

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 4 July 2000  
*(Morning)*

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## **EQUAL OPPORTUNITIES COMMITTEE**

**17<sup>th</sup> Meeting 2000, Session 1**

### **CONVENER**

\*Kate MacLean (Dundee West) (Lab)

### **DEPUTY CONVENER**

\*Shona Robison (North-East Scotland) (SNP)

### **COMMITTEE MEMBERS**

\*Malcolm Chisholm (Edinburgh North and Leith) (Lab)

\*Johann Lamont (Glasgow Pollok) (Lab)

\*Marilyn Livingstone (Kirkcaldy) (Lab)

\*Mr Jamie McGrigor (Highlands and Islands) (Con)

Irene McGugan (North-East Scotland) (SNP)

\*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

\*Tricia Marwick (Mid Scotland and Fife) (SNP)

Mr John Munro (Ross, Skye and Inverness West) (LD)

Nora Radcliffe (Gordon) (LD)

\*Tommy Sheridan (Glasgow) (SSP)

\*Elaine Smith (Coatbridge and Chryston) (Lab)

\*attended

### **WITNESSES**

Jackie Baillie (Deputy Minister for Communities)

Rani Dhir (Scottish Homes)

Hugh Hall (Scottish Homes)

Ewan Johnston (Scottish Homes)

Yvonne Strachan (Scottish Executive Equality Unit)

### **CLERK TEAM LEADER**

Martin Verity

### **ASSISTANT CLERK**

Alison Campbell

### **LOCATION**

Committee Room 1



## Scottish Parliament

### Equal Opportunities Committee

Tuesday 4 July 2000

(Morning)

[THE CONVENER opened the meeting at 09:33]

**The Convener (Kate MacLean):** Can we get started, please? I suggest that we take items 2 and 8 in private, and that the evidence for item 4 be considered with item 8, in private. Are we agreed?

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Could you repeat that slowly, please?

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I do not understand the bit about item 4.

**The Convener:** I suggest that we take items 2 and 8 in private, and that consideration of the evidence for item 4 be taken with item 8—our forward work programme. Are we agreed?

**Members indicated agreement.**

09:34

*Meeting continued in private.*

10:01

*Meeting resumed in public.*

### “Towards an Equality Strategy”

**The Convener:** I welcome the Deputy Minister for Communities, Jackie Baillie, who has come to give evidence on the equality strategy. I invite you to give a brief introduction to the committee, after which we will ask questions. I understand that you want a dialogue with, and feedback from, the committee.

**The Deputy Minister for Communities (Jackie Baillie):** Absolutely. I welcome this opportunity to have a discussion. I hope that today's session will be less about questions and answers and more about where the committee thinks we should place the emphasis in what we are doing.

I noted that the officials from the Scottish Executive's equality unit attended your meeting on 20 June and gave some of the technical responses and background to the consultation document. Today, I will outline our thinking and the timetable to which we will work. I would like to get a clear sense of the committee's views, so that we can take those views on board before we start to put pen to paper in finalising the strategy.

I shall begin by detailing the timetable. In July and August, we hope to organise a series of thematic events with grass-roots organisations from the ethnic minority community, the lesbian, gay, bisexual and transsexual community, women's groups and disability groups, to ensure that we have on board the views of those community interests as well as those of the statutory interests and the people who usually respond to consultation documents. At the same time, we will engage departments across the Executive in a discussion, as there are internal and external implications for local government and local enterprise companies, which we want to get bedded down quite quickly. By roughly mid-September, we will seek Executive approval of the strategy. Thereafter, in late September, we hope to have the opportunity for a debate in the Parliament. That is the broad timetable.

There was broad support, which we very much welcomed, for the aims and principles that underpin the equality strategy. In taking the agenda forward, we want to focus our attention on three components: first, the Executive, both as an employer and as an exemplar of practice; secondly, the integration of equality in policy legislation, budgets and service design and delivery; thirdly, the promotion of equal opportunities. In taking forward those three broad areas, we will make clear the context in which we are operating and make clear linkages with modernising government, especially the social inclusion agenda.

The key themes that emerged from the consultation and which we found helpful were: support for the mainstreaming approach; the need for partnership working; the establishment of on-going channels of communication and dialogue; and the importance of training and awareness raising and, equally, of a sound statistical and research base on which we will operate. Finally, a strategy that is dear to my own heart is that we should have a real action plan, with targets and a monitoring framework, so that we can measure success or otherwise and identify areas where we may need to do more. The Executive will support all those approaches and ensure that the strategy reflects those key themes.

On the Executive as an employer, we are already working on a diversity strategy in the civil service to improve performance across a range of grades and functions. Further, in relation to mainstreaming, we will take specific actions on guidance and training on equality appraisal and we will work to develop equality impact assessments for budgets. We will look to improve the statistics base and to put in place a framework of performance indicators and monitoring and evaluation processes.

In addition, many of you will be aware that we will be considering the issue of public appointments, on which I have issued a consultation paper. We will review consultation frameworks and, based on what has been said to us, devise a communication strategy that takes us forward.

On promotion, we will work closely with others, as that is not a matter for the Executive alone. However, we will take a lead and consider the possibility of public awareness campaigns throughout Scotland in each equality area. We will consider disseminating best practice in the most appropriate way and consider carefully how we promote equal opportunities, not only within the Executive but across the whole public sector.

Those are our initial thoughts on where we want to go with the consultation document. I would welcome input from the committee on whether it feels that the direction and emphasis are right and whether it perceives any gaps. To a little criticism, we took an approach that was deliberately open and inclusive and did not involve any preconceived notions. That applies equally to the committee's views, which we want to take on board. I hope that there is an opportunity to have that dialogue.

**The Convener:** Thank you, Jackie.

Do members have questions and comments for the minister?

**Irene McGugan (North-East Scotland) (SNP):** I accept that the consultation paper is an

Executive paper and that the Executive will present the responses to the Parliament. However, the first of your three overriding aims about promotion of equal opportunities and integration of equality is that the Executive as an employer should be an exemplar of good practice in equal opportunities. Why not extend that aim to the Parliament? Is there a good reason why it should apply only to the Executive? Why not involve all MSPs, in relation to all their work, here and in their constituencies? Surely we ought to disseminate good practice as widely as possible. Why not start—once the strategy has been agreed—by talking about the Parliament as an exemplar, as well as the Executive?

**Jackie Baillie:** Sure. I would have no difficulty if the strategy were rolled out in that fashion, but clearly, I can make plans only for what the Executive will do. It is for Parliament to decide whether it wants to go down a similar route. Naturally, I would be minded to welcome that as an outcome. If we can get the strategy approved, the next port of call will be to ensure that it is followed by the Parliament and used as an example of best practice in Scotland.

**Mr Michael McMahon (Hamilton North and Bellshill) (Lab):** I welcome the consultation and acknowledge the fact that there has been wide communication to get to this point. Progress has been good. Given the clamour that there will be from groups that will want to have an input, I am worried that the time scale will mean that it will not be possible to continue the communication and ensure that feedback comes from the right people and can be considered properly and acted on. Is the time scale too tight, or will it be flexible enough to take into account the fact that there may be a surge of interest?

**Jackie Baillie:** I think the timing is flexible enough. We have had a three-month consultation period, during which we sent out 4,000 copies of the document and received 185 responses. That was the first stage. The second stage is about engaging with smaller community and grass-roots organisations that may not respond to paper-based consultations. We want to facilitate the process to ensure that their views are taken on board. We have from August until the end of September to ensure that those groups are included fully.

A strategy should not be static; it is very much an evolutionary process. The detail, in terms of the action plans that will be taken forward, will provide on-going opportunities to influence or even change the agenda and to put additional emphasis on certain areas. I am not therefore terribly worried about the time scale. It builds in time for what we want to do—grass-roots consultation—but also allows for the strategy to develop over the years.

**Malcolm Chisholm:** I have two questions. The first is more or less what I asked Yvonne Strachan two weeks ago, but I am not trying to check up to see whether you give the same answer. I was at the annual general meeting of the Poverty Alliance on Friday, as was Tommy Sheridan. The alliance asked me to talk about the relationship between the equal opportunities agenda and the social inclusion agenda, which it is concerned about. The section of your report on definitions and so on covers that. People are concerned that, on the one hand, social inclusion does not always take on board the equality areas with which you deal, such as gender and race, while on the other hand, the equality strategy does not seem to take on board the poverty agenda. People are asking how the two can be knitted together. It seems like a good idea to do that. What are your thoughts?

**Jackie Baillie:** It is not just a good idea; it is essential. However, they are two fairly substantial pieces of work and trying to bring the time scales for both in line with the time scale to which we were operating for the social justice document was difficult. Officials, politicians and the Parliament need to make the connection between the two. The first way in which we have bedded that down is that the social justice document makes explicit reference to the fact that social inclusion is broader than poverty, and is about lack of opportunity, discrimination and ensuring that there is equality of opportunity for all. The second approach, which will be particularly helpful in taking forward the work of the equality unit in a practical way, is that every measure that we have put in place will be disaggregated over time on the basis of gender, race, disability and so on.

