



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

### **EQUAL OPPORTUNITIES COMMITTEE**

Thursday 19 November 2015



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**EQUAL OPPORTUNITIES COMMITTEE**

**19<sup>th</sup> 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:**

Gavin Gray (Scottish Government)

Lesley Musa (Scottish Government)

Alex Neil (Cabinet Secretary for Social Justice, Communities and Pensioners' Rights)

**CLERK TO THE COMMITTEE**

Ruth McGill

**LOCATION**

The Adam Smith Room (CR5)



## Scottish Parliament

### Equal Opportunities Committee

Thursday 19 November 2015

*[The Convener opened the meeting at 09:32]*

### Decision on Taking Business in Private

**The Convener (Margaret McCulloch):** I welcome everyone to the Equal Opportunities Committee's 19th meeting in 2015. Please set any electronic devices to flight mode or switch them off. I will start with introductions. We are supported at the table by the clerking and research staff, the official reporters and broadcasting services, and we are supported around the room by the security office. I welcome the observers in the public gallery. My name is Margaret McCulloch and I am the committee's convener. Members will introduce themselves in turn, starting on my right.

**Sandra White (Glasgow Kelvin) (SNP):** I am the MSP for Glasgow Kelvin and the deputy convener.

**John Finnie (Highlands and Islands) (Ind):** Madainn mhath. Good morning. I am an MSP for the Highlands and Islands.

**Annabel Goldie (West Scotland) (Con):** Good morning. I am an MSP for West Scotland.

**John Mason (Glasgow Shettleston) (SNP):** I represent Glasgow Shettleston.

**Christian Allard (North East Scotland) (SNP):** Good morning. I am an MSP for North East Scotland.

**The Convener:** The first agenda item is a decision on taking business in private. Members are asked to agree to take item 3—consideration of evidence heard during today's meeting—in private. Are we agreed?

**Members indicated agreement.**

## Race, Ethnicity and Employment

09:33

**The Convener:** Agenda item 2 is an evidence session with the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights on our inquiry into removing barriers: race, ethnicity and employment. I welcome the cabinet secretary and his accompanying officials, Gavin Gray and Lesley Musa. Cabinet secretary, I ask you to introduce your officials and invite you to make some opening remarks.

**The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (Alex Neil):** Thank you for the opportunity to be here. I am the cabinet secretary with primary responsibility for equality issues, although that responsibility is shared across the Government. Gavin Gray works under Roseanna Cunningham's portfolio in relation to employment and fair work matters, and Lesley Musa works in the equalities unit, specialising in racial equality and other issues that are relevant to today's discussion. I will make a few opening remarks, but I will keep them fairly brief if that is okay with you, convener.

I congratulate the Equal Opportunities Committee on conducting this inquiry and showing leadership on the issues, which are extremely important. I thank you very much for the invitation to come and discuss them with you this morning. It is particularly timely, given the new emphasis on addressing in-work poverty within the programme for government and in the Scottish Government.

Equality is very much at the forefront of Scottish Government policy and, since the publication of the programme for government, it has been firmly at the core of wider Scottish Government agendas including the fair work agenda. The Scottish Government values Scotland's diverse and ethnic minority communities, the contribution that they make and the important role that they play in enriching Scotland socially, culturally and economically. We know that that is not a homogenous group, however. There are big differences between ethnic groups and, of course, within them—for example, between men and women, with some groups having more traditional views on the position of women in the family and on their not working.

We know that minority ethnic groups are disadvantaged on a range of measures and indicators throughout the area of employment. Research suggests that minority ethnic people experience disparate levels of unemployment and underemployment, mismatches between educational qualifications and types and quality of employment, and employment discrimination.

Poverty rates are also higher for minority ethnic groups, which is why employment has been identified as one of the four key areas in the development of a new racial equality framework for Scotland.

The public sector is leading the way in developing good employment practice, and the committee has received a wealth of evidence about initiatives that are designed to improve the experiences and employment rates of ethnic minorities. We have a comprehensive vision to put the public sector equality duty at the heart of workplace practices. However, there is more that can be done.

Progress towards our vision will depend on changing the organisational culture at a local level so that it promotes the value of equality and fosters a more trusting working environment. A positive culture shift will help to drive an increase in employee equality declaration rates, and that improvement will help to build the employee data baselines that are needed to improve local practice in the recruitment, development and retention of staff.

The Scottish Government is committed to helping unemployed people to achieve their full potential. We recognise that more help is required for those who are most disadvantaged in the labour market and that the public and private sectors are key partners in that work.

I welcome this opportunity to discuss with the committee what the Scottish Government is doing to tackle discrimination and inequality in the workplace to ensure that every citizen has the opportunity to fulfil their potential. I am happy to answer any questions.

**The Convener:** Thank you, cabinet secretary. We are working to quite a tight timescale this morning.

We have conducted a really interesting inquiry on removing barriers, and we have taken quite a lot of evidence from various organisations including local authorities, trade unions, human resources professionals and the private sector. We have also visited a few organisations that work with ethnic minorities to help them to break through the barriers that they are experiencing.

I want to ask you about the Scottish Government initiatives that were put in place prior to our inquiry on race equality in the labour market. What effects have those initiatives had? Have you monitored them to see the impact of any progress in helping people from the black and ethnic minority communities to move up the employment ladder?

