

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 11 June 2002
(Morning)

Session 1

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EQUAL OPPORTUNITIES COMMITTEE

11th Meeting 2002, Session 1

CONVENER

*Kate Maclean (Dundee West) (Lab)

DEPUTY CONVENER

*Kay Ullrich (West of Scotland) (SNP)

COMMITTEE MEMBERS

*Mrs Lyndsay McIntosh (Central Scotland) (Con)

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

*Mr Gil Paterson (Central Scotland) (SNP)

*Cathy Peattie (Falkirk East) (Lab)

Tommy Sheridan (Glasgow) (SSP)

*Elaine Smith (Coatbridge and Chryston) (Lab)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

COMMITTEE SUBSTITUTES

Mr Jamie McGrigor (Highlands and Islands) (Con)

Michael Matheson (Central Scotland) (SNP)

Nora Radcliffe (Gordon) (LD)

*attended

WITNESSES

Morag Alexander (Fair Play)

Jon Harris (Convention of Scottish Local Authorities)

Anne Meikle (Fair Play)

Muriel Robison (Equal Opportunities Commission)

CLERK TO THE COMMITTEE

Jim Johnston

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 11 June 2002

(Morning)

[THE CONVENER *opened the meeting at 10:16*]

Items in Private

The Convener (Kate Maclean): We have received apologies from Tommy Sheridan, who is attending a meeting in Glasgow on his School Meals (Scotland) Bill. We have also received apologies from Jamie Stone, who is attending the Finance Committee, and Gil Paterson, who is attending the Procedures Committee, although he hopes that he will be able to attend later in the meeting.

I welcome Fran Loots, who is the adviser on the best value inquiry.

The first item on the agenda is to ask whether members agree to discuss in private items 3 and 4—on draft reports—and item 5, because it is a housekeeping matter for the committee. Is that agreed?

Members *indicated agreement.*

Gender Equality and Best Value Inquiry

The Convener: I welcome Morag Alexander and Anne Meikle from Fair Play, Jon Harris from the Convention of Scottish Local Authorities, and Muriel Robison from the Equal Opportunities Commission to give evidence to the committee. Members have many questions, so rather than ask the witnesses to make statements we will move on to questions. The witnesses will be able to make statements as they answer the questions.

Elaine Smith (Coatbridge and Chryston) (Lab): I will start with a general question, to which I ask all the witnesses to respond. From your experiences, what can be learned from addressing gender inequality through a mainstreaming approach? Can you give any examples of good practice in terms of addressing gender equality generally, rather than only within the best-value framework in local government?

Morag Alexander (Fair Play): The convener said that she did not want us to make general statements, but I would like to thank the committee for inviting Fair Play. We are launching our five-year report today. We have been in existence for five years and we have a lot of experience of attempting to mainstream gender equality, particularly in areas of economic development. We can identify some good examples for the committee. Anne Meikle will pick up on some of the examples.

Anne Meikle (Fair Play): As Morag Alexander said, Fair Play works specifically in equal opportunities and economic development. Economic development is a key function of local authorities. A good example of our work is the training that we have been doing with local authorities to help them to implement their equality strategies. That training has been done with a range of managers and staff. It has also focused on the business adviser network. Equality has a valuable contribution to make to the implementation of documents such as “The Way Forward: Framework for Economic Development in Scotland” and “A Smart, Successful Scotland: Ambitions for the Enterprise Networks”. Our work with business advisers and other staff in councils is important.

We also work with the private sector. It should be borne in mind that the private sector will be tendering for some council services. The private sector increasingly holds the view that companies must have equal opportunities policies and strategies in their work with councils and other partners. That is one of our key focus areas.

Elaine Smith: Before we move on, I will pick up

on a couple of points. Have you found that your training is generally well received? Has there been any resentment of the training? Have any authorities not felt the need to work with you on training?

Anne Meikle: We have not met a lot of resistance to the training from local authorities, although some departments in authorities ask, "Are other departments doing this?" Interestingly, many of the departments that we work with are in competition with the private sector for work, such as community services divisions or, as I mentioned earlier, the business adviser side or environmental services. Some departments do not have the focus on equality that others—for example social work departments or education departments—that have a long history of equality training and equality strategies have, but they are now working with us. I would not say that there is resistance to or resentment of our work.