An exercise is under way to identify the gaps. For example, more data are available to us based on gender disaggregation, but very little information is available based on race or disability disaggregation. Those gaps are being identified and addressed. That was a clear commitment in the social justice framework.

Research has identified two main causes of exclusion. There are those who experience exclusion as a result of discrimination based on difference—any difference—and those who experience exclusion arising from a period of crisis. We will focus on those causes as part of our life-cycle approach and ensure that we bed down equality issues there. We should not lose sight of the fact that, as we roll out the mainstreaming approach across departments, it will apply equally to the social inclusion division. That will mean that it will build in the equalities dimension to its work in a practical, daily way.

Those are the current linkages. We are exploring how we further mesh together equality and social inclusion. It is clear in our minds that

they are very much linked.

10:15

**Malcolm Chisholm:** A lot of specific work has to be done in each of the equality areas. Concerns may have been expressed that the equality document was not explicit enough and in some ways was a bit general.

Last week, we heard from Jim Wallace about the Stephen Lawrence steering group. I know that you are involved in the race equality advisory forum. To reassure people that detailed work is going on in that area, could you give us a report on how the forum is progressing and on where it will go?

**Jackie Baillie:** You are right that the equality strategy is about overarching themes, which we can implement across all the different equality interests, but we will devise specific, focused action plans for each of the interests.

You will recall that we set up the race equality advisory forum largely because there were certain recommendations in the Macpherson report that dealt with much broader issues. That provided us with an opportunity to look beyond the justice system at areas such as education, social work and health. The advisory forum was set up, first, to advise on a strategy to deal with race issues; secondly, to provide detailed action plans to tackle institutionalised racism; and thirdly, to advise us on how we could better consult black and ethnic minority communities.

In the past three or four months, fairly substantial work has been done on the key areas by the various sub-committees of the race equality advisory forum. That work will continue for the next one or two months. There are groups looking at local government, housing, the voluntary sector and social inclusion; health and community care; education; and enterprise and lifelong learning. We have coverage over all the areas of the Scottish Executive's responsibility.

The education group has completed its action plan and submitted it to the race equality advisory forum. We are assisting the local government, housing, voluntary sector and social inclusion group to pull together its plan, because that group is grappling with a much bigger agenda. The enterprise and lifelong learning group and the health and community care group are moving along and should complete their reports in the next two or three weeks. I expect that we will have action plans by August. The race equality advisory forum will meet at the beginning of September, when we will feed all the conclusions into the equality strategy and take matters forward.

We are trying to ensure that the process is owned by a wider audience than just members of

the groups. Where possible, for example in the education group, officials from the Executive have been involved so that there is shared ownership of the outcome. The education group has also opened out its deliberations more widely, and has invited contributions from people representing a range of educational interests throughout Scotland, from zero to higher and further education. As a result, ownership is also felt by a much wider community. The process has been quite inclusive, and people have put in a huge amount of hard work and effort. I am confident that we will have finalised action plans in each area by September.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I have a quick question about local enterprise companies and business start-ups. The Executive identified that some groups, for example women, are underrepresented in starting up businesses. What is the role of the equality unit in monitoring that?

I have heard of women in my area who have tried to start up in business but have been refused start-up grants; they feel that they had good business ideas, and are not clear about the reasons for grants being refused. I am concerned to ensure that women do not have to try twice as hard as men to prove themselves to get such grants. It is important that we tackle that problem.

**Jackie Baillie:** The equality unit would not have the role of directly monitoring that particular problem in local enterprise companies. We are working with all the Scottish Executive departments and policy divisions to ensure that they have the understanding and tools to consider such issues.

In the case of Scottish Enterprise and Highlands and Islands Enterprise, that would be a matter for the enterprise and lifelong learning department, which has taken action in recognition of the issue that Elaine Smith raised. Members may recall that, on International Women's Day, Henry McLeish announced an additional £1 million specifically for microcredit schemes for women who are starting up businesses, or who work in existing small business, to allow those businesses to grow. That was closely based on the Wellpark Enterprise Centre model of microcredit, which has worked so successfully.

We have continued to support the fair play initiative, a consortium approach that is backed by the Convention of Scottish Local Authorities, the Equal Opportunities Commission, the Scottish Executive, employers and, I think, the Commission for Racial Equality. It is intended to ensure that equality is bedded down into the development of small to medium-sized enterprises in particular.

Initiatives are taking place. The normal process

is that we would expect any continuing problems to be fed to the department with responsibility. The equality unit has the more strategic role of giving the departments and divisions the necessary guidance, awareness raising, and tools to fully understand the agenda.

**Tricia Marwick:** There are many quangos throughout Scotland. Will they all be expected to sign up to the final document? Will they be given action plans to implement, whatever the outcome of our final deliberations?

**Jackie Baillie:** I expect that every public sector organisation in Scotland would be asked to endorse or sign up to the overarching strategy. Instead of our saying, "Here is an action plan for your organisation"—which would mean that we had thought about it but they had not—I would rather the process were reversed. I would prefer organisations to make a commitment, based on the mainstreaming approach, to devise action plans and to examine their internal processes, both as employers and as service providers, which is where the big win for the equality agenda will be made.

We will report annually to Parliament on the impact of, and our progress with, the equality strategy. I am keen to ensure that we have the full flavour of what is going on across Scotland.

We are also exploring local government, because it is such a key provider of services on the ground, and actively considering the opportunity of underpinning the mainstreaming approach as part of the best value framework. I do not know whether the committee welcomes that approach.

**Tricia Marwick:** Let us set aside the issue of local government for a moment. On the question of the quangos, I understand your comments about the need for organisations to take ownership of the strategy, but those organisations use up a lot of public money and are therefore responsible to the Parliament. Do you expect to set up monitoring regimes to ensure that the quangos are doing what they say they are doing?

**Jackie Baillie:** The simple answer is yes. However, although I want to ensure that the practicalities of monitoring are present, any such regime must go beyond encouraging people to do something in particular. There must be reporting mechanisms, and people must realise that we are treating the issue seriously if we are to bed down the long-term cultural change that we all want.

Furthermore, although doing so will not provide the full answer, it will be helpful to examine the system of public appointments and to make it truly reflect the whole of Scottish society. That means increasing the representation of women, ethnic minorities and the disabled across all public sector



bodies and quangos.

**Johann Lamont (Glasgow Pollok) (Lab):** You have talked about monitoring the membership of quangos and making them more reflective of society. Has any work been done on the smaller groups that proliferate around such bodies? I am thinking in particular of departments' working groups, where there might not be the same awareness of the fact that it looks really bad if all seven people in the group are male. Furthermore, has there been any work on economic or enterprise-type issues where, because equality is not necessarily the first priority, the points that Elaine Smith raised might be missed? Will the equality unit address such questions; and, if not, who will?

Secondly, you mentioned meeting voluntary groups. Are there resource implications for such groups? People have raised issues about supporting groups at a local level to deliver the quality service that we have been talking about.

One of the problems with discussions about mainstreaming and best value is that we lose sight of what the inequalities are: women, black people and people with disabilities are being discriminated against. How can we turn the language of mainstreaming into a concept that people can politically or socially sign up to? After our first year, what is the position with getting the Executive and others on board for mainstreaming?

**Jackie Baillie:** I confess that you are absolutely right about working groups. When people pick such groups, they are not necessarily thinking about equality. The mainstreaming approach will have an impact on departments as they progress policy issues and decide on the composition of working groups. The equality unit will have a role to play. It is currently working alongside the public appointments unit. However, its scope is wider than just public appointments to quangos, as it covers appointments to working groups as well. I recognise that, in the past, people have been picked for particular expertise, without there being an awareness of the equality dimension and, more specifically, the gender dimension.

10:30

The issue of resource implications was raised. This is going to cost money. We are carefully examining all the various strands of the strategy. We will cost them, and I will then have discussions with the Minister for Finance during the course of the spending review that concludes in mid to late September. That timing is helpful for the publication of the equality strategy. We have to ensure that we have the necessary resources to take this forward. The approach will be phased, and that is how it should be. At the moment, we

have £0.5 million, which is specifically to develop the tools, mechanisms and guidance to ensure that there is a mainstreaming approach throughout the Executive. In taking forward some of the more innovative ideas, we must ensure that consultation and communication are not just adequate but good. We will also consider the question of resources.

Your last point is crucial. Mainstreaming has broad support across the statutory equality agencies and a number of statutory organisations. However, to make this real for people, we have to discover the inequalities that exist, we have to define them and we have to set out in plain language what we are about. That will be part of the strategy document. It will look not only at the context, but at what we want to do. Mainstreaming is an approach that will help to deliver that, but we have to define the inequalities first.