**Alex Neil:** A fair amount of work, particularly research work, has been done. We are keen to

take all of that forward and we have been taking it forward both inside the Scottish Government as an employer and, more recently, since Roseanna Cunningham's appointment as the Cabinet Secretary for Fair Work, Skills and Training, with the private sector and other employers right across Scotland. There are examples of our having looked at the feedback. We monitor all aspects of that work closely and, as you know, we publish on a regular basis information about equalities in Scotland. We also equality proof. Mr Swinney equality proofs the budget before it is presented to Parliament to make sure that the budget is fair across the equality agenda, in terms of both racial equality and gender equality and the other relevant equalities.

In some of the interesting work that we have done more recently, among ethnic minorities, for example, there has been a concern—I do not put it any stronger than that—that, almost since the establishment of the Equality and Human Rights Commission, the issue of race equality has slipped down the agenda somewhat. In recent times, there has probably been much more media coverage of gender equality and—this is perhaps related to the Marriage and Civil Partnership (Scotland) Act 2014—coverage of issues around the lesbian, gay, bisexual, transgender and intersex community. Although, at the present time, there is a lot of publicity around refugees and asylum seekers, there is concern that the need to tackle the issue of racial equality has lost a degree of momentum. Therefore, we are looking at re-establishing an advisory group specifically to deal with that issue, so that the profile of dealing with racial equality will be raised.

We still have a lot to do to promote racial equality in Scotland—you need only look at the employment and unemployment figures to see that. Many of the racial minorities achieve well above the Scottish average in educational attainment but, when they go into the workplace—if they get into the workplace in the first place—the type of jobs that they get, their chances of getting another job, the quality of their jobs, the grading of their jobs and their pay are inferior to what we would expect for someone with their qualifications. There is still a lot to do.

**The Convener:** Thanks very much, cabinet secretary. John Mason will ask the next question.

**John Mason:** It follows on from what the convener asked about. You have touched on some of the things that the Government is doing. I do not know whether you would like to expand on anything else that is being done by the Government and other agencies such as Skills Development Scotland and some of the councils.

My feeling is that we have had a bit of a mixed response from some of the councils. A lot of them

have said things like, “Well, our policies are in place.” I accept that they have policies in place, but that is not working through to the actual result. I think that Fife Council told us that it has roughly the right number of people from an ethnic minority, but the numbers that it gave us were different from those in the census, so, to some extent, we felt that the council was not taking the matter seriously enough.

**Alex Neil:** On the latter point, it is fair to say that there is a wide variance between different councils in their performance on all these issues—not just in relation to racial equality and the need to take a more proactive approach, but in terms of the equality agenda more generally. Some councils are better than others, to put it mildly, and some focus on tackling one or two areas of inequality, sometimes to the exclusion of other areas. We should all take a generic approach to tackling inequality because, in my view, inequality in all its guises must be tackled in all circumstances.

Let me give you some examples of what the Government is doing as an employer. Part of our strategy and objective is to be an exemplar as an employer. We have our own equality and diversity advisory board that monitors and proactively pursues the issue of equality—not just racial equality and ethnic minority equality, but all equality in the employment practices of the Scottish Government and its agencies. As you know, we have also set a target that, by 2017, 90 per cent of Scottish Government staff will respond to diversity monitoring. The data on that has been slow to build up because people are naturally suspicious about why we are asking them about their ethnicity, their sexuality, their religion and a range of other things. However, we have now built up enough trust with people that they realise that there is no sinister or hidden agenda behind our asking for that information, but that we are simply trying to pursue more equality in recruitment, retention and grading to ensure that minorities get a fair and equal chance of good-quality employment, promotion and all the rest of it within the Scottish Government.

09:45

I will give you some other examples. We are working with staff diversity networks to establish what the barriers to the declaration of diversity information are. We are talking to staff themselves about why some people are still reluctant to give us the information that we need to monitor things more systematically and in more depth. We are trying to simplify the data-capture processes and procedures within the Government, so that they are not too complicated for people to understand. We are trying to help staff to understand the processes and the reasons why we are asking for

diversity data, and we have produced detailed guidance on all that. We are working with our employees in Government and in our agencies to try to get to a position, ideally by about 2025, where we have broad equality within employment in the Scottish Government.

You might say that 2025 is 10 years from now, but—this goes back to the convener’s first question about lessons learned—we have all learned the lesson that this is not a short-term agenda. The short-term initiatives that have been done in the past, although well intentioned, have not had the impact that we would have wanted. One clear lesson is that the equality strategy is a long-term game. Persistency and stamina are extremely important in pursuing equality until we achieve our goals permanently. Therefore, it is realistic to talk in terms of the next 10 years. In 10 years’ time I would hope, when we look at the profile of employment inside the Scottish Government and, indeed, in the wider public sector, that we will broadly have equality between the different minorities.

**John Mason:** You talked quite a lot about data; some of my colleagues will follow that up and explore that area. I was going to ask you about a target and you have given us a target: 2025. I totally agree with you that it is a long-term thing. On the other hand, in 2025 you and I might not be here—

**Alex Neil:** Do not be so pessimistic, John.

**John Mason:** The danger is that we might feel that if nothing much happens for a year or two, that will be okay. I am specifically thinking of areas in which it seems pretty clear that ethnic minorities are not progressing, such as the fire service. Ethnic minority people might be going into the police but not being promoted. In the national health service, a lot of ethnic minority people are at a lower level and are perhaps not being promoted. How do you see that moving forward?

**Alex Neil:** I will make two points. It is not the case that we are not doing anything until we get to 2025.

**John Mason:** I accept that.

**Alex Neil:** It is a process, and we need to do this by building on platforms of success. We are in a far better place today than we were 10 years ago, but we still have a way to go. When I say, “by 2025,” I mean that that is when we should reach an ideal state, but we want to make progress on this agenda year by year. That is one of the reasons why in April we set up the fair work convention. Its next meeting will take place next week and the core of your question is the main item on the agenda—Gavin Gray will give you more detail on that. It is not just looking at Scottish Government or public sector employment but also

starting to look much more in depth at the private sector and the third sector.

