with the data and information that we receive, regardless of what they are, and address the issues. It is a bit of a double-edged sword. There is no point in my spending a lot of time working on recruitment if I am losing a lot of people out the other end because I am not addressing those issues. In all honesty, I spend the same amount of time retaining people as I do recruiting them. Any information that we can get that assists us, whether it involves flexible working, the way that people have been treated in the organisation or whatever, has to be acted on. There is no point in receiving that information and then sitting on it. My commitment would be that, once we get that better information, to ensure that it is acted on.

Elaine Gerrard: In addition to dealing with individual cases, that evidence should also find its way back into the equality impact assessment process, to assist with redesigning any policies or practices that are leading to discriminatory practices or unwelcoming workplaces.

John Finnie: Often, at this stage in the process, the issues have been fully fleshed out. I was going to ask about the balance between positive action and positive discrimination, but that has been touched on already, so I wonder whether you can

say something about the challenges around recruitment, retention and promoting people. Have unrealistic expectations been built into the recruitment process, which might lead to people feeling aggrieved? After all, it is unlikely that most people in the Scottish police service will be promoted, regardless of issues around ethnicity.

Peter Blair: It is difficult to say. If we were to ask new recruits what rank they expected to finish their career at, I think that we would find some unrealistic expectations there. I do not know whether that is specifically Police Scotland's fault, because we are trying to encourage people to come into the service. However, I think that false promises are not useful and contribute to a higher rate of attrition than we would want.

We need to promote the reality of being a police officer, and we are about to embark on a new campaign that is very much about that and which is de-emphasising certain more glamorous aspects that might create a false expectation in people joining the service. It is all part of the retention strategy.

As you will know, we have very much opened up promotion in the past year, and the system now works by self-application. If someone feels that they have achieved the standard required to get to the next rank, they can apply to do so at any time, up to the rank of chief inspector, to which specific processes apply. In other words, people can apply at any time to be a sergeant or inspector. The evidence will be considered and they will be given an interview to see whether they can go forward. The process is competency based, so there is a minimum standard to meet; it is not competitive in that way.

As I have said, we run specific processes for promotion to chief inspector and above at times when we require those ranks. Those processes are also competency based, but we draw a line under the number of officers who have reached the required standard, and they go into a pool for promotion. Compared with earlier days in the police service, when you were selected by line managers for promotion, the system that we now have in place is much more open, fair and transparent.

10:30

Eilidh Prentice: The position is different in different parts of the public sector. We do not have promotion; a post might come up that is more senior to the one that you are in, and you would go through an application process for it. Our current policy is that posts are advertised internally before being advertised externally. Obtaining a post is very much based on merit, and we would expect an applicant to have a conversation with their line

manager about their personal development—I certainly do so with my team.

We strive to ensure that NHS NSS is a great place to work. For us, it is about our people; if we do not have the right people who are motivated and doing the right things, we will not get the best out of our organisation and what we do to support the health of the people of Scotland. Our recruitment process is key for us; it is not necessarily about positive action or positive discrimination, but about ensuring that everybody has the opportunity to try to get to where they want to go in their career. If we are able to facilitate that through the resources that we have, we do so.

John Mason: I want to follow up John Finnie's discussion with Mr Blair and the comment that the promotion process in the police is more transparent now. From what I understand, it is based more on the individual seeking promotion. When we previously looked at the role of women in the police, we found that there was an issue with women's self-confidence and heard that some women needed to be encouraged to go for promotion because they were perhaps running themselves down a bit. Would the same apply to the current process? Are people being encouraged to apply for promotion?

Peter Blair: Absolutely. We would put that expectation on to line managers and senior officers in the division. During a recent process, we extended the application period to get a better balance of applicants, because the balance was not quite what we had hoped for. All staff were generally encouraged to apply, but we extended the period by a couple of weeks to ensure that better balance.

John Finnie: What about disciplinary, grievance and dignity at work policies? Although they are often perceived by everyone as being punitive rather than positive, I would always want them to be presented as opportunities to ensure a good workplace for everyone. Have you struck the right balance with those policies? Could anything be done in any of those areas to enhance the prospects of increasing the BME workforce?

Peter Blair: We get a very low number of grievances. It is difficult to understand whether there are other grievances out there that are not coming to our attention. I do not want to overkill the point, but I should say that that is why we introduced confidential reporting. People who do not feel confident about putting their head above the parapet now have an opportunity to report elsewhere.

Our clear and very strong policy and operating procedure on grievances is that a person who raises a grievance is not culpable in any way and should not be discriminated against, moved or

alienated, but you are right that some people have the perception that if they put their heads above the parapet with regard to a grievance, they might be looked on poorly. That is why we introduced the confidential reporting mechanism.