**Johann Lamont:** Will the equality unit be able to be proactive and say that it is unacceptable to have established a group in a particular way? If a group has representation from a broad range of people, it is more likely to lead to developments that more accurately reflect all our needs. If a person is on a working group, he or she will have expertise that can be quoted if that person goes for a position on a public body. If we exclude people at an early stage, we will end up with public bodies that in no way reflect the broad diversity of society. Can the equality unit be proactive?

**Jackie Baillie:** We can work closely with departments, along with the public appointments unit, to consider the composition of working groups, saying, "Have you considered X, Y or Z?" However, we can also provide them with clear advice and guidance on the way in which working groups will work—giving advice, for example, on the pattern of meetings, on how they will include others and on how accessible they will be. Those matters will also be important in ensuring that working groups have diversity of representation. Yvonne may comment further on the practical side of dealing with departments.

**Yvonne Strachan (Scottish Executive Equality Unit):** One of the essential ingredients in moving the agenda forward on equality is to work co-operatively with departments to develop their understanding, knowledge and expertise, and therefore their ability to deliver the kind of agenda that we have spoken about this morning. A key part of that will be developing an understanding of the most appropriate way of reflecting objectives in matters over which departments have power and control. If that involves working groups, those groups should consider the equality dimension. At this stage, it is not a case of the equality unit having powers to say to a department that it has been wrong or that it has not been wrong. The

process is one of engagement and is an attempt to develop an understanding so that departments can work in a way that will deliver that kind of outcome.

The approach that has been adopted so far is about trying to work in partnership, internally and externally, to achieve our objectives, rather than setting down sanctions at a stage when we are not in a position to expect people to have delivered that outcome because we are in the early stages of mainstreaming. If the question were raised at a later stage, that would be a different issue. At the moment, we want to encourage the ownership that is developing. We are optimistic that the objectives that are set out in the equality strategy will be met and that we will have better representation.

**Tommy Sheridan (Glasgow) (SSP):** Given that the minister's comments are being recorded, I cannot avoid asking about resources. This committee has discussed the matter I will ask about and I am sure that the issue arises whenever the equality strategy is discussed.

When checking any piece of legislation for equality, part of the concern about arriving at a satisfactory proofing is having the resources to ensure that recommendations are implemented. We have a housing bill coming up, and I am sure that recommendations on ethnic minority and disabled representation and provision will be made. I am sure that many recommendations on disabled access will be made with regard to the Transport (Scotland) Bill. The Lawrence inquiry has raised issues to do with the provision of interpreting services in the justice system. That does not seem to have been resourced yet.

In order that there is a recognition that equality costs money, but that that cost has to be paid, does the unit have the capacity to cost specific equality elements when proofing each area of legislation? That would be helpful in showing that we have provided extra expenditure to ensure that things were equality proofed in action, rather than in words.

**Jackie Baillie:** It would not be the unit that would be involved in the costing of equality proofing of legislation or service delivery, but the department itself. The department would know the cost of improving interpreting services. We would expect that equality impact appraisal to happen not only with regard to legislation but when budgets are announced. We are conducting action-based research that will target one or two policy areas in which we can adopt the mainstreaming approach and the equality appraisal approach alongside equality impact assessments of budgets.

We hope that, eventually, every piece of legislation will have an equality impact appraisal

and that areas where additional resources are needed will be identified. We operate two tight budgets. We would need to recognise that equality costs money and consider how we implement policy to maximise its effect. That might mean that actions are phased, but I entirely agree that equality proofing has to go beyond words and has to be aligned with resources.

We are examining interpreting services in the context of the equality strategy, rather than simply in the context of the justice system. There are clearly issues relating to access to health services and local government services such as housing. We are taking a more strategic view than was contained in the Macpherson report.

**Irene McGugan:** I have a question about the more strategic approach that is being taken. You have set out the timetable for the publication of the equality strategy. Is that planned to link with the Executive's response to the recommendations of the disability rights task force which you said were due to be received in the summer? Can you update us on that? It could have major implications for the rights of the disabled.

**Jackie Baillie:** Those recommendations have gone to the various departments, as there are implications for us across the Executive departments. The departments are considering the individual recommendations from the perspective of their portfolio interests, and we are collating their responses along with comments from disability organisations on the way in which we could implement the recommendations, and over what time scale. We anticipate publishing the Executive response to the recommendations later in the summer. The equality strategy will be published after that, but there is a clear linkage between the general themes that that document will adopt and the practical actions that will be taken in response to the report from the disability rights task force. Currently, the recommendations of that report, which are diverse, are with the departments across the Executive.

**Marilyn Livingstone (Kirkcaldy) (Lab):** You talked about bedding down cultural change, which is obviously of paramount importance. We can have as many strategies as we want, but we must change the culture. You also talked about the importance of training. How will you ensure that training is appropriate and that the appropriate people in quangos receive it? How will you measure its effectiveness?

**Jackie Baillie:** Measuring the effectiveness of training is probably the most difficult thing to do, as that depends on how much of the training the individual has absorbed and understood. I shall dodge that question, as the effectiveness of the training would be difficult to measure.

The easy thing for us to do, not to understate it, is to ensure that the quality and content of training is appropriate across the board. We will develop training for all the different officials throughout the Executive, and we will prepare guidance—a training pack, if you like—that states the programme that should be delivered for awareness raising, covering all aspects of equality.

Elsewhere, but particularly in local government, there is generic training on equality and awareness raising and specific, more focused, training that flows from that. The inputs can be measured and the outputs can be seen at a later stage, as people become more aware and adopt an equality perspective in all aspects of their work. Measuring how valuable the training has been to the individual, other than through a self-assessment exercise, is difficult.

**The Convener:** There are no more questions. I thank you for coming along. I hope that you have found our comments as useful as we have found your answers.

**Jackie Baillie:** Thank you. If members want to feed anything into the consultation process, we will be happy to take written or verbal comments from the committee.

**The Convener:** Thanks very much.

## Scottish Homes Race Equality Consultation

10:45

**The Convener:** For the next item on the agenda, we welcome representatives of Scottish Homes. At a previous meeting, we took evidence from Positive Action in Housing, whose representatives expressed concerns that led us to invite Scottish Homes to give evidence as part of its race equality consultation. The consultation process finishes on 7 July, so it will be necessary for this committee's comments to be sent in the form of a letter from me rather than in a report, as there would not be time to have a report approved officially by the Parliament.

I welcome our witnesses to the Equal Opportunities Committee. I hope that one of you will make a brief statement, after which the committee will ask questions.

**Rani Dhir (Scottish Homes):** I shall do that.

**The Convener:** Thanks very much. Please carry on.

**Rani Dhir:** Thank you very much for inviting us along today. I am Rani Dhir, a board member of Scottish Homes. I am also a director of a co-operative housing association in Drumchapel, in Glasgow. Today I am here on behalf of the board of Scottish Homes, representing John Ward, the chairman and acting chief executive, who unfortunately could not attend.

On my right is Ewan Johnston, the managing director of Scottish Homes in the Glasgow and north Clyde region. Ewan chairs our race equality implementation group. On my left is Hugh Hall, the director of performance, regulation and strategy.

**Hugh Hall (Scottish Homes):** Strategy, performance and regulation.

**Rani Dhir:** Sorry, I got the order wrong.

I welcome the committee's interest in our race equality policy. Our consultation concludes at the end of this week, as noted in our submission to the committee, and we look forward to conveying members' views to the board of Scottish Homes.

Scottish Homes is the national housing agency. We are a non-departmental Government body, and we are funded by the Executive. Our main purpose is to provide good-quality, affordable accommodation and to contribute to the regeneration of local communities. We have a statutory duty to act as the registration authority for all registered social landlords who operate in Scotland, and to control and supervise their

activities. We hope that, by the end of today's discussion, we will be able to give the committee a balanced view of what Scottish Homes has been doing and of its current approach to race equality.

There are four main issues for consideration. First, I shall outline the way in which our race equality policy impacts on us as a national housing agency, and the principles that underline that. Secondly, I hope to give a fair and balanced view of the agency's record to date on race equality. We have provided a broad picture of that in the written submissions—our consultation document and the other written paper that we submitted. Our agency is committed to continuous improvement in all our activities. Thirdly, I want to draw the committee's attention to some of the key proposals in the consultation document. Fourthly, in the course of what my colleagues and I say, some of the specific issues that were raised at the committee's previous meeting may be addressed. Our aim is to take a constructive approach to criticism where it is justified, and to refute it where it is not.

I shall deal first with the principles that underline our policy. There are three areas. First, as a public sector organisation, we are well aware of the issues that were raised by the Macpherson report and believe that all public agencies can learn key lessons from that report. Secondly, as we are responsible for the redistribution of public resources—in our case, housing resources—we must be aware of the wider social and economic context, especially of black and minority ethnic communities. We are aware that their access to good-quality housing is limited by certain factors that do not affect white communities. Thirdly, we know that we can deliver what we want to deliver only in partnership with others such as local authorities, central Government, housing providers and representatives from groups that have an interest in housing.