I will give you one example. I have quite a few jobs in my portfolio, and one of them is housing. We have announced a nearly 70 per cent increase in the building programme for social and affordable housing over the next five years. We will achieve that only if we address the skills gap that exists in the construction industry across Scotland. One way in which we can solve the construction skills challenge is to have far more women in the construction sector.

I used to travel a lot more, in business. When I went to a building site in Germany or particularly in eastern Europe—I did a lot of work for the World Bank in eastern Europe—I would sometimes see more women than men. Some of those women were far better workers than the men, not just in terms of the bricklaying and the joinery but in engineering, design, surveying and architecture. In all those professions we still have not achieved anything like equality for women, let alone all the other equalities that we are trying to achieve. The fair work convention is taking on that task as a core activity and, of course, we have the co-operation and support of organisations such as the Scottish Trades Union Congress in doing that.

**Gavin Gray (Scottish Government):** The fair work convention was established in April and it is made up equally of trade union representatives and employer representatives. It has been looking at a set of issues around fair work since April and, as you would expect, equality is one of the issues that has been at the forefront. It just so happens that, as the cabinet secretary said, at its meeting next week the convention is taking evidence from a number of equality groups and representatives, and there will be further engagement on that. The core things that the convention is looking at are around security of work and, in relation to this agenda, the opportunity to access work and progress in it. There are also themes about being treated with respect in the workplace, the employer voice, how employees are able to engage in the workplace, and how fulfilling work is and the impact of that on wider wellbeing. Those are the kinds of things that the convention is exploring and, as I said, next week it will take specific evidence from equality groups.

**Alex Neil:** I will give a very specific example of one of the projects that we are working on. In partnership with Glasgow works, we have developed “Working with Ethnic Minority Clients”, which is a toolkit for employability partnerships and projects. It seeks to highlight some of the issues that affect the employability of people from ethnic minority communities and it builds on examples of good practice. Part of our job is to

spread good practice where it exists. That example is in your home territory, John.

**John Mason:** Thank you.

**Annabel Goldie:** I want to wind back a few minutes. I was struck with something that you said about the Scottish Government’s attempts to dispel applicants’ fear about why they are being asked to disclose information about their ethnicity. You said that there had been an improvement. Has the Scottish Government introduced some proactive measure in its application forms to reassure applicants that there is a genuine and positive reason for seeking that information?

**Alex Neil:** The main factor is guidance but we also engage in face-to-face activity with employees, to get them to understand. We have been doing that for a number of years and we have been publishing information, so employees realise that the data that we collect is not a tool used for purposes for which they would be concerned. We have gradually built up trust in the process. I ask Lesley Musa to give you some more detail on that.

**Lesley Musa (Scottish Government):** The answer really is in the guidance and in the work that the staff diversity networks are doing. We put articles up on our intranet and we have lunch time seminars to work with employees across the Scottish Government. That is continuing work.

**Annabel Goldie:** The point is that by that time they are in the system—and it is great that they are in the system and employed. How do you dispel the fear of applicants who apply for a job and wonder why they are being asked about their ethnicity?

**Alex Neil:** Do you want to answer that in detail, Lesley?

**Lesley Musa:** I will probably have to come back to the committee on that. HR is carrying out work on that just now. When that work is finished we can come back and update the committee on where we are with it.

**Annabel Goldie:** Thank you very much.

**Alex Neil:** We are conscious of the particular issue of applicants, particularly given all the external events that have happened in the last couple of weeks and those that are happening more generally. There is a degree of concern, and our HR department regards that as a priority.

**Sandra White:** I want to return to what John Mason mentioned and the fair work convention. We have had evidence on career choice for ethnic minorities and the advice that people are given. Last week the Joseph Rowntree Foundation said that we should look at matching careers advice with job vacancies or having a jobcentre type of



office. How do you feel about that? Is the careers advice that is given to people from ethnic minority groups the proper careers advice?

**Alex Neil:** I am not close enough to the careers advice to give a specific response to that. Careers advice, particularly in schools and colleges, is handled through Angela Constance's function.

Before I became an MSP, I did some work on reviewing the careers service in Scotland. At that time, there was a wide variance in the quality of advice and support that was provided. My view is that we probably need more resources for careers advice at an earlier stage, before young people get prejudices. We were talking about the construction sector. One reason why it is difficult to recruit people to the construction sector is that people have prejudices built in to them at a fairly early age. Ethnic minority people require real support and advice.

At the other end, we are going to get new powers under the Scotland Bill. There is a direct correlation between what I am about to say and the answer to the question, which I will explain in a minute. One thing that we will do is remove fees for tribunals. Ethnic minorities suffer because of the £1,200 up-front fee to take a dispute to a tribunal. I will not go into that specifically at the moment, but when a dispute happens and people know that they have the right of redress it gives them confidence. An effective redress system also deters people who otherwise might treat ethnic minority people in a way that they should not. The tribunal system has traditionally been very effective, but, in recent times, there is clear evidence that people do not have the money to be able to get to a tribunal, because of the fee, and therefore are not using the tribunal system.

The tribunal system was an educator. What happens at a tribunal very often is publicly reported, so people see that there is a right of redress. If a tribunal makes a specific ruling, for example on a matter in relation to how people who are in a minority group are treated, people pick that up and learn from it. The tribunal system gives examples.