Elaine Smith: That is good. You mentioned the private sector and tendering. I wish to ask about awarding contracts. This is not just a question for your organisation; it may also be a question for the Convention of Scottish Local Authorities. I asked this question in a debate in Aberdeen: should the Scottish Executive and local authorities examine whether the organisations to which they award contracts have equalities policies? Are they putting them into practice?

Best value contracts were, in the past, awarded solely according to monetary value, but should we consider not awarding contracts unless equalities policies exist and are being put into practice? I am sorry to confuse matters, but that is a supplementary to my first question to Fair Play.

The Convener: If any of the witnesses want to answer any of the questions, they should indicate that to me.

Jon Harris (Convention of Scottish Local Authorities): The committee's inquiry is timely, given the publication of the Local Government in Scotland Bill and the opportunity that that provides to mainstream equalities, such as gender equality, in everything that local authorities do. The bill also covers the integration of mainstreaming within the duty of community planning, which applies to local authorities and to other public bodies, and within the application of the power to advance well-being. Given the First Minister's commitment to extend best value throughout the public sector, there is an opportunity to deal with mainstreaming more broadly than simply in local authorities. That is one advantage of the bill when compared to the English legislation.

Elaine Smith asked about lessons from the delivery of mainstreaming. One key lesson is that mainstreaming must be made relevant to

everyone's job. Public sector bodies must integrate mainstreaming into planning systems, strategic planning, reviews, procurement policy, employment policy, and consultation with, and involvement of, the public. Mainstreaming must be part of everything that is done. The key task is to make equality issues relevant to everyone. Training is crucial for that. Awareness training is required at many levels and job-related training is essential. The public sector does not invest as much as it should in such training, nor are there sufficient training providers with the necessary expertise to deliver the agenda.

When mainstreaming was first discussed several years ago, we produced guidance with the assistance of the Equal Opportunities Commission. At that time, some councils argued that if mainstreaming is everyone's job, specialists are not needed to help to develop policy that supports the promotion of equality. That is the wrong message—specialist support is required to deliver mainstreaming in everyone's job. The people who scrutinise councils', health boards' or local enterprise companies' performance on equality must be trained to assess that properly.

Elaine Smith also asked about compliance in relation to procurement and awarding of contracts. Under the law as it stands, equalities specifications can be written into contract documentation. For example, public bodies that provide leisure services can set out in the contract a requirement for different provision for women or for Asian women. The extent to which councils can take account of equalities in procurement is still covered by part II of the Local Government Act 1988.

The Local Government in Scotland Bill will amend the law to allow authorities to take equality issues into account more fully in procurement. Although race equality questions can be asked under part II of the 1988 act, when that act came into play there was a debate about whether race equality evidence could be used to justify not awarding a tender. At that time, it was argued that authorities should require organisations that were assessed as being weak on equalities to improve their performance on equalities if a tender agreement was to be reached. However, although I am not 100 per cent sure of the legal basis, there is an understanding that authorities would have difficulty in justifying denial of a tender purely on the grounds of performance on equalities. That is because the questions that can be asked about equalities are so superficial that they do not provide enough evidence to justify not awarding a tender.

Elaine Smith: That is interesting and raises a number of issues. Before Muriel Robison answers, I have two specific questions for her.

The Convener: I ask you to make them brief, because other members have questions.

Elaine Smith: Do you know any examples of bad practice in addressing gender inequality in local government and elsewhere from which we can learn in this inquiry? Can you provide us with specific examples of good practice—of local authorities working through best value to address the issue of gender inequality?

10:30

Muriel Robison (Equal Opportunities Commission): I can do so in answering the committee's general questions, especially about mainstreaming.

Since about 1996, we have advocated mainstreaming of equality in local government. That recommendation was incorporated in the research and guidance that we produced, entitled "Quality through Equality". In that document, we gathered together examples of good practice in promoting equality of opportunity in Scottish local authorities. The document was produced around the time of local government restructuring. Its aim was to ensure that we did not, because of the move to unitary authorities, lose some of the good practice that existed. I would be happy to submit the document to the committee as evidence.

In "Quality through Equality" we took a mainstreaming approach—we considered not only gender equality, but race and disability issues. It was one of the first documents in which we took the holistic view that we have increasingly taken. Further to the point that was made by Jon Harris, we were concerned to ensure that mainstreaming equality did not mean that there would be no specialist equality units in local authorities. Mainstreaming should not be so diffuse as to mean that there is no focus on equality issues.