The document that we have submitted to the committee shows some of the actions that we have taken. I shall go through them briefly, as I know that time is short. We support employment access schemes, we commission and promote research and we fund the promotion of information and advice. We provide funding for building projects in the main cities in Scotland, and in East Renfrewshire we are working on strengthening performance standards for registered social landlords. We work collaboratively with the Scottish Federation of Housing Associations, which is the national representative body for housing associations. All those activities focus on black and ethnic minority communities, and some examples of that focus are contained in the document that we have provided for the committee.

At the end of 1999, 98 per cent of all registered social landlords had policies on equality of opportunity and 86 per cent had policies on racial harassment. We are well aware that having a policy does not mean that it is always implemented, but it is a start in regulating social landlords. Our own policy, which is contained in the consultation document, has been issued to public, private and voluntary organisations, as well as to individuals and organisations that work in housing and the wider community. We have issued 1,200 copies of that document, and we have also circulated copies to MSPs. We welcome the responses from everyone who has an interest in race equality, even our severest critics, to the work that we are trying to carry out.

At present, our policy implements in full the recommendations of the evaluation report that we undertook. Scottish Homes always reviews its policies. Its race equality policy has been evaluated and we intend to take up all the evaluation's recommendations. We aim to improve the situation for BME communities in Scotland and we want to ensure that they have access to a fair level of resources and support. In line with our thinking on social inclusion, we recognise community interest and the concept of the locally based community. That is particularly important when it comes to the question of black-led housing associations in Scotland. Our position is different from that of England, in that our BME communities are much more geographically dispersed. We also have fewer numbers in our BME communities.

Our approach is open-minded and constructive. However, we will not commit money to any group that demands it without having a clear idea of what needs that money will meet, how it would fit in with existing provision and how it would add value. To do so would be imprudent and patronising. BME communities deserve business-like organisations that are set up to succeed.

The agency's policy on black-led housing associations is an important issue, but it is only one of a series of issues from a much bigger agenda that we must address. It is as important for us to achieve outcomes. I cite as an example Charing Cross Housing Association in Glasgow, which works in an area where there is a large black and minority ethnic community. Sixty-five per cent of its management committee members and almost 40 per cent of its tenants are from black and minority ethnic communities. There are different ways in which to approach the housing needs of BME communities.

We accept that effective race equality policies are not just about eliminating direct racism and discrimination. A key lesson from the Macpherson report is that such policies should be about taking active steps to consider the processes, attitudes,

culture and behaviour of an organisation. We look forward to hearing the committee's views, which we will take on board, and to answering your questions. I am grateful to members for listening to me. We want to listen to black and minority ethnic community groups.

**Malcolm Chisholm:** I have quite a lot of questions, but to begin with I will ask only a couple. Your document is full of worthy aspirations, but, when I read it, my initial reaction was disappointment that it did not include many targets. I will ask you about enforcement and funding, as your document did not seem to say much about those issues.

The evaluation of Scottish Homes's race equality practice showed that mainstream housing providers had a poor record on tenants, committee members and staff from black and minority ethnic communities. What are the penalties for housing associations that do not come up to Scottish Homes's race equality performance standards? How many housing associations have been penalised for non-compliance with those standards?

**Hugh Hall:** All our registered social landlords are subject to a regulatory framework and, within that framework, there are performance standards to which all RSLs, as we call them, must adhere. All are expected to have in place policies, processes and procedures to ensure that they promote equal opportunities. Our document on raising standards underlies those performance standards and suggests a raft of practical ways in which housing associations can achieve and promote equal opportunities.

We carry out performance audit visits, during which we examine the extent to which housing associations comply with those standards. Then we report to those housing associations with any evidence that we may have found of non-compliance. During our previous round of visits, we were satisfied that 98 per cent of housing associations have equal opportunities policies in place and that those policies are being complied with. Where there is an indication of non-compliance, we report it. However, we do not take punitive action on that basis alone, rather we take an overview of performance. We seek to achieve improvements in performance, rather than to penalise non-compliance. We have powers to intervene in extreme cases, but there have not been any such cases.

**Malcolm Chisholm:** I acknowledge that you monitor whether equal opportunities policies are in place, but do you monitor the performance in relation to tenancies, committees and so on?

11:00

**Hugh Hall:** Yes. We collect statistical information annually. In addition to that, we carry out performance audit visits during which we seek to ensure that there is evidence to support the statistical information that has been provided. We also interview housing association staff, committee members and so on to satisfy ourselves that they comply with policies.

**Malcolm Chisholm:** The original race equality policy referred to ring-fenced development funding—a pot of £15 million over three years. Why is ring-fenced development money being discontinued and why is there no explanation for that change of policy?

**Ewan Johnston (Scottish Homes):** Ring fencing was not part of the 1994 policy. In Glasgow, however, the approach that was adopted targeted specific ethnic minority needs, based on a city-wide assessment of those needs. For example, properties were provided for abused Asian women. The targeting proposal was for a limited period, from 1995 to 1998. The main aim of that approach was that it would act as a catalyst to encourage housing associations in the city to consider in more detail the housing needs of ethnic minority communities. The outcome was that 16 projects were funded, £8.8 million of housing association grant went into the projects and £3.1 million of private finance was attracted. In total, 4.2 per cent of the Glasgow budget for housing for rent was dedicated to that approach during those three years. However, that was clearly a time-limited approach.

The current proposal in the consultation document is to encourage housing associations to provide a more detailed analysis of ethnic minority housing needs through their strategy, development and funding plans. Those plans form the basis of housing associations' annual bids to Scottish Homes for resources. We are targeting the core areas of Glasgow where most of the ethnic minority population lives. Over the next few months, Scottish Homes will provide housing associations with guidance on producing robust needs analyses from the bottom up, rather than by adopting a top-down approach. That will produce more robust targets that more closely reflect the needs of ethnic minority communities. In turn, that will lead to a more effective use of resources and more appropriate resource allocation. In a sense, ring fencing is rather a crude measure. The new proposals should produce a more fine-grained approach that will be adaptable to the needs of ethnic minority communities.

In 2000-01, 5.7 per cent of the Glasgow budget will be dedicated to core ethnic minority community areas and 4.6 per cent will go towards housing association grant for rented

accommodation in those areas. Funding is extremely important and I recognise the committee's concern. However, funding is not the only issue and we have a wide range of responses to provision for the ethnic minority community. For example, we have set up West of Scotland Racial Equality Housing, which is a forum in which people can discuss and network on the needs of ethnic minority communities.

In Glasgow, outreach work has been very successful in getting more people involved and on to waiting lists. We have carried out research into the needs of the ethnic minority communities in the city and nationally.

**Malcolm Chisholm:** Thank you for that long answer. You seemed to suggest at the start that ring-fenced funding was put in place because there was a particular problem. I am not accusing you, but you were in danger of sounding rather complacent later in your answer by implying that there is not such a problem now as there was six years ago.

When we heard evidence from representatives of Positive Action in Housing, we were very concerned. One of the witnesses said:

"In relation to access of black communities to housing association and Scottish Homes stock, targets of 1.25 per cent were set to directly benefit black and minority ethnic communities. However, in 1997-98 there was a reduction in the proportion of new houses that were let to black households from 1 per cent to 0.2 per cent."—[*Official Report, Equal Opportunities Committee*, 20 June 2000; c 729.]

**Ewan Johnston:** The figure of 0.2 per cent was correct for the year in question. That is a blip in the statistics; our most recent statistic on access to new lets for black and minority ethnic communities is 2.1 per cent, so the figure has gone up substantially. I suspect that that year's figure of 0.2 per cent was a rogue figure. The figures surrounding it are much more impressive.

**Tricia Marwick:** One of the frustrations that Positive Action in Housing highlighted was the fact that there does not seem to be enough of a statistical background to the needs of ethnic minority communities. That might include figures on homelessness applications, waiting lists or overcrowding. Does Scottish Homes acknowledge that, and is it prepared to do something about it?

**Rani Dhir:** We obviously acknowledge that, but there are two sides to the story: on the one hand is the issue of paralysis by analysis; on the other hand, there is not enough information. Perhaps the information needs to be more sophisticated.

Scottish Homes carries out a number of research projects, many of which have been on black and minority ethnic communities. We produce précis notes of all our research.

Document 1 was about black and minority ethnic communities and so was number 100—the most recent document. In between those there is a range of other research documents.

We can provide you with a list of all the research that has been carried out, but I repeat that that research needs to be more sophisticated. We are undertaking research into the more specific needs of black and minority ethnic communities.

**Tricia Marwick:** The feeling seems to be that, unless we have baseline information that everyone can recognise, we are left with a series of assertions that come from one side of the fence or the other. Unless we can have the kind of research and baseline information that we all agree is necessary, we will not be able to build up a true picture that we all recognise.