We require a bit of a pincer strategy. There is no one silver bullet that will solve the problem. We need to take a broad-brush approach to tackle the issue from all angles.

**Sandra White:** I was going to ask you a number of questions about data, but you seem to have answered most of them. However, there are two issues about data that I will ask you about—they deal with the drop-out rate for apprenticeships. We know that we can get women into apprenticeships, but the drop-out rate is high. Ethnic minorities get into apprenticeships through the careers service, but we do not seem to have the data on the drop-

out rate. Will you be looking at the apprenticeship drop-out rate?

**Alex Neil:** The drop-out rate for the modern apprenticeship programme is available; we can provide you with that. We are going to get more details of the new apprenticeship levy. Given that a levy will be involved, collecting data on the drop-out rate will become easier, because money will be changing hands. We are happy to provide you with the data that we have. We will have data and analysis, I would think, of modern apprenticeship drop-out rates.

The modern apprenticeship programme is important because it deals primarily with the age group up to 25 or so, but it also deals with a range of different sectors. It is a national programme and its throughput is well over the 25,000 target—eventually it will go to 30,000. I will ask Gavin Gray to make sure that the committee gets a copy of the substantive data that is available on drop-out rates and any other information on modern apprenticeships that you require.

**Sandra White:** That would be great.

Some people will leave a job either because they do not particularly like it or for other reasons—perhaps even cultural reasons. We do not seem to have data on exit strategies. If someone has been interviewed by a person for a job, it can be difficult for them to go to the same person to say why they are leaving that job. Is there any way that you could get around that issue regarding collating data? People have suspicions regarding exit interviews. I would be interested in your views on that.

**Alex Neil:** We will certainly ask our HR department if we have any data on people who leave Government employment. I suspect that in most cases they have been offered a better job with better pay elsewhere, or that they have taken early retirement or something of that nature. However, we will see whether any systematic data is available. I have not seen any, but there may well be some. We will ask our colleagues in the NHS, for example, whether any data is available on the reasons why people leave.

**Sandra White:** Thank you.

10:00

**Gavin Gray:** I will add two quick points. I think that some data is gathered on exit from the Scottish Government in the Scottish Government's equality mainstreaming report. That has been published, so we can send you that.

On SDS, I think that there are two issues around careers and modern apprenticeships. I know that you took evidence from SDS, but it will publish its equality action plan before the end of the year and

we expect that that will cover how SDS is pulling together all the information around data, modern apprenticeships, the careers service and what it is doing in that space.

**The Convener:** I think that SDS collects data from modern apprentices who leave the programme. It writes to them or emails them and gathers that evidence.

**Alex Neil:** I have not seen the SDS evidence, but the problem always lies in getting the data because it is not compulsory to supply it and there may be a multitude of reasons why people do not want to provide that information. We will provide you with copies of whatever is available.

**The Convener:** That is great. The problem with the modern apprenticeship data is that the large majority of modern apprentices do not register their ethnicity and there is a much higher percentage of people from ethnic minorities on the modern apprenticeship programme. We need to look at how we can capture that.

**Alex Neil:** That is right, and the modern apprenticeship programme prevents early drop-out elsewhere. Let me give you an example of that. When I was the health secretary, we deliberately stepped up very substantially the recruitment of modern apprentices to work in our hospitals, and I went to speak to a lot of modern apprentices, collectively and individually. I found that a lot of them wanted to go into nursing and probably had the entry qualifications to go to college to do a nursing degree but had decided that they would like to do a couple of years, or whatever, as a modern apprentice first.

It will take another two or three years to see whether I am right about this, but I am pretty sure that that will contribute to lowering the drop-out rate in the first two years of a nursing degree. We think that a big reason for the drop-out is that, once people move from the theory to actually being in the wards and doing some of the things that a nurse has to do, they realise it is not for them. In my view, therefore, recruiting modern apprentices who then go on to do degrees will probably substantially reduce the drop-out rate in nursing. At one point, the drop-out rate in the first year of nursing degrees was as high as 35 per cent, which is very high indeed, although it is now down to nearer 20 per cent.

The data is not yet available and it will take years before we can prove that that is the case, but I think that we need to look at the issue in the round. Getting practical experience lets people find out whether the job is really for them—that is not confined to ethnic minorities, but may apply to anyone who goes into nursing.

**The Convener:** I think that that applies to all modern apprentices who are going into a profession. It helps to retain them.

**John Finnie:** Cabinet secretary, I was going to ask a number of questions around the role of the Scottish Government as an employer. You have addressed several of the issues, but I would like to push you a bit further on some of them. There is a lot of interest in this among outside groups, as you will understand. The Coalition for Racial Equality and Rights tells us that only 1.4 per cent of the Scottish Government's workforce is from ethnic minorities. What specifically is the Scottish Government doing to address that?

**Alex Neil:** Let me give you an example of some of the positive action that we are taking in order to get that figure up. We have an equality and diversity programme plan that includes some of the following activities. Our appointing diversity champions and role models are in place at board and senior civil service levels, and their remit is to challenge assumptions, champion difference and support change. We also have the SG 2020 vision for equality and diversity, which aims for senior leadership gender balance to be reached by 2020. That is running in parallel with the 50/50 by 2020 campaign. It is not specifically ethnic; it is about gender balance, but it is all part and parcel of the same thing.

We are introducing a single workplace adjustment passport, which will include the introduction of pilots of flexible jobs that are designed for employees with physical or other health conditions. That initiative will benefit some ethnic minority people. We are also reviewing recruitment processes that can act as barriers to some groups, such as ethnic minorities. For example, we are reviewing promotion policy as part of our SG 2020 vision—the promotion of ethnic minority people will be included in that—and we are promoting mentoring and shadowing opportunities for different groups of staff across the Scottish Government. That is for all minorities, including ethnic minorities.