"Quality through Equality" was the last document in which we systematically assembled examples of good practice and it predated the best-value regime. We have not carried out such research again. However, we have done other work on mainstreaming gender equality in local government, as part of the European Commission's fourth medium-term action programme on equal opportunities for women and men. That was a transnational project that considered examples from Italy, Sweden, Ireland and Britain, including Scotland. It provided research, guidance and a framework for mainstreaming gender equality in local government, along with a great deal of information on good practice.

We believe that best value and the Local Government in Scotland Bill provide an opportunity and the impetus to mainstream

equality in local government. Mainstreaming is a tool that local authorities can use to ensure that they are meeting best-value requirements.

Elaine Smith asked about examples of bad practice. I can provide the committee with a good illustration of the problems that occur when equality issues are completely ignored in the contract tendering process and the focus is exclusively on cost. The example comes from the days of compulsory competitive tendering. We conducted research into the gender impact of CCT in local government. That research offered startling condemnation of the adverse impact of CCT on women in particular. I would be happy to submit a summary of that research, which is dense and contains a lot of detail.

Elaine Smith: Can that material be submitted to us as part of the inquiry?

The Convener: Yes. Both Jon Harris and Muriel Robison mentioned the Local Government in Scotland Bill. Do you think that the equal opportunity requirements that are contained in the bill will be sufficient to address gender equality issues or to improve gender equality significantly?

Jon Harris: There is guidance that councils are required to have regard to. I was a member of the original best value task force, which has been resurrected and had its first meeting a couple of weeks ago. We discussed what guidance is necessary under the Race Relations (Amendment) Act 2000. I have suggested that we should update the guidance that we issued previously—which you have seen—to bring it up to date in relation to the statute. In some respects, Audit Scotland and the inspectorates have increasingly taken account of equalities issues and the Race Relations (Amendment) Act 2000 codes of practice. Councils would welcome updated guidance. If we did it properly, health boards, local enterprise companies and other agencies would learn from that.

Muriel Robison: I endorse what Jon Harris has said, but more needs to be done in the form of guidance, standards or indicators. The COSLA guidance that was circulated previously requires updating. It is a good starting point and there are other good examples such as the English and Welsh equalities standard. The Equal Opportunities Commission has worked with the Commission for Racial Equality, the Disability Rights Commission and the Audit Commission to produce that equality standard. That is something that the EOC would commend, as a lot of work has gone into it.

We accept the fact that the standard is not transferable in its entirety to the Scottish situation. Nonetheless, the Welsh have embraced the concept by adapting the English model effectively

to suit their local situation. That is another example that could be considered. We do not need to reinvent the wheel. There are models that we could work from to make them fit the Scottish context, but something more is needed.

Jon Harris: When the report was written, only the CRE standard existed and it is referred to as a benchmark. Having the general equality standard takes the benchmark a step further. The new duty of best value requires equalities to be mainstreamed within performance management structures. Crucially, because it is set in legislation, it is enforceable by inspection and scrutiny. That is missing in England, where there is a standard but no mechanism for enforcing it. If we could put it all together, we would not necessarily have the best of both worlds, but we would certainly move forward a bit faster.

The Convener: That was a general question. Does Fair Play want to comment?

Morag Alexander: Only to say that, in general, the requirement must be much more explicit and have greater force.

Cathy Peattie (Falkirk East) (Lab): What are the key barriers to the successful integration of gender equality issues through the best-value mechanism, apart from people saying that it does not work or paying lip service to it?

Jon Harris: In some ways, it was seen as a minority issue and an optional issue. One of the advantages of the way in which the area of equal opportunities is defined in the Scotland Act 1998 is the fact that it is everyone's business. That has raised the profile of gender equality and people now understand that it is not something that can be added as a bolt-on. That made a big difference. My experience in the 1980s and the 1990s was that that was a major barrier.

Cathy Peattie: I would be interested to hear other people's views on the barriers.

Muriel Robison: The Local Government in Scotland Bill talks about balance. We now have four Es and we want equality to have the same weight as the other three. I endorse Jon Harris's concern that it may not. Through the guidance and standards that we have spoken about, an explicit commitment is required to ensure that equality is not the poor relation of the other Es.