John Finnie: What response has that had?

Peter Blair: I do not have the figures to hand, but I can report back to the committee on them.

John Finnie: Thank you.

Christian Allard: Unison has stated that the positive action provisions in the Equality Act 2010 are underused. One reason might be that some think that positive action equates to positive discrimination. Do you think that that is case? Are the provisions underused or are they perceived to be underused? If so, is that because a lot of people in an organisation perceive positive action as positive discrimination?

The Convener: Who would like to answer that? Come on, Eilidh. We will pick on you this time.

Eilidh Prentice: From my own knowledge of equality and diversity, I think that the issues around positive discrimination and positive action are very difficult. Some people do not like positive action to be used, even for their benefit, because they feel that they should achieve something on their own merits. They therefore question why they need the additional help of positive action. However, positive action exists for the reason that it is needed; if you are going to use it, you should do so in the most effective way possible.

When I read through other organisations' submissions to the committee, I was struck by the expectations that black and minority ethnic ladies from different backgrounds seem to have around childcare. What positive action can we use to ensure that those ladies see adverts in the first place? They might not go to, say, Scotland's health on the web or s1jobs, where we advertise. There are things that we can do about that, and we should certainly look at the issue. In fact, we are already working with the Council of Ethnic Minority Voluntary Sector Organisations on it.

We use positive discrimination only around disability, where it is permitted. For example, we might have a guaranteed interview scheme.

Christian Allard: That is a really good point. Given that positive discrimination is permitted with regard to people with a disability, should we also permit it to address this particular issue?

Eilidh Prentice: That is a decision and a discussion for much higher authorities.

The Convener: Does anyone else want to answer that question, or are people quite comfortable with that response?

Christian Allard: Unison has challenged local authorities about not using the existing positive action provisions so much. Is there a reason for or perception about that?

Lorraine Cook: I believe that the example of the double tick has already been highlighted in the inquiry; that is positive discrimination and it would be illegal if it were used for BME. I have to say that there was a diversity of feedback on its usefulness. Even if there were legal changes and the double tick could be used, how useful would people who could apply to use it find it? Is there a perception that it is not helpful and would penalise them and that this should be about their own merit? There is a lot of complexity around the matter that would need more discussion.

Even from just looking through the evidence and getting feedback myself from councils on what they are saying about workforce monitoring, training, dignity at work policies and disciplinary policies, I can see that there is a lot going on with regard to positive action, even though it might not be framed in that way. However, there is an issue with the understanding of positive action, positive discrimination and the double tick.

Peter Blair: I will give the committee an example that we had in Police Scotland. Previously our adverts, particularly for areas in the organisation where we did not have the proportion of female officers that we wanted, would say something like applications were particularly sought from female officers, as they were currently unrepresented in the area. However, we received feedback from the Scottish women's development forum. I will quote from an email that I have, which says:

"In some cases I even think they have potentially caused more damage than good, as they can end up being a barrier to those it is trying to target and opens any successful female candidates up to the old 'you only got the job because you are a woman' comment."

The forum suggested some wording that we have now adopted for adverts rather than the previous statement. Whatever unit it is, the adverts look for

"male and female officers from diverse backgrounds to operate effectively, drawing on Police and non-policing experience."

They go on to say:

"Therefore, interested officers should not assume that they are unsuitable based on preconceptions of the profile of"

that role. We moved away from our previous positive action, because the Scottish women's development forum did not think that it was positive, and we have now incorporated that new statement into our internal adverts.

Christian Allard: That was very interesting, but I want to go back to my initial question.

I thank Ms Cook very much for her views on the double tick. However, I find it difficult to understand why, if it is good enough for people with a disability, it is not good enough for people from an ethnic background. Indeed, is it not good enough for people with a disability? Should we not have the double tick at all?

Lorraine Cook: We have received a range of views from disabled persons organisations on the double tick and how useful it is and have heard a wee bit about people thinking that an applicant “only got the job because” they were this or that. I am not giving a view, but there is a range of views out there on how effective it is.

Christian Allard: Does the same range of views exist in other organisations? Is there a barrier or difficulty in promoting positive action because you think that you are going into the area of positive discrimination?

Peter Blair: To be honest, we in Police Scotland have considered nothing beyond the double tick. We have not had a dialogue yet, so it would be wrong for me to comment at this stage.

The Convener: As members have no other questions, do our witnesses have anything else that they would like to say but which they have not yet had the opportunity to say? If not, I suggest that, if you think of anything, you should send us that information—we will be glad to hear from you.

That concludes the meeting. I thank everyone for coming and giving evidence. Our next meeting will take place on 17 September.

Meeting closed at 10:40.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

Information on non-endorsed print suppliers
Is available here:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@scottish.parliament.uk