Those are examples of the practical things that we are already doing. They do not sound all that sexy, but they are part of the grass-roots work that needs to be done on the coalface, as it were, in trying to ensure that there are equal chances in promotion, grading, pay and all the rest of it.

**John Finnie:** That is all very positive. Thank you.

There is some concern that the figure of 1.4 per cent that I gave you does not include what are referred to as white minorities—for instance, the significantly growing Polish population. Is the Government aware of that?

**Alex Neil:** Yes, we are aware of that. There is an issue about defining minority ethnic groups and how we tackle the different experiences of different groups.

Over a number of years, we have been working in partnership with the registrar general for Scotland to develop an official ethnicity classification. That work has included a wide-ranging consultation with stakeholders and extensive question testing. The classification was agreed by the Scottish Parliament and was used in the 2011 census. It is also currently used in Scottish official statistics. The classification is used in the collection of data on ethnicity, which provides information on Scotland's changing population and information to help to target public services and eliminate discrimination.

Data on ethnicity is collected routinely in a number of Scottish surveys, including the Scottish household survey, and the results are analysed, made publicly available and used by a wide range of stakeholders to inform policy making. The information is also presented on the Scottish Government's equality evidence finder website, which is used by public authorities throughout Scotland in the reporting of progress on the Scotland-specific duties.

During 2014-15, the Scottish Government carried out a comprehensive equality analysis of the 2011 census and published its findings to fill evidence gaps in policy topics including health, education, housing and the labour market. The data also feeds into Scottish Government policy and strategies such as the race equality framework and the Gypsy Traveller policy. We are aware of the intersecting issues arising across employment issues—for example, gender, religion and disability—and we promote measures and take into account individuals' intersectional needs. All of that also relates to the Scottish Government's employment policy, and we use the data to inform that as well.

As you can see, we are very conscious of the issue of the classification and definition of ethnicity. Getting that right is a prerequisite of having reliable data.

**John Finnie:** That links in with the issue of the 21.7 per cent of employees who, we are told, have not declared an ethnicity. It is important that the campaign explains why that is relevant rather than just a matter of dry statistics.

**Alex Neil:** Absolutely. We have already said that that is part and parcel of the work of the diversity champions. The work that Lesley Musa referred to that is being done inside the Scottish Government and the equality networks that operate within the Government are all part and parcel of getting people to declare their ethnicity

and provide the data. The more data we have, the better we know what we still have to do to achieve equality.

**John Finnie:** My final question relates to staff diversity networks. Can you say a bit more about those? In particular, is there active involvement of the trade unions and the staff associations, which play a pivotal role in the workplace?

**Alex Neil:** I think that there is. Lesley Musa can give you more details on that.

**Lesley Musa:** As far as I am aware, the HR department that runs the networks has very close liaison with them. I can provide you with a breakdown of the networks and their membership.

**John Finnie:** That would be very helpful. Thank you.

**John Mason:** John Finnie mentioned the figure of 1.4 per cent, and you explained how you are trying to raise it a bit. Do you accept that the figure is 1.4 per cent, or is that 1.4 per cent the people who have said that they are from an ethnic minority and, on top of that, there are an unknown number who have not said that they are? Is the reality that we do not know what figure we are achieving?

**Alex Neil:** The feeling is that that is an underestimate, but we do not have data of the necessary quality at the moment because—as John Finnie said—a fifth of people do not declare their ethnicity. We think that a large proportion of those people are from ethnic minorities and do not want to declare their ethnic minority status; therefore, we think that 1.4 per cent is an underestimate. That is why we are putting so much emphasis on trying to get people to provide us with data and on looking at the quality of the data, including the definition of ethnicity and the classification of ethnicity. That is one of the reasons why the process is taking so long. It could take another 10 years to get where we want to be.

**Christian Allard:** I was dying to come in, because I feel that I live in a parallel universe to that of the data. John Mason just said that 1.4 per cent of the Scottish Government's workforce are from ethnic minorities, and he asked you whether you are confident about the data. He said that the actual number is unknown due to the number of people who have not responded to the survey. For a change, I agree with the data. There is a known number: 21.7 per cent of the workforce have not reported their ethnicity. All morning, you have been telling us that you are going to get better data; however, at the same time, you are telling us that it is very difficult to get better data.

You talked about the refugees, and it is important to put matters in context. Twenty years ago, very few people from ethnic minorities were

living in Scotland and it was a lot easier to collect the data. Now, we have a big inflow of refugees coming in. A lot of people have come into this country in the past five to 10 years, from diverse regions of the world. If we cannot get proper data now, what chance do we have of getting proper data in five or 10 years' time? Will you, or will your successor, come back in 2025 and say, "There is no way that we could have achieved this. The data is impossible to gather"? Are we spending our time trying to gather the data but with no chance of getting it?

**Alex Neil:** No. I would not be so pessimistic. Although about a fifth of employees do not complete that part of the data request, we have explained how we are working with people to encourage them to fill it in.

In any survey, a large proportion of people will be reluctant to give personal information. The information that we are asking for is quite sensitive. It is not just about ethnicity; there are questions about sexuality, religion and a range of other things. We are asking very personal questions and I fully appreciate why some people are reluctant to provide that information. The other issue—this has become much more of a political issue in the past 10 to 20 years—is that people are worried about data being stolen, hacked or misused for different, sometimes sinister, purposes. We are working against all that cynicism and scepticism about providing data.