**Hugh Hall:** That is a fair comment. As Ewan Johnston said, we are very keen to adopt a top-down and a bottom-up approach by feeding into the process the local information that housing associations naturally have about their communities. We need the baseline information. We have been reasonably good at collecting a raft of data on the participation of ethnic minorities in housing associations, in staffing and in lets in new buildings. There is a substantial amount of basic data, but we need to be more sophisticated in our use of them.

**Tricia Marwick:** We could go wider than Scottish Homes and the Scottish Federation of Housing Associations. Although Scottish Homes is the national housing agency, I do not expect you to comment on local authority practices.

Homelessness applications are not broken down by gender or ethnic minority—the Scottish Executive does not have statistics covering ethnic minorities, but it is bringing them in. At the moment, therefore, we simply do not know what the picture of housing associations looks like outwith the remit of Scottish Homes.

Housing associations make up only a tiny percentage of the yearly social housing let. They might have a bigger role in future, but that is still a matter for debate. On local authorities, there is not—at the moment—any information on the people who apply, whether they are successful, and how long they have to wait. As the Scottish housing agency, does Scottish Homes have a view on whether we need that information?

**Hugh Hall:** As Tricia Marwick said, it is inappropriate for us to comment on local authorities, but looking forward, we are aware that housing legislation will come before Parliament soon. One of the proposals will be that there should be a single regulator. Perhaps through that vehicle we will achieve joined-upness and the holistic approach to information requirements and

compliance that we probably need.

We have a dialogue with Audit Scotland on a number of issues. One of the things that we have been looking at is performance information and ensuring that we have consistency across the board. It should not matter whether one is a tenant of a housing association or of a local authority—one's needs and expectations should be the same. That is brought closer by the prospect of a single regulatory framework.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** I would like to return to ring fencing. It was undoubtedly one of the original planks of the policy and, as far as I am aware, was going to be removed only when it had achieved all that it was meant to. Some black and ethnic minority communities have different needs from other people. If housing providers do not have ring fenced money, they will not be in a position to provide for those needs. Do you agree?

**Ewan Johnston:** I said that ring fencing was not an integral part of the 1994 policy. A particular approach was taken in Glasgow—as is mentioned in the evaluation report—which targeted the needs of the ethnic minority community in Glasgow, but ring fencing throughout the country was not part of the 1994 approach. I tried to outline the fact that we need better information. We have to encourage housing associations to get better at analysing the needs of the ethnic minority communities in their areas. We are encouraging that through the new consultation document and we will give guidance to housing associations on our requirements. We need better information on housing needs so that we can get better at targeting ethnic minorities and setting targets for their needs. That is the approach that we want to adopt. We also want to link our requirements to the performance of housing associations on regulation and performance, so that if they are under-performing we can take positive action.

**Mr McGrigor:** Are you pushing to have black and ethnic housing associations?

**Ewan Johnston:** Our position on that is outlined in the consultation document. We will work constructively with organisations to see whether there is a case for setting them up. I spoke last week to the head of the Commission for Racial Equality in Scotland—who is also the chair of Apna Ghar—on the matter. I am due to meet him on 6 July to discuss whether we can assist in taking the issue forward. From the brief discussion that I had with him last week, it seems that the thinking in Apna Ghar has developed since previous discussions were held with Scottish Homes.

**Rani Dhir:** If Mr McGrigor refers to what I said in my opening statement, we are prepared to support

such organisations, but they must be demonstrably of benefit to BME communities. We think that a positive and constructive approach is just that; it is not a blank cheque. We feel positively about BME housing associations being set up where they are required.

11:15

**Hugh Hall:** Evidence was led at the previous meeting of the Equal Opportunities Committee that suggested that Scottish Homes was interested only in funding and registering large organisations because of economies of scale. If members consider the 258 registered social landlords that we regulate, they are relatively small. The majority have fewer than 500 units. It is important that members realise that we are in the business of supporting and promoting smaller community-based organisations, subject to them meeting the registration criteria and being demonstrably viable in the longer term.

We are getting better and more sophisticated in relation to the corporate structures that can be used to facilitate the different models. We are keen to work with the BME community to develop our thinking and see what can be achieved.

**Mr McGrigor:** The policy states that a senior member of the management team of Scottish Homes will have responsibility for the implementation of the race equality policy. Will that member's remit be only race equality, or will they do other things as well?

**Ewan Johnston:** You are talking about me.

As Rani Dhir said in her introductory remarks, I am the managing director of Scottish Homes in the Glasgow and north Clyde region, so I have a range of responsibilities that I must carry out in that area. In addition, I have been offered and have accepted responsibility for the implementation of the new policy on race equality. It is my responsibility to drive that policy forward over the coming year and beyond.

**Mr McGrigor:** Are you happy that only one staff member has that responsibility?

**Ewan Johnston:** That is not the case. I will lead, but Scottish Homes has five regions and each region has identified a race equality officer. I will head the race equality implementation group, which will also include the five regional representatives and representatives from most other departments of Scottish Homes, including our human resources department, our registration and supervision department and our finance department. Those departments all have an interest in the issue. Rather than one person taking an interest in the matter, it is spread through the whole Scottish Homes organisation. I

assure the committee that the matter is being taken very seriously and that there is no complacency.

**Mr McMahon:** Much of what we have discussed and much of what is in your document is about the accuracy of needs assessments. I am more concerned about who will do the assessments than I am about how they will be done. I am concerned about the representation of black and ethnic minority groups in the assessment process. The document makes no recommendation on targets for representation on local committees. Would guidance on targets from Scottish Homes—from the top—be useful in achieving other targets to ensure that the people who are carrying out the assessment are aware of what is required? How would the targets be monitored if there were inadequate representation of black and ethnic minority people on the committees? How often will the committees have to report to the management group?

**Ewan Johnston:** I shall first answer the question on who will do the housing needs assessment. In the next few months, Scottish Homes will provide guidance to housing associations on how to carry out the housing needs assessment. Where a forum such as the West of Scotland Racial Equality Housing Forum in Glasgow is established, in which ethnic minority communities housing association representatives participate, we expect to have dialogue with them. We will consult them on the guidance that goes out to ensure that that guidance is pertinent to the needs of housing associations that include ethnic minority communities. Hugh Hall has outlined the monitoring that we do on committee membership and so on. The information from the monitoring is updated annually to check how we are doing on the representation of black and minority ethnic communities on housing associations.

**Hugh Hall:** I referred earlier to "Raising Standards", which is produced by the Scottish Federation of Housing Associations but is supported and funded by Scottish Homes. I do not know whether the committee has had the benefit of that publication. It has a section on monitoring and target setting. We expect housing associations to assess the position in their communities, set targets and report on those through their management committees. The role of Scottish Homes is from time to time to monitor that performance and how housing associations go about their business.

**Mr McMahon:** That is fine for general target setting for the community. What about targets for the management groups? I do not know whether you can answer this off the top of your head, but does WESREH reflect the ethnic minority that it will assess? If not, what will you do to achieve

proper representation of ethnic minorities on that body?

**Ewan Johnston:** We would say that there is proper representation of ethnic minority communities on that body, largely drawn from ethnic minority housing association committee members. They are on the committee of WESREH and provide advice and assistance. They network with housing associations and have been instrumental in helping to get increased membership on the committees of housing associations.

**Hugh Hall:** In the past, Scottish Homes has been criticised for its top-down approach and for setting targets from Thistle House in Edinburgh. In the revised policy, we are keen to develop a bottom-up approach so that the housing associations and the communities that they serve can take a better view of these matters. Certainly, we have an overarching principle, which is that targets should reflect local circumstances, but we want to steer clear of laying down specific statistical targets. We try through "Performance Standards" and "Raising Standards" to set out the framework within which we expect housing associations to operate, but leave it to the housing associations to do what they think is reasonable in the circumstances in setting numerical targets.

**Mr McMahon:** I would usually agree with you about the top-down approach, but do you think that in addressing the needs of ethnic minorities it would be better for Scottish Homes to ensure that there is representation, rather than saying that you believe that there may be representation and that you hope that, given your attitude, there will be? Is it not incumbent on Scottish Homes to say that it has to have proper representation of black and ethnic minorities on its associations?

**Hugh Hall:** That is done through "Performance Standards" and "Raising Standards", which contain detailed requirements. We stop short of giving a specific number to which associations have to adhere.

**Mr McMahon:** You stop short of even setting a minimum. Setting a minimum requirement in an area goes beyond what you consider to be reasonable.

**Hugh Hall:** That is beyond what we set out in the regional action plan in terms of lets and so on. We do not say what specific housing associations should do. That is for the regional managing directors to take a view on.

**Mr McMahon:** How can you ensure that the assessment that is being carried out reflects the ethnic minority that is seeking representation?

**Ewan Johnston:** We would seek to ensure that the representation on committees is



commensurate with the ethnic minority population of the area. If there were a high ethnic minority population, we would expect that to be reflected in committee membership. If there were a shortfall on committees, we would need to address that with our partner housing associations and ask why proper representation had not been achieved.

