

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 1 November 2005

Session 2

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CONTENTS

Tuesday 1 November 2005

Col.

BUDGET PROCESS 2006-07	1143
“AN INDEPENDENT REVIEW INTO POLICING AND RACE RELATIONS IN SCOTLAND”	1161
PETITION	1181
Gypsy Traveller Sites (PE760)	1181

EQUAL OPPORTUNITIES COMMITTEE

15th Meeting 2005, Session 2

CONVENER

*Cathy Peattie (Falkirk East) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) (LD)

COMMITTEE MEMBERS

*Frances Curran (West of Scotland) (SSP)

*Marlyn Glen (North East Scotland) (Lab)

*Marilyn Livingstone (Kirkcaldy) (Lab)

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

*Elaine Smith (Coatbridge and Chryston) (Lab)

*John Swinburne (Central Scotland) (SSCUP)

*Ms Sandra White (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)

Jackie Baillie (Dumbarton) (Lab)

Ms Rosemary Byrne (South of Scotland) (SSP)

Linda Fabiani (Central Scotland) (SNP)

Patrick Harvie (Glasgow) (Green)

*attended

THE FOLLOWING GAVE EVIDENCE:

Ali Jarvis (Commission for Racial Equality in Scotland)

Johann Lamont (Deputy Minister for Communities)

Yvonne Strachan (Scottish Executive Development Department)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Zoé Tough

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 3

Scottish Parliament

Equal Opportunities Committee

Tuesday 1 November 2005

[THE CONVENER *opened the meeting at 10:01*]

Budget Process 2006-07

The Convener (Cathy Peattie): Good morning. I welcome everyone to the 15th meeting in 2005 of the Equal Opportunities Committee. I remind all those present to turn off their mobile phones. We have received apologies from Marilyn Livingstone, who is attending a meeting of the Edinburgh Tram (Line Two) Bill Committee. Nora Radcliffe has advised me that will leave at 10.30 as she has to attend another committee meeting.

Agenda item 1 is our consideration of the 2006-07 budget process. I am pleased to welcome the Deputy Minister for Communities, Johann Lamont. The minister is accompanied by Yvonne Strachan and Laura Turney from the Scottish Executive's equality unit and Jackie Walder from its Finance and Central Services Department. I give a warm welcome to all three officials and invite the minister to make an opening statement.

The Deputy Minister for Communities (Johann Lamont): I am very pleased to be back before the Equal Opportunities Committee. Today's meeting provides us with a useful opportunity to talk about the 2006-07 budget process and related areas of work. I look forward to our continuing discussions.

I am sure that the committee is keen to ask a number of questions about the work that the Executive has done over the year since I was last at committee. I will therefore limit myself to updating the committee on the improvements and progress that we have been able to make to the way in which the budget, as both a document and a process, deals with equality issues.

As the committee knows, our work on the budget is an evolving process. The budget process has been amended to focus work on spending review years, at which time the major spending decisions are made. The committee will have noticed that there was no annual evaluation report this year. We have shortened the process in non-spending-review years to reduce repetition; in a non-spending-review year such as this one, when there is little change in the budget numbers, the process is lighter.

There are also no major changes to targets in non-spending-review years. New targets were published last year in spending review 2004 for

2005 to 2008. We noted the committee's comments on the targets and will take them into account when we set new targets in the next spending review. The committee will also note that we have taken on board many of the recommendations that were made by this committee and by the Finance Committee. Those recommendations have resulted in improvements in the way in which the budget documents deal with equality issues.

Today is the first opportunity that the committee has had to formally scrutinise the Executive's spending plans for 2006-07 since their publication in September. As the committee can see, we have made a number of changes to the way in which equality issues are embedded into the draft budget. We have taken account of suggestions that were made last year by this committee, the Finance Committee and the equality proofing budget and policy advisory group. Members of that group include officials from the Executive's equality unit and Finance and Central Services Department and representatives from the Scottish women's budget group, the Equality Network, the Equal Opportunities Commission and the Commission for Racial Equality. Professor Arthur Midwinter, who is an adviser to the Finance Committee, sits as an observer on the group.