**Christian Allard:** I put it to you that 21.7 per cent of the Scottish Government's workforce have not reported their ethnicity. What do you think those 21.7 per cent are? Given what you have said this morning, are they more likely to be white Scottish or from ethnic minorities?

**Alex Neil:** I cannot put my hand on my heart and give you a detailed breakdown of the ethnicity of the people who have failed to complete the ethnicity question. However, the anecdotal evidence that we have is that a lot of those people are from ethnic minority communities. I am not saying that they are the majority, but a significant number are from ethnic minority communities that are sceptical and concerned about providing the relevant data.

**Christian Allard:** People are mixing more and more, so it will be impossible for some people to fill in the survey, even if they are willing to do so. I wish good luck to those who will decide how the question should be phrased, because there are far too many people in that situation.

**Alex Neil:** You raise a really important point. This conversation, so far, could be accused of taking a very traditional point of view about ethnicity. However, let us suppose that somebody from another country within the European Union

married somebody from an ethnic minority community and had children with them. Those children might be among the people who are now being asked to fill in the forms and who are finding it difficult to define themselves as being from an ethnic minority community or to say which one. That is an important consideration, and the point that you raise is one of the reasons why we have to look at the data objectively, given that, as you say, we are living in a much more complex world than we were living in 10 or 20 years ago.

One of our most famous national poets described Scotland as a mongrel nation, and it is probably more of a mongrel nation today than it was 20 years ago.

Inevitably, some people may not fill in the form because they do not see themselves as being from an ethnic minority or, if they do, they might not be sure where to classify themselves. If a person was originally from sub-Saharan Africa but they came here via Poland, where they had stayed for 30 years, how would they fill in the form? That might be an issue.

10:15

**Christian Allard:** Are we asking the wrong question? I see that Lesley Musa has something to add.

**Lesley Musa:** Our analytical colleagues are working with the National Records of Scotland on the census for 2021. Their consideration is very much to look at the changes in our population now and into the future and to look at the categorisation. The preparation for the census will be done in consultation with the wider population.

**Christian Allard:** Thank you. In the inquiry so far we have heard that the more that you try to detail the data, the more irrelevant it is. When there are so few samples, the data means absolutely nothing. The drop-out rate in modern apprenticeships was mentioned. If you tried to separate that by ethnic minorities, your sample would be irrelevant.

**Alex Neil:** Those are all valid points about the challenges, but let us not forget that the purpose of collecting the data is to establish whether we are achieving our policy objectives on equality. If, because of those important challenges, we were to completely abandon any attempt to collect the data, we would have no idea about whether we were anywhere near achieving our policy objective.

**Christian Allard:** If you look at the percentage of people in employment by ethnic group—I think that these are your 2015 figures—the average in Scotland is 63 per cent and, for white Scottish, the figure is 62 per cent. However, for each of the

Bangladeshi, mixed or multiple, other white, African, Indian, Caribbean or Black, and white Polish groups, the figure is more than 63 per cent. Only those in the other origin, white Irish, Pakistani, and Gypsy Traveller groups are below the average. The figures for the Chinese and Arab groups are very low—47 and 45 per cent—but those groups have an asterisk next to the figure. The note says:

“These groups have particularly high numbers of students which affects the economic activity range.”

We have a global picture. I do not think that detailing it too much is the way to sort out any problem. There might be another way. The other way—and we saw it—is maybe to focus on the particular problems that we have identified. Those could be, for example, at a point of interview and at a promotion; they could also focus on overqualification. Can the Scottish Government not find a way to target the problems as opposed to trying to collect and refine more data? Doing that will get us nowhere.

**Alex Neil:** We need to do both, which is what we are trying to do. I accept your point that, if you dig mine the data too much, you may end up with a totally distorted picture and, as a result, a distorted policy. We are very mindful of that indeed.

Let me just go back to the employment figures that you cited. The issue is not so much about the level of employment but about the quality of the employment. Within the Scottish Government, we are trying to look at whether the people who we employ from ethnic minorities, religious minorities, gender minorities and different sexual orientations are getting a fair crack of the whip in terms of promotion, grading and recruitment. I think that your point is that those are the areas in which we can make the biggest difference. There is a lot of validity in what you are saying.

**Christian Allard:** I am quite happy about what you have been focusing on, but I am scared that we will try to pigeonhole—we have heard that a little bit this morning—certain ethnic minorities and to push them arbitrarily into professions just because they are underrepresented in that particular profession. I cannot see the point of that.

**Alex Neil:** No. However, with all due respect, the point of the policy is not to say, “Given that 1 per cent of the population is from a particular ethnic minority, 1 per cent of every grade of every type of job and every promoted post has to be from that minority.” We are trying to find out whether people are not in a promoted post or not being recruited as a result of their ethnic origin. We are not saying that the picture of equality will be in the exact proportionate percentages for every ethnic minority. The purpose of the data is to

find out and to satisfy ourselves that those from any ethnic minority are not being discriminated against in recruitment, promotion, pay grade and all the rest of it. That is the purpose of the policy.

**Christian Allard:** That is a very good reassurance, but it will be difficult to define exactly what you are trying to do.

**Alex Neil:** I agree.

**Christian Allard:** Are you trying to get the figures right or are you trying to help people to have choice?

**Alex Neil:** No. The purpose of the policy is to be absolutely sure that there is no discrimination against anybody because of their ethnicity or any other reason. Its purpose is to ensure that everybody has a fair and equal chance to be recruited, to be promoted, to have a top pay grade, and to be in a senior position. Its purpose is not to have a statistical equation that says, “You are 1 per cent of the population, therefore you must have 1 per cent of all the graded jobs in the Scottish Government.” That would be absurd.