**Hugh Hall:** We take a view on this issue. If we are carrying out a performance audit and do not believe that the make-up of the management committee reflects the community as a whole, we will seek to establish the reason for that. We will look at the action that has been taken by the association to address the issue. In undertaking that evaluation, we look to the "Raising Standards" and "Performance Standards" documents to find out how the association has complied with them and try to improve the situation in that way.

**Shona Robison (North-East Scotland) (SNP):** I want to probe a couple of areas that have already been touched on. Jamie McGrigor asked who was responsible for racial equality policy. Ewan Johnston has that role, but I understand that there used to be a dedicated race equality officer. Are you doing all that person's work, or is it being done differently?

**Rani Dhir:** Although we had a dedicated race equality officer, it was a temporary post and we did not continue it. Like most organisations, we think that it is much better to mainstream race equality. We found in our evaluation that people in the organisation tended to put the onus for race equality issues on the race equality officer, and we did not think that that was a useful way of mainstreaming race equality.

**Shona Robison:** Although that is always a danger, the question is whether race equality has been successfully mainstreamed at all levels of your organisation.

**Rani Dhir:** We have certainly improved our position on employment, for which Ewan Johnston will now be responsible. However, the evaluation showed that, although we were successful in Glasgow, we were not as successful in other areas. It is not that we did not do anything; we were just not successful in those areas and it is important that the successes highlighted in the evaluation report are duplicated in other areas. That might mean targeting the issue differently, which is a matter that the race equality implementation group will examine. Almost 2 per cent of our employees are from BME communities. We have supported employment access schemes such as Positive Action for Training in Housing to the tune of more than £500,000, as well as other outreach work on employment.

**Shona Robison:** Have you set targets for employment for the next 12 months? You have

said that the current level is almost 2 per cent.

**Rani Dhir:** Targets are set for two-year periods.

**Ewan Johnston:** The target is 2 per cent employment by 2001. Although we are heading in that direction, the target is still a bit of a stretch.

**Rani Dhir:** I think that the current level is about 1.8 per cent.

**Hugh Hall:** The target for employment for Scottish Homes has to be seen against a backdrop of downsizing. We will progressively reduce our staff numbers over the next couple of years because our housing stock is being transferred to other landlords. As we have a fairly stable work force, we do not have much opportunity to recruit externally and our room for manoeuvre is limited.

**Shona Robison:** Within those limitations, how do you ensure that you recruit from all sections of society?

**Rani Dhir:** When we advertise a post, we are committed to interviewing applicants—if they meet the criteria—who are from BME communities or who are disabled. We try to be positive about welcoming such applicants in our advertisements. However, as Hugh Hall said, we have not placed many advertisements because we are downsizing.

**Tommy Sheridan:** Ewan Johnston mentioned the specifics of the Apna Ghar proposal and said that he had been involved in discussions. At our previous committee meeting, concerns were raised that, although Apna Ghar had developed a business plan with funding from Scottish Homes, the organisation was finding it acutely difficult to progress the matter, as it required the funding to establish a new black minority ethnic community-led housing association. Do you think that the business plan has demonstrated that the organisation is viable and deserving of funding?

11:30

**Ewan Johnston:** As members may be aware, there is a long history to Apna Ghar, which is too complicated to go into. From about 1994 until 1998, various dialogues took place. An interim report was done, but Apna Ghar has not submitted a business plan to Scottish Homes. The last correspondence between the two took place in July 1998. At that time, we said that we were not satisfied that a compelling case for funding had been made in certain areas of operation.

As I said, I had a discussion with Apna Ghar last week. The thinking in Apna Ghar seems to have moved on considerably in those two years. In the original proposal, the area of operation was Glasgow and its environs. A different approach is now being taken, and Apna Ghar is looking to

operate on a national basis. The proposal has moved on considerably, which is of interest to me. I am keen to enter into further discussion with Apna Ghar and build on last week's brief meeting to see whether the proposal can be developed to add value to what is there already. Things have changed, and we want to explore that as soon as we can.

**Tommy Sheridan:** Are you saying that you will have those discussions in the next few weeks?

**Ewan Johnston:** A meeting is arranged for Thursday morning this week. How far we progress will depend on the type of discussion that we have, but I am optimistic about our being able to continue with the discussions.

**Tommy Sheridan:** With regard to the written strategy of 1994, the committee accepts that ring fencing of funds was not a designated part of the strategy, although it developed as an important aspect of that strategy. You mentioned that there was a three-year period. There is concern about the fact that, as you said, the proportion of new housing being allocated to black minority ethnic communities fell considerably during 1997-98. You have said that there has been a rise to 2.1 per cent. Is that for 1998-99 or 1999-2000?

In 1996-97, there was a drop in black and minority ethnic representation in the housing associations. There is concern that that drop, followed by a drop in the proportion of new housing being allocated to the black minority ethnic community, was due to the removal of the ring-fencing approach. You said that the other approach led to more money being directed to certain areas. However, that money did not seem to result in more involvement or more allocation.

**Ewan Johnston:** I accept that the figures for that year show a significant drop. The most recent figures, which are for 1998-99, show that the figure has risen to 2.1 per cent. Considering the situation over a period rather than considering a snapshot would show that the level of involvement is generally higher than it was that year.

Other circumstances have had an effect since the original policy was put in place in 1994. Our national allocation dropped dramatically in the mid-1990s, from somewhere in the region of £300 million to about £200 million in 1998. Obviously, that has also had some effect.

In addition to that drop in the allocation—which has stabilised and has begun to increase in relation to overall resources—there has been a focus on other priority areas, such as social inclusion partnerships and, more recently, rural partnerships. All those things are coming together, and there are a number of priorities alongside the ethnic minority priority.

However, the money allocated from the housing budget to ethnic minority core areas in Glasgow has risen to 5.7 per cent for 2000-01, compared with 4.2 per cent between 1995 and 1998.

**Tommy Sheridan:** You did not refer to the composition of your management committees. The figures that were presented to us showed that between 1996 and 1997 you had a drop in black and minority ethnic representation from 3.2 per cent to 1.1 per cent. Is that also a blip, or is it a trend?

**Ewan Johnston:** There is always movement in the composition of management committees. I would hope that that is not a trend and that it can be reversed through the work that we have been doing with various agencies, through the housing associations, through organisations such as WESREH and through other action that we are taking. I hope that the representation of ethnic minority communities will increase.

**Rani Dhir:** In the core areas, minority ethnic representation on committees averages 20 per cent. The trick is to get people who require housing—who are not always black and minority ethnic—into black-led housing associations or housing associations in areas where there are black and minority ethnic communities. Where such situations exist in England, not all the lets are to black and minority ethnic people—I think that it is about half.

There is a difference between allocating the money and ensuring that black and minority ethnic people get into those houses. In the core areas where we have spent money on projects that we thought were geared towards housing black and minority ethnic communities, we have been successful, but it is not always guaranteed that 100 per cent of the housing will be provided for those communities. There are two approaches: through black and minority ethnic-led housing associations and through local housing associations in areas where there is a large black and minority ethnic community.

**Tommy Sheridan:** I mentioned the statistic about the allocation of new houses to illustrate the point that you have just made, Rani. Ewan Johnston said that more money had been spent, but that did not correspond with more houses being let. That is why we have tried to clarify how the money is being targeted to ensure that the number of lets to the black and minority ethnic community increases.

Hugh Hall talked about monitoring housing associations in relation to equal opportunities and described how the associations are responding to the strategy. Malcolm Chisholm asked whether you had any means of intervening to encourage those that were not responding to do so. I was a

wee bit worried about your answer, Hugh, because it seemed to indicate—correct me if I am wrong—that there was no mechanism for punishment, that it would take a lot for you to intervene and that you take on board a number of other factors before you award points or give a report in relation to supervision. My worry is whether that means that a housing association could be given a clean bill of health for other matters, even though its performance in relation to equal opportunities may be poor.

**Hugh Hall:** I am sorry if I have given you the wrong impression. Scottish Homes has at its disposal a range of means of intervening on and penalising housing associations. That could mean putting people on to the management committee or it could mean—for non-compliance—transferring the housing stock of a housing association to another housing association.

Those are extreme intervention measures, but I was trying to get across the fact that we would seek to work with the housing association if we found deficiencies in any area of its performance. The association would be required to produce an action plan and its progress would be monitored against that. We have an A to E rating system. There would be no question of a housing association that was performing badly in terms of race equality getting an A rating. We take an overview of the association's performance in a range of areas. If there are any deficiencies of performance against our strict standards, we try to work with the association to put things right. Ultimately, we can intervene. If we have to intervene, we have the powers at our disposal to do so. We have not had to use those powers for that purpose, but it could happen and we are satisfied that we have the powers required.

In new legislation, we would like additional powers allowing different ways of intervening to put things right. For example, our English counterparts have the power to appoint a special manager to a housing association to take work forward; in Scotland, we do not have that useful intervention technique.