Morag Alexander: I endorse that—the commitment has to be explicit. Some of the processes involved in best value and community planning reinforce what we are trying to do in equality. You are consulting and you are considering the people who use services and are employed in them, and you are acknowledging that their needs may be different and that you may have to think differently. That all comes under

mainstreaming. That process can reinforce the qualities of best value and can help us to provide a more equal delivery of services and give better treatment to all employees.

Cathy Peattie: We have discussed the barriers and are aware of them. I agree with Jon Harris: for a long time people signed up to the idea of equal opportunities but kept the policies in their drawers, thinking that they were for someone else to deal with. How do we get over the barriers? We have spoken about training, community planning and a commitment to mainstreaming, but how do we deal with hearts and minds to ensure that policies are delivered, and how do we ensure that the equal opportunities policies do not end up stuck in a filing cabinet?

Morag Alexander: You have to make each local authority clearly responsible for delivering equality throughout the authority. In a performance assessment of managers and people at all levels, serious questions would be asked if budgeting was not on target.

Are people actually asked what progress they have made on equality? I do not think that they are in local authorities or many other organisations. If we are serious about equal opportunities, that kind of question has to be asked. That can be done in two ways: by ensuring that the legislation says something about the need for progress to be seen every year; and by convincing the people at the top that equality is an important part of their work. As we often say, you will not make progress unless you have those two things: a statutory requirement and a knowledge of that requirement among the people at the top, who will then deliver the message to all their people so that they are convinced, they are committed and they can lead.

Cathy Peattie: So appropriate indicators are required.

Morag Alexander: Yes.

Jon Harris: I want to mention another driver for change that may have brought equality issues nearer centre stage. Much of the modernising agenda that is built into best value and community planning puts the community first. A focus on the customer and citizen is one of the essential elements of best value. Community planning has to promote the ideas of community regeneration and empowerment. Once communities are put first, we no longer think of a community as a homogenous group; we think of it in the context of the definition of equalities in the Scotland Act 1998. That is a huge driver for change, leading to a focus on the needs of the community rather than on the needs of institutions.

Performance on equalities should be built into the public performance reporting framework, as set out in the Local Government in Scotland Bill.

Under the codes of practice connected with the Race Relations (Amendment) Act 2000, there is a requirement to produce equality schemes. I see that as being integrated into the best-value framework. We do not necessarily need schemes but we do need performance measurement and reporting.

A barrier to change has been the lack of sufficient evidence and information. One of the major changes that I would like to see is the use of disaggregated statistics. The use of such statistics would allow evidence and information about the performance of councils to be made available. Disaggregated statistics should be applied across all the performance measures, including pupil attainment, employment, recruitment and career development and they should be disaggregated by gender, race and disability. The use of such statistics would remove one of the existing barriers.

Cathy Peattie: We need to look at how we remove the barriers. Jon Harris spoke about community planning and about the involvement of communities. How can we ensure that communities become actively involved in the process? How do we ensure that, when we involve the community, we are not simply paying lip service to the most vocal person in the community or the organisation who has made the most noise or has an interest in a particular issue?

How do we ensure that we achieve equality in terms of the people who are to sit around the table? I do not know of many good examples where community planning is working well in the social inclusion partnerships. We need to examine how we are doing things now in order to inform how to improve procedures in the future.

10:45

Jon Harris: We are in the early stages of community planning. If I were asked to name the most successful pathfinder in that respect, I would pick Stirling, as it works through the Stirling assembly and has built its community plan on the basis of links with its communities. Other pathfinders produced a community plan because they were asked to do so. The community planning process is now moving to a position in which its focus is less on the community plan and more on the process of engaging communities.

The community planning task force is engaged in drafting guidance, which it will present to the Parliament as part of its consideration of the Local Government in Scotland Bill. The guidance will focus on consultation and community involvement. That focus will also be picked up on when the Executive produces its community regeneration statement, which I understand will be sometime this month. The task is to join up all that work and

to put communities at the centre of the process.

Engaging communities is probably the most difficult aspect of community planning and the delivery of best value. The issue is not only how to engage communities, but how to engage different communities, some of whom feel disempowered or marginalised by the community planning process. Willpower is needed on both sides to achieve engagement. Councils try to provide opportunities for engagement, but they need to work with different groups including young people, minority ethnic groups and disability groups.