**Christian Allard:** Whatever happens—

**The Convener:** Christian, I am sorry, but we are—

**Christian Allard:** Just one last little question—

**The Convener:** I have already given you one—

**Christian Allard:** Whatever happens, cabinet secretary, would you be quite happy to have great differences?

**Alex Neil:** So long as that is not based on discrimination against people. That is the issue.

**The Convener:** Thank you. John Finnie would like to come in. Briefly, please.

**John Finnie:** It is terribly important that people self-determine. The policy must be about people, not raw statistics. That will send different messages about how people want to determine themselves. In effect, the groups are badges. It is for people to pin what badge they want to on themselves as part of a more integrated and rich mongrel nation that we want to be.

**Alex Neil:** Absolutely.

**The Convener:** Annabel?

**Annabel Goldie:** Is it my turn? I am sorry, but I have lost track of all my questions.

**Alex Neil:** Annabel is entranced.

**Annabel Goldie:** Since I entered this Parliament, the cabinet secretary has had that effect on me.

We came across a term that initially, under the cloak of management speak, seemed to be

technical—indeed, it was routinely referred to by organisations—but, on further examination, it has caused the committee to be deeply concerned. The term to which I am referring is “unconscious bias”. I will illustrate the situation. NHS National Services Scotland said:

“For managers, we have a robust training programme on recruitment that covers issues such as unconscious bias.”—[*Official Report, Equal Opportunities Committee*, 3 September 2015; c 4.]

When I asked race organisations on 1 October to say what they understood by the term, the committee got a blunt response. Naira Dar said:

“To me, the term ‘unconscious bias’ is just a get-out clause and a means of hiding institutional discrimination.”—[*Official Report, Equal Opportunities Committee*, 1 October 2015; c 16.]

Is there agreement that the phrase “unconscious bias” is a euphemism and has become a fig leaf to mask racism, and that the whole debate would be clarified if the term was discontinued?

**Alex Neil:** I think that your question is whether a decision has been reached and whether there is a consensus. The answer to that would be no. Clearly, from some of the evidence that you have taken, many people believe—rightly or wrongly—that there is unconscious bias in some institutions.

Internally, we are trying to train people to make sure we do not have anything that could be described as unconscious bias, whether it is explicit or implicit. I will be interested to see what the committee has to say about the issue and how it should be treated. It is certainly an area in which more work needs to be done. Certainly, there is no consensus.

A lot of people, particularly those from ethnic minority communities, would argue that there is such a thing as unconscious bias and that some people are victims of it. More research is probably required before we can establish the validity of that claim and, if it is true, the extent to which it is happening. Certainly—you quoted some of the evidence that you have received, in which people believe that there is such a thing as unconscious bias—I am not in a position to say that there is not, but it is a difficult thing to prove.

**Annabel Goldie:** Perhaps I did not make myself sufficiently clear. No one disputes the existence of the term. The discussion is around what it means. What does it disclose? If someone in an organisation is guilty of unconscious bias, by any analysis, that means that that person, for whatever reasons, has held within themselves a view that by any other assessment is racist.

**Alex Neil:** Yes.

**Annabel Goldie:** That is why I posed the question about whether there would not be greater

clarity to the whole debate and discussion if we accepted that the phrase—I have a lot of sympathy with the evidence that we have heard from the race organisations—has become a euphemism and a convenient management tool to try to address something. Would there not be greater honesty if we said, “Anyone who appears to be guilty of unconscious bias, whether they like to accept it or not, is exhibiting behaviour that to some extent is a form of racism because it is making a judgment about a person and can only be based on their ethnic background”?

**Alex Neil:** Yes; that is a very fair point. In the Scottish Government, we are training our assessors to be able to tackle that very issue because, whether it is conscious or unconscious bias—whatever description you give it—it is unacceptable. It is the bias that is the issue; it is the bias that is unacceptable. That is my position.

**Annabel Goldie:** I think that that has got us somewhere, convener.

I will move on. If we accept that within our organisations, whether public or private, we have an issue with institutional discrimination—which the evidence has clearly confirmed—what would be the most important steps to be taken to ensure that organisations are not institutionally racist?

10:30

**Alex Neil:** Since the accusation was made after the inquiry into the Stephen Lawrence murder in London that the Metropolitan Police was institutionally biased, a lot of work has been done on tackling institutional bias, particularly, obviously, in the Metropolitan Police. I do not think that we have institutional racism in the police in Scotland. I am not saying that there is not the odd individual who might hold such views but they would certainly not be tolerated if that were known.

Any suspicion of institutional bias must be dealt with proactively. If it is at an individual level, that person, depending on the seriousness of what they have done, would certainly need to be disciplined and, if they were staying in the organisation, retrained. It would have to be made very clear to them that it is a condition of them staying in the organisation that their totally unacceptable behaviour completely changes.

People will have different definitions of institutional bias. If one individual or even a small number of individuals in a large organisation are biased or racist, we cannot then say that the whole organisation automatically is racist. However, we could criticise the organisation if it did not take robust action against those who are racist and biased. That is the point: where such bias is found, it has to be rooted out.

**The Convener:** I want to ask about difficulties with employment opportunities that people from ethnic backgrounds experience. When we went to NHS Lothian, we spoke to a group of nurses from a wide range of ethnic backgrounds. They were going through a course to try to help them to move up the employment ladder within the NHS because they had found that there were barriers that prevented them moving from grade 5 to higher levels despite the fact that they have multiple degrees—one of them had a PhD as well. One issue that was raised was that people found that their English was not as good as it should be. That is probably the case for a lot of people from ethnic backgrounds, and it could be a barrier to them progressing.