**Tommy Sheridan:** Thank you for that clarification. In evidence to the committee, we have heard concerns about sheltered housing. Although there have been projects for Chinese and Jewish elders, sheltered housing provision has not yet been made for Indian and Pakistani elders. Are you aware of that and, if so, are steps being taken to address it?

**Rani Dhir:** We are well aware of it. Hanover Housing Association has commissioned a report from Positive Action in Housing and, collectively, Hanover Housing Association, Bield Housing Association and Kirk Care Housing Association are looking into that aspect of providing housing

for the elderly. A housing association in Edinburgh built extra units in sheltered accommodation for elderly Pakistani and Indian people. However, we take on board what you say about the lack of provision in that area.

**The Convener:** I would like to wind up this part of the meeting. Malcolm Chisholm and Tricia Marwick want to ask more questions. I will let them do so, but I would like the questions and the answers to be brief.

**Malcolm Chisholm:** Fair enough—I was going to quote again from the *Official Report* but I had better not or I will get told off.

**The Convener:** Especially if you quote yourself.

**Malcolm Chisholm:** Not myself, but Positive Action in Housing. It made the point that it had rarely been consulted by Scottish Homes in the development of policies such as the strategy on race equality. I could mention PATH Scotland in that context, too. How were their views taken into account? How will their comments, and those of wider black and ethnic minority communities, be taken on board at the end of the consultation period?

**Rani Dhir:** We consulted after we had reviewed the policy—we needed something to consult on. As I said, we have issued our document to more than 1,200 people. There is no one organisation that we would contact that represents all black and minority ethnic communities. Different groups have different views on our policies and on what they would like to happen. We would not consult only one or two groups.

We are in discussion with the Scottish Federation of Housing Associations on how best to take forward our preliminary discussions with members of the Executive's race equality advisory forum about the need to have a more structured and continuous dialogue among providers, ourselves, and the groups representing BME communities. We will not be closing the door on dialogue when the consultation period ends, but one needs something to consult on in the first place.

11:45

**Hugh Hall:** We had a 1994 policy statement and an associated action plan. We commissioned an independent evaluation, which we published with a précis. In the process of creating the consultation document, a range of informal discussions took place between the policy staff in my team and various organisations. We had a fair amount of input during that process. The purpose of the consultation document is formally to seek the views of a range of interested bodies. That information will go back to our board in the coming

months before we produce the final formal policy document.

**Malcolm Chisholm:** I have to declare an interest: I am a member of the management committee of Apna Ghar. We have heard a lot of impassioned evidence about black and ethnic minority-led housing associations. I cannot read out all that I wanted to, but I would draw your attention to column 730 of the report of our meeting on 20 June:

"Scottish Homes . . . gives out little droplets of funding . . . for business plans. However, it does not give out enough funding to pay for a director of a black and ethnic minority-led housing association."—[*Official Report, Equal Opportunities Committee*, 20 June 2000; c 730.]

You have expressed good intentions, but it is a chicken-and-egg situation: unless a staff member is appointed, how can the project be carried forward?

**Rani Dhir:** We must have a clear idea of the need that is to be met, how it will fit in with existing provision and how it will add value. We have received an application from Apna Ghar for £154,000. Normally, our seed-corn funding is £50,000—obviously, we do not have a blank cheque—so we have said that we will consider the application. We need some assessment of the requirement. Appointing a director is not the first stage in setting up an organisation. I know that because I have trained the staff of a number of associations, appointed their directors and supported their committees. It is not just a case of appointing a director so that a housing association can be formed. It is more complex than that.

**Hugh Hall:** We are keen to ensure that whenever a housing association is established, it has long-term viability and is self-sustaining. The possibility of seed-corn funding is part of positive engagement in the process. One thing that we can do, and are keen to do, is to share our knowledge and expertise, working along with prospective landlords. As I said earlier, we are getting more imaginative and creative in constructing organisations and making them viable in the long term, without looking for huge economies of scale. That positive engagement is the first step in the process.

**Tricia Marwick:** You have talked about your work with the Scottish Federation of Housing Associations on addressing the needs of the black and ethnic minority communities. Does the SFHA, as the representative organisation for the housing associations in Scotland, have a view on whether having black-led housing associations is the way to go?

**Rani Dhir:** I cannot speak for the SFHA, but I understand that the 1994 policy statement expressed support for black and minority ethnic-

led housing associations. Since then, it has done other work, but I do not know its current position. I presume that it will still support the idea. We do collaborative work with the SFHA. At the moment, a chapter on raising standards in equality of opportunity is being worked on. It is too long for some people—at the moment, it has 100 pages—but they are trying to get it smaller. There are two strands to our work with the SFHA: one is support for black and minority ethnic-led housing associations to house black and minority ethnic communities who are disadvantaged; the other is monitoring and regulation of housing associations' performance.

**Tricia Marwick:** A specific complaint was made by the representatives of Positive Action in Housing when they came to see us. The Scottish housing advisory panel does not include that organisation. Has the membership of the panel been decided?

**Hugh Hall:** Which panel is that—the panel that was referred to in the green paper? There is a Scottish housing interest group, which is led by the Scottish Executive.

**Mr McMahon:** I think that it is the Scottish Executive panel.

**Rani Dhir:** I am afraid that we are not setting that group up.

**The Convener:** That is the Scottish Executive panel, so it would be nothing to do with Scottish Homes. Have you finished, Tricia?

**Tricia Marwick:** Yes.

**The Convener:** It will be difficult for us to respond to the Scottish Homes consultation by Friday. We took evidence last week and we have drafted a report on the basis of it. Could we have some flexibility, to ensure a balanced report? I would like the committee to continue to deal with this matter in the recess, although we will not have a committee meeting in the recess. We will not ask you to wait until September, but could you wait a few more days?

**Rani Dhir:** That would be possible.

**Hugh Hall:** A couple of weeks would be possible.

**The Convener:** Thank you very much for coming to give evidence to the committee. We will get our response to you as quickly as possible.

We have some leeway in the time to respond to the evidence that we have just heard. Michael McMahon, our reporter on race issues, has sent out a draft report, and the *Official Report* of this meeting will be published on Wednesday. If members e-mail any suggested amendments to Michael McMahon's report to him, and send copies to Martin Verity and me, we can put

together an agreed report over the next week or so, which we can send as our response to Scottish Homes. Is everybody happy with that?

**Tommy Sheridan:** What are the general parameters of that report? Will it include target-setting issues?

**The Convener:** Michael McMahon's report is very good.

**Tommy Sheridan:** I got it only this morning.

**Mr McMahon:** Members have a week in which to read it.

**Tommy Sheridan:** Does the report mention the issues that were raised this morning?

**Mr McMahon:** Most of this morning's questioning was based on what was in my report. I have welcomed the good aspects of the Scottish Homes report and any outstanding questions have been asked.

**Tommy Sheridan:** That is fine.

**The Convener:** If members read the *Official Report* of both meetings at which evidence has been taken and Michael McMahon's draft report, and e-mail any comments or amendments to Michael and me, we should be able to arrive at an agreed report that we can send to Scottish Homes. Are we agreed?

**Members indicated agreement.**

## Annual Report

**The Convener:** The next item is the committee's annual report. Does everybody have a copy?

**Members:** Yes.

**The Convener:** Martin Verity will say something about the procedure of annual reporting.

**Martin Verity (Clerk Team Leader):** Under the standing orders, all committees are required to produce an annual report. It is hoped that we can finalise the text of the report by September. The conveners liaison group agreed to the overall structure of the report at its previous meeting. Each committee is asked to produce a draft text of approximately 350 to 400 words, which is based on the *Official Report* of the meetings of the full committee, and of the reporters' sub-groups, over the past year.

If any members would like to make amendments to the text, they should suggest them to the convener and copy them to me within the next few days. We are not able to take on vast chunks of new text, as we must keep the report to the specified length.

**The Convener:** We could have a brief discussion about the report now, but I am aware that some members must leave to attend another meeting at 1.30. I would like us to finish on time, if possible.

**Elaine Smith:** On the first page of the draft report, on the subject of the census, the phrase "proposals from the committee" is used. A stronger term should be used, such as "representations".

**The Convener:** We could change the wording to indicate that there was a motion on that issue.

**Tommy Sheridan:** We could put in "threats".  
[Laughter.]

**Malcolm Chisholm:** I am concerned that the forward work programme seems to cover more of what we have already done. If the number of words in the report is a constraint, we may be unable to change that. However, an extra paragraph to indicate the other areas that we have covered could be included, and reference could be made to the session that we had with the Rape Crisis Network, as that reflected quite a lot of the work of the gender sub-group.

**Tommy Sheridan:** I may have had a memory lapse, but I am sure that at some of the earlier meetings we discussed the Act of Settlement. That led to a full-blown debate in the Parliament, but it is not mentioned in the draft report. It was one of the first issues the Equal Opportunities Committee took up. Will there be a sentence in the report to

acknowledge that?