Cathy Peattie: Do you agree that communities need the same training and support tools that the people who work in local authorities have or need?

Jon Harris: Yes.

Anne Meikle: Yes. Communities need to have the same tools. One of the benefits of community planning should be that people have equal status around the table. However, if people perceive that they have a different status to others who are sitting around the table—that perception may be real or otherwise—equal status may become a source of tension.

One of the benefits of community planning is the achievement of best value. However, because the best-value regime is focused primarily on local authorities, the full spectrum of best value will not be delivered that way alone. We have to examine all the organisations that are involved in the process including the enterprise agencies, local authorities and communities. The local enterprise forums are supposed to be providing an equal status in the partnership working approach that they promote. However, we all know that partnership working can be good and bad.

To return to the point that was made by Cathy Peattie, it is right that everyone has the same tools and equal status around the table. As I said earlier, it is also necessary to bring in other agencies. Much of the work will be focused on what is happening in local communities and economies. An element of flexibility needs to be built in to allow things to happen locally, as dictated by community groups. That returns us to the equal status of involvement.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): You have already talked generally about best value in response to Elaine Smith's questions. Best-value regimes must contain a commitment to continuous improvement and the involvement of stakeholders. Are you aware of any examples of good practice in those specific areas?

Jon Harris: The report of Audit Scotland's most recent external audit of councils identified several examples of good practice both in engaging

communities and arrangements for continuous improvement. As far as best value is concerned, the key element is the best-value review process, in which people have carried out equalities impact assessments. I know that good examples exist; for example, I have seen Edinburgh's assessments and some of Fife's. We should also develop the Equal Opportunities Commission's work on impact assessments and build it into the best-value process.

Although there are good examples of engaging with equalities groups, such approaches are not general across the board. With best value, we need not always reinvent the wheel. There are examples of good practice that we can build on. We all need to pick up those examples and develop them in both urban and rural contexts.

Mr McMahon: In response to a question from Cathy Peattie, Morag Alexander mentioned the appropriateness of indicators. Without being critical of or making any judgment on COSLA, I should point out that its guidance on best value and equalities recommends that any performance indicators that are developed should be focused on areas where legislation supports equality perspectives rather than on broad indicators. What is your view on that matter?

Morag Alexander: We need to be careful when using indicators. We have worked with the various audit bodies on them. I also worked with the Equal Opportunities Commission at the very beginning to find out whether we could establish various indicators. Although I appreciate that the process is difficult, we can get there. I should point out that if indicators are so bland that everyone can just sign up to and achieve them, they will simply have no impact. They have to mean something, and that requires thought and effort. A lot of work is being carried out on this subject, and there are many examples that we can draw on. I encourage the committee to look for that.

Mr McMahon: I think that COSLA should have a chance to reply.

Jon Harris: I am looking for the sentence that you mentioned in your question. On equalities indicators, our main message is that, as a whole set of performance measures is used for individual services and corporately for the council itself, we should perhaps put more thought into disaggregating that information instead of looking for new indicators. I see the equalities standard more as a benchmark than an indicator. As Anne Meikle pointed out, if it is used simply as an indicator, it will lose its value. I cannot find the sentence to which you referred, but I will keep looking.

Kay Ullrich (West of Scotland) (SNP): I apologise for the earlier interruption. I thought that

my mobile phone was turned off but, as everyone heard, it was not. Furthermore, if I ask a question that has already been asked, I hope that you will tell me so and skelp me down immediately.

Audit Scotland reported that around half of the local authorities had not integrated equalities into the identification of council priorities. Moreover, only a fifth regularly consulted with what might be called hard-to-reach stakeholders. It seems that equal opportunities are more developed at corporate level than within individual services. I therefore want to ask one general question. What more can be done to increase the extent to which equalities and equalities issues are addressed on the front line? Perhaps COSLA can answer that.

Jon Harris: We worked with Audit Scotland to build equalities into the performance management and planning audit templates. We felt that more evidence was needed. The Audit Scotland report was the first time that we had a reasonably accurate statement of where we are. Best value had been introduced on a voluntary basis for only two and a half years.

We have since moved on. We now have legislation that adds weight to equalities, so the process should, I hope, be much more effective. Audit Scotland is also reviewing its external audit process to make that more effective. The aim is to link the audit process to outcomes and performance as distinct from process and compliance. The phrase that is used is "continuous improvement". Not only local government but all of us need to work to deliver that. I know that Audit Scotland is looking to pick up on that commitment.