Would the Government consider providing more English as a second language courses for ethnic minorities coming into the country, including people coming from refugee countries, to help them to get on the employment ladder? I felt quite sad when I heard how hard those individuals were trying to get jobs in the NHS. They were going through all the courses and had all the qualifications but they were constantly hitting barriers and they could not progress any further. What can be done to move those barriers in those organisations, so that we can help people to get jobs?

**Alex Neil:** As a former Cabinet Secretary for Health and Wellbeing, I can say that the NHS recognises the problem; that is why it is providing facilities to train those people in order to help them to overcome those barriers. If it is an English language issue, people should get help with the English language. If it is a qualification recognition issue, that needs to be addressed as well.

More generally, we fund English language courses for refugees and others coming into the country and, as part of our arrangement with the Home Office for the Syrian refugees, Home Office money is being allocated for English language training. We are very keen to ensure that that happens.

There is a broader issue about qualification recognition—it does not concern only the NHS. If someone has achieved a doctorate in another country, it might not be recognised by the relevant authorities in this country. I could ask Gavin Gray to give you more detail, but this Government has done a lot of research on this and I think that the time for action has arrived in ensuring that we have recognition at various levels. We have the Scottish qualifications framework, which is concentrated on the relationship between various degree and diploma levels and how they link to each other. For example, if someone has a college diploma, does that mean that they can skip year 1 of a degree course? A lot of that work has been

completed and implemented, and we now need to do the same exercise and implement something similar on the recognition of overseas qualifications.

**The Convener:** I am sorry; I probably did not make myself clear enough. I was talking about people who have United Kingdom qualifications, which they have gained in this country. They hit a barrier at the interview stage in the NHS.

**Alex Neil:** The NHS is trying to address that to ensure that any barriers are being removed, because the NHS is committed to ensuring that people have equality of opportunity in terms of promotion. There is still a way to go, and Lothian has been leading on this work on behalf of the whole of Scotland. The NHS is addressing the issue quite robustly. I am not saying that everybody is addressing it as robustly as they could and should do. I think that there is a broader issue about people hitting barriers to promotion.

**Christian Allard:** The group that we met had very good English. People knew very well how to speak English—they were a lot better than me. In fact, they were overqualified. The problem was their accent. Changing an accent is extremely difficult. We know that, because we are now a mongrel nation and more and more accents are coming in. When we met those people, I was disappointed to learn that, even though their English was extremely good, their accent—and, to an extent, their culture, which there was a problem with, too—meant that they could not get through the barrier of interviews.

There are two ways in which we can deal with the issue. We can try to stop people having the accent that they have—in my case, that would be impossible—or we can target the people who sit on the panel and the other people in the organisation and try to train them to understand better that, just because someone comes from another country and has a different culture and a strong foreign accent, that does not mean that they do not have the necessary qualifications or a good understanding of English.

**Alex Neil:** Those are fair points, and I hope that the committee will make them in its report. I think that—

**Christian Allard:** I just wanted to clarify the point. It is not a question of people not having a good understanding of English.

**Alex Neil:** Yes. I should say for the record, Christian, that you are the only person from Aberdeen that I can understand.

**Christian Allard:** That is a very good point.

**John Mason:** The private sector has been mentioned briefly. Could either the Government, or local government, do more through procurement

to get private sector employers to sign up to and take action on employing ethnic minorities? I am thinking about things such as the Glasgow and the Clyde valley city deal.

**Alex Neil:** Absolutely. The sustainable procurement duty in the Procurement Reform (Scotland) Act 2014 requires a contracting authority, before starting a procurement competition, to consider how, by the way in which it conducts the process, it might improve the economic, social, and environmental wellbeing of an area, including

“in particular, reducing inequality”

and how it can

“facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process”.

There is already a requirement in law for contracting authorities to demonstrate how they will reduce inequality—

**John Mason:** Is that working through in practice?

**Alex Neil:** The law has been passed and it is just being implemented. Either John Swinney or Keith Brown is responsible for this and I am sure that whichever one of them it is will ensure that the law is adhered to.

**John Mason:** We have spoken to larger companies and I think that, on the whole, we were quite impressed with their policies. However, what about the two, three or four-person small businesses that do not advertise positions and instead tend to recruit their friends’ sons or daughters? What can we do to ensure that ethnic minority folk can break into that kind of company?

**Alex Neil:** Are you talking about subcontractors?

**John Mason:** No. I mean companies that are totally separate from the public sector.

**Alex Neil:** Small and medium-sized enterprises that are not working for the public sector.

**John Mason:** Yes. I got my carpets replaced this week. The fitters were both guys and they were both white. How will that company ever take on somebody from an ethnic minority?

**Alex Neil:** Of course, it is covered by the general equality legislation, so if it is discriminating against somebody because of their race, gender, sexual orientation or whatever, it is breaking the law.

**John Mason:** If such companies only recruit friends and never advertise, and if all their friends are white, those small businesses will always be white, will they not?

**Alex Neil:** So long as they are not discriminating, and the recruitment just involves their friends, I think that it would be very difficult to do anything about that, quite frankly.

**John Mason:** Okay. Thank you.

**The Convener:** If there are no further questions, that concludes the public part of today’s meeting. Our next meeting will take place on 26 November.

I thank the cabinet secretary for coming along. We now move into private session.

10:40

*Meeting continued in private until 11:16.*



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