**The Convener:** We did not raise that issue. Mike Russell lodged a motion and we discussed it.

**Mr McMahon:** That was referred to in our forward work programme, but it is not included in the committee's draft annual report.

**The Convener:** The debate was not initiated by this committee.

**Tommy Sheridan:** Because more than half the members signed Mike Russell's motion, it led to a full debate.

**The Convener:** How many words have we used in our draft report already?

**Martin Verity:** We have enough words, although I cannot remember exactly how many we have used.

**The Convener:** We could probably stick in a few more, as single sentences describing what we have done.

**Johann Lamont:** The debate on the Act of Settlement emerged out of discussion with the Scottish Trades Union Congress, which raised issues of inequality. Bill Speirs made a comment about religious inequality. The motion was not supposed to be debated, but SNP time was used to debate it in the Parliament. The debate did not arise out of committee business.

Would it be possible to include in our draft report the statement that one of our key roles has been to consider the way in which the Parliament and the Executive are processing equality issues and mainstreaming? We have been monitoring that and picking up on issues. We have also kept a watching brief on what other committees have done and have tried to intervene when necessary. The committee has been proactive. We do not fit into the committee system terribly well, but we have nevertheless taken up issues. Rather than include a list of the things that we have done, we should explain the context in which the committee has operated.

**The Convener:** We should be able to incorporate those comments into our draft report. After the recess, we will also have to have a team photograph, which will be included in the annual report.

**Johann Lamont:** Oh good. Is that before we get relegated?

**The Convener:** Aye, maybe.

## Reporters

**The Convener:** The next item is the reporters' reports. Irene McGugan will report first.

**Irene McGugan:** All members should have a copy of the minute of the previous meeting. We are still pursuing the idea of an MSPs guide to the Disability Discrimination Act 1995 with Capability Scotland, which professes to be as confused as us about why such a document has not yet been made available, especially as there is one for MPs. I have sent away for a copy of the guide for MPs to see whether there might be a noticeable difference between them.

Capability Scotland brought up the issue of an awareness-raising campaign on disability access to constituency surgeries. We are keen to participate in that, but it should perhaps go wider than the Equal Opportunities Committee to include the cross-party group on disability.

12:00

Disability Scotland asked to meet the group. We felt that such a meeting should have a focus. Given that the Transport (Scotland) Bill is currently before Parliament, it might be a useful hook on which to hang the meeting. If the committee decides to take any evidence on the Transport (Scotland) Bill, we suggest that it should take evidence from Disability Scotland. We have considered the time scale for that and are anxious that, because of the summer recess, there will not be much time to take evidence on stage 2 amendments. However, we have now been advised that the first meeting to examine stage 2 amendments may not be until 2 October. That would allow some time after the recess to consider the various issues and decide whether we want to raise particular matters.

I was going to lodge some questions for Jackie Baillie on the disability rights task force, although the update that she gave us today was helpful. We are still working on part T of the building regulations. Although we have had input from the Disabled Persons Housing Service, we think that we should seek input from other organisations with a role in disability and housing.

**Johann Lamont:** I am not sure whether the Transport and the Environment Committee has considered taking evidence from excluded groups on the Transport (Scotland) Bill. I have a particular interest in access to public transport systems for people with disabilities in Glasgow. Yesterday, I received correspondence from Enable, which has done specific work on access to public transport for people with learning disabilities. I have copied that to the convener and to the Transport and the

Environment Committee. I will also send a copy to Irene McGugan, because it would be useful to hear about the work that Enable commissioned if we decide to take further evidence.

**The Convener:** I also received a response from the convener of the Transport and the Environment Committee, which I shall copy to members. After the recess we can discuss our timetable for taking evidence on the Transport (Scotland) Bill.

**Johann Lamont:** Last week, the gender issues sub-group met and Alison Campbell provided a note of that meeting that I was supposed to check. However, I did not check it, for which I apologise. We met to discuss the consultation document on stalking. I thought that it would be appropriate for the committee to respond to that consultation. The suggestion was that we write to Jim Wallace outlining our views. There is a problem that needs to be addressed and the current legislation and procedures are inadequate. However, there is an important debate still to be conducted on whether there should be a specific offence of stalking. There is disagreement around that. I understand that the Justice and Home Affairs Committee took the view that it would not necessarily be appropriate at this stage to make that a specific offence.

I received correspondence from Scottish Women's Aid who felt quite strongly that there should be a specific offence and that that debate should be aired further through the committee process. I take the view that there should be a specific offence, but I understand that at this stage the committee would not necessarily be able to make that recommendation, because we have not heard the evidence. I hope that we will either request that that evidence is heard elsewhere or take it ourselves at the next stage in the consultation process.

In our letter to the Minister for Justice, we should say that further investigation should be carried out and that we should not close the door on the option of creating a specific offence of stalking. It is significant that Scottish Women's Aid and several other organisations support that option. Malcolm Chisholm received material from the Association of Scottish Police Superintendents, which has also indicated that it thinks that there is a strong case for a named offence. After the evidence has been heard, members might take a different view, but we should emphasise to Jim Wallace that the matter should be pursued.

**The Convener:** Johann Lamont's comments about the Justice and Home Affairs Committee are correct. The committee took evidence from Victim Support Scotland, who felt that the current legislation should be used more effectively rather than that a different category of crime should be

created. The committee accepted that we had not had time to carry out the proper research. I suggested that the Equal Opportunities Committee could take the required evidence and further research stalking and harassment and the reasons behind it. I suggested that we could investigate whether people thought stalking and harassment should be dealt with as a separate crime, rather than as breach of the peace, which is how it is currently dealt with.

When we write to Jim Wallace, we should leave open the possibility of taking evidence in future. Perhaps Johann Lamont and I could talk to Pauline McNeill, who produced a report on the matter for the Justice and Home Affairs Committee, to find out how she would feel about some joint work. It is an important issue and we should not leave it at the discussion of the Justice and Home Affairs Committee.

**Tommy Sheridan:** What was the Justice and Home Affairs Committee's response to your suggestion?

**The Convener:** The convener said that she would mention the offer when she contacted the Minister for Justice. There was no particular response one way or the other.

**Tommy Sheridan:** Did the committee discuss the offer and decide against it?

**The Convener:** No.

**Tommy Sheridan:** In that case, after the recess, we could make that the subject of our second inquiry.

**Johann Lamont:** Members of the Justice and Home Affairs Committee expressed some frustration that they were not getting the necessary breadth of evidence and that they did not have time. That presents us with a good opportunity.

**The Convener:** It is certainly a possibility for the second inquiry.

**Malcolm Chisholm:** Scottish Women's Aid was particularly frustrated that it had not been able to feed in its views on the matter. That is the difficulty with the Justice and Home Affairs Committee timetable at the moment.

I have a question on that to put to Jim Wallace on Thursday.

**Tommy Sheridan:** I have received four letters on single-sex schools, some of which I have sent to you, convener. There are some allegations of sexual discrimination. That is a difficult matter that should perhaps be passed to the gender issues group.

**The Convener:** I have received the letters that were sent to Tommy Sheridan as well as some that were sent to me directly. I have already

written to Sam Galbraith asking for comments on whether the matters raised in them contravene any legislation. I have written back to all the people from whom Tommy received letters and I have asked Martin Verity to put that on a future agenda.

**Tommy Sheridan:** I will also give you the latest letters, convener. They argue that the Sex Discrimination Act 1975 is contravened only if there is less opportunity for males in the same area. There is clearly a problem because of school closures.

**The Convener:** I do not know how quickly we will be able to take that forward, but I have written to the people to let them know that we are considering the matter, and I have written to Sam Galbraith.

**Mr McMahon:** The race issues group met last Tuesday and agreed the two documents that were included in the papers for today's meeting.

**The Convener:** That is good.

Nora Radcliffe has sent her apologies. I had an inquiry from the press yesterday about the sexual orientation reporter and sub-group—although we do not have a sub-group as such. One of the lobbyists, who did not want to be named, had complained to the press that the group had been meeting in secret and that Nora Radcliffe had been sending round e-mails rather than reporting back to the committee. I would like to put it on record that we have no official sub-groups about which we can notify the press and public. We have reporters to the committee who meet with various organisations and other interested MSPs. Every MSP was invited to the last sexual orientation reporters meeting, not just members of the Equal Opportunities Committee.

I hope that none of the lobbyists or others are trying to stir up controversy around sexual orientation issues or to suggest that the committee has a hidden agenda. The Equal Opportunities Committee will deal with such issues in public. I put that on record to put an end to the myth that there have been secret meetings. As everyone knows, there is no secret agenda.

## Correspondence

**The Convener:** If we receive correspondence during the recess do members wish us to circulate it?

**Elaine Smith:** It could be put on e-mail.

**The Convener:** Okay. Lists of items will be sent round on e-mail and members can ask Martin Verity if they want to read any of the correspondence.

I wish everyone an enjoyable recess.

12:11

*Meeting continued in private until 12:12.*



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