Anne Meikle: Part of the answer is training and investment, the lack of which Jon Harris mentioned. We need to make equal opportunities policies relevant to the day-to-day work of front-line staff by putting the policies into practice and turning them into outcomes. The only way to do that is by investing in training to raise people's awareness of how they can promote equality in their work.

Kay Ullrich: Like you, I am concerned about how we can make equal opportunities policies work. I come from a social work background and was a social work practice teacher. Equality training was built into social work courses. Trainee social workers needed to work with ethnic groups and be able to prove in their final assessment that they had worked on equalities issues. Whether you can find an ethnic group depends on where you are in the country. People could take a tick-box approach. You would look for something just so that you could tick the box to say that the social work student had shown evidence of being able to understand equality issues or work within an equality framework.

I do not have a solution to that problem, but I am concerned that equal opportunities could just become another tick box. What are your views? Do you have ideas about how we can overcome that tendency?

Muriel Robison: There is always a concern that people will adopt a tick-box mentality towards equal opportunities. As has been mentioned, the enforcement of best value presents an opportunity to ensure that equalities are very much part of the enforcement agenda. That will mean that, in the balancing act around best value, the way in which equality of opportunities is implemented in practice will be on the same level as the other Es. As Jon Harris mentioned, equality standards, in effect, are not policed down south. We have an opportunity to ensure that they are policed here in Scotland.

Jon Harris: We need to be a lot smarter about how we provide training support. As one police officer said to me, there has always been a tendency to take a sheep-dip approach to the provision of equal opportunities training. People are given the training once for half an hour and then they are moved on. Equality of opportunity needs to be mainstreamed into the provision of all training so that, instead of being a one-off issue, it forms a part of everything from induction right through to exit interviews. I am not an expert, but I know that, unless equalities issues are built into the process, they will always be seen as just another box to be ticked. However, as I pointed out, I am not sure whether trainers have the capacity to deliver the level of provision that we are discussing.

11:00

Kay Ullrich: So it is a matter of who trains the trainers?

Jon Harris: Yes.

Kay Ullrich: The importance of effective monitoring comes through loud and clear from you and from research findings on equalities work. How can we ensure that there is effective monitoring of implementation of the requirements of the Local Government in Scotland Bill?

Jon Harris: Monitoring should be built into performance audit and inspection regimes. Performance audit has three elements. First, there is the external audit, which uses the template and the auditor goes in once a year. Secondly, there are value-for-money studies, which will become best-value studies. They can deal with thematic issues such as equalities—the inspection of police authorities, for example. Thirdly, there are the statutory performance indicators. If those are disaggregated by equalities and put together, one has a useful picture of a local authority's performance in respect of equalities. Doing that

annually means that one can judge whether there are trends and continuous improvement. In some ways, that approach must be the answer. I see no point in setting up a separate monitoring exercise, as there is a huge resource of auditors and inspectors. It is a matter of making that approach work so that equalities are monitored.

Morag Alexander: I agree with Jon Harris, but what really matters is what one does with what one sees. One should find out what monitoring says and communicate that to people. If a person ticks a box, we hope that they recognise that that will be recorded. If they receive feedback that demonstrates that what they have done has been effective, that can help to reinforce the message about equality and its value. It is important that monitoring statistics are used and that results are communicated to people and built on. Information for continuous improvements from year to year will then be available. It is important that we do not reinvent processes and overburden people, and that we use what we have effectively in a variety of ways to meet needs.

Kay Ullrich: I could not agree with you more. Feedback—particularly feedback to those at the front line—is important, otherwise the whole exercise is futile.

Mr Gil Paterson (Central Scotland) (SNP): I apologise to the committee and our guests. I have not been watching the football on television—I was at the Procedures Committee, which is why I have just arrived.

I hope that this matter has not been dealt with—if it has, ignore me. Many causes of gender inequality are structural. Is best value an appropriate mechanism for addressing gender inequality in local government? Are there better ways of doing that?

Jon Harris: Will you define structural?

Mr Paterson: I meant gender inequality within institutions, but inequality for disabled people as a result of the fabric of buildings is also important. You might want to touch on both issues.