Building on the work that we have done to date, we have continued to incorporate information on spending and equality work in the budget. We have again provided details of the activities of different portfolios on equality issues, along with details of spending and work on the Executive's other three cross-cutting priorities of closing the opportunity gap, sustainable development and growing the economy. Alongside the other cross-cutting themes, the promotion of equality is one of the fundamental principles of the Executive and it informs all the activity that we undertake to achieve our targets.

That is not to say that we do not have work still to do—obviously, we do. We see what we are doing as a work in progress. We also need to ensure that we have the data that tell us that we are making progress and that we have the commitment at all levels of Executive activity to deliver on equality across everything that we do. The draft budget for 2006-07 contains a section that outlines the way in which the principles of equality and closing the opportunity gap are contributing to the promotion of equality in Scotland.

We also outline our work with the equality proofing budget and policy advisory group and the way in which we have been working to develop tools for gender analysis of the budget through our two pilots in the areas of smoking cessation and sport. Having looked at the issue of health

inequality, we identified those two areas as priorities for tackling that inequality. I hope that the committee will agree that the Executive has achieved a great deal in this area over the past year. I will be happy to take questions on the progress and outputs of the pilot projects.

Of course, the committee will also want to be kept informed of the other work that we are doing to mainstream equality across all our departments, including the mainstreaming work that we are taking forward in housing and education. We have evaluated that work. If the committee has any questions on the subject, I will be pleased to talk about the evaluation and the way in which we will take forward this work.

We have a mainstreaming equality team in the equality unit that is working to develop equality impact assessment tools and processes to embed equality across policy and practice in the Executive. I am sure that the committee will also be interested to know that we are in the process of equality proofing the closing the opportunity gap targets. We recognise that those two areas of work are not necessarily synonymous and that equality issues need to be taken into account if we are to deliver successfully on them too.

We have also learned some valuable lessons from the participation of the Health Department in the recent Equal Opportunities Commission gender equality duty pilot. All that work is interlinked and is part of a broader programme of work that we intend will deliver on the equality issues that are, of course, of interest to the committee. We will continue to ensure that the committee is kept informed of our work. I will be pleased to engage in further discussion with the committee on all that we have done.

The draft document is part of an on-going process. We will, of course, continue to make improvements to budget documents; we are always pleased to consider any suggestions as to how we might improve them. However, I will continue to stress, as I did last year and as my predecessors did in the past, the need to find a balance between keeping the budget documents workable and accessible and responding to the many requests to include more targets, impact assessments and performance indicators supported by statistics that are disaggregated by sex, ethnicity, disability, age, geographic area and so on. That said, I am happy to discuss any suggestions and any method by which we can continue to refine the budget documents and the budget process at the same time as we further our commitment to deliver on equality issues.

The Convener: Thank you. I welcome your statement. I agree that there has been a welcome change over the past few years with regard to the budget and equal opportunities. The overarching

equalities statement in the draft budget is more comprehensive now. However, the Equality Network believes that the budget documentation would benefit from

“a clear definition of equal opportunities, based on that in schedule 5 to the Scotland Act”.

It believes that such a definition would assist departments in considering equalities across all budget strands. What are your thoughts on the suggestion?

Johann Lamont: It is worth saying at the outset that I welcome the very positive comments that the equality bodies made on the changes to the budget process. Their comments are encouraging—it is an example of dialogue producing results.

In response to the Equality Network's point about including a clearer definition of equal opportunities in the budget documents, I would say that the equal opportunities definition in schedule 5 to the Scotland Act 1998 sits behind the terminology of the draft budget—it is almost taken as a given. I cannot see a problem in including it in next year's draft budget document. It would be a relatively straightforward amendment to make. We will pursue the suggestion.

The Convener: Thank you. That is welcome.