Jon Harris: We have mentioned the importance of changing people's understanding and perception of equalities so that there is a move from a culture that is focused on institutional needs to one that focuses on community needs. If there is such a culture shift, it will change how an organisation thinks. I think that there is a shift in local government.

Access issues affect not only people with disabilities but people with small children and so on. We need to have a better understanding of their needs to resolve the issues. Instead of identifying everyone as being the same, we have to consider disability issues in relation to physical

access and access to information. We should automatically think that resolving those issues is part of our everyday business. We should consider how to provide access to best effect. That approach is a way of breaking down structural barriers.

Muriel Robison: Gil Paterson asked whether we think that best value is the best way, or even an appropriate way, to break down such barriers. The EOC thinks that best value is a significant improvement on previous systems, as equality is a factor that should be taken into account. Earlier, I talked about bad examples of situations in which equalities were not taken into account in service delivery or employment settings. In those examples, serious inequalities resulted from a failure to recognise the consequences of using only cost as the determining factor. I mentioned that best value gives an impetus to mainstreaming equalities—it gives local authorities an endorsement, an encouragement and an opportunity to mainstream equalities. We want equalities to be mainstreamed, and there is no contradiction between best value and mainstreaming equalities.

Elaine Smith: As the gender reporter to the committee, I produced a paper some time ago in which I hoped to persuade the committee to undertake a gender inquiry. My paper was perhaps a little too wide, as it talked about the wider aspects of violence against women in society—not just domestic violence but prostitution and pornography. Those issues must be addressed when we consider gender discrimination and inequality. The committee decided to focus on best value in local government, which was fair enough, because it gives us an opportunity to consider the outcomes and to focus. I accept that the suggestion in my paper was perhaps too wide—we might have ended up biting off more than we could chew.

My question is particularly for Fair Play. In my view, the glass ceiling still exists—we still have gender discrimination. Does imagery have anything to do with that? For example, society seems to have become somewhat desensitised to pornography. People can walk into corner shops and there it is.

I will take Gil Paterson's comments a little further. To me, a structural issue is one that is pervasive throughout society. How can local authorities address those issues? Let me give the topical example of local authorities granting licences for lap-dancing clubs.

Morag Alexander: I will make a general comment. I am not speaking for Fair Play, but I base my response on years of working in the equality business and on the fact that I once wrote an article on pornography. I feel strongly that

pornography has a negative impact on the image of women, but that is a personal view, and others may not agree with me. I reacted positively to the news that lap dancing was to be discouraged in Glasgow and I encourage other cities to follow Glasgow's lead. Glasgow's decision demonstrates that the city and the politicians within the city's structures recognise that the image of women needs to be protected if women are to have equal status in society and equal access to services.

Mrs Lyndsay McIntosh (Central Scotland) (Con): I want to go back to a comment that Morag Alexander made, when she talked about the standards that can be set and whether those standards should be easily attainable or whether the system should have rigour. Are the references to equal opportunity requirements in the Local Government in Scotland Bill sufficient to address gender equality issues? In other words, is the bar set high enough?

Morag Alexander: I think that much more explicit wording is required.

Jon Harris: Members may wish to ask the Executive that question when they scrutinise the bill. The provision was drafted by lawyers, so it is based on what they thought was possible. In our opinion, the language should be strengthened.

Mrs McIntosh: Is the standard that has been set the lowest common denominator? Should a higher standard be set?

Jon Harris: The bill says that local authorities "shall have regard to—

(d) the need to meet the equal opportunity requirements."

What does the phrase "have regard to" mean?

Mrs McIntosh: It could mean anything.

Jon Harris: That is why we believe that guidance is required to support the provision. It is crucial to include the provision in the bill—by achieving that, we will have moved a long way—but the requirement is not sufficient. We conducted analysis with the EOC and the CRE on the legal position in respect of reserved and devolved powers. My view is that the provision could be strengthened, but perhaps the committee could ask the Executive about that.

The Convener: One thing about good answers is that you never get tired of hearing them, even if they are given at the same committee meeting.

I thank all the witnesses for attending today. Members will be able to meet the witnesses from Fair Play—and probably the other witnesses—at the launch of the Fair Play website, which takes place at 12 o'clock and which I hope members will be able to get along to.

We move into private session to discuss two draft reports and to deal with a matter of committee housekeeping.

11:12

Meeting continued in private until 11:42.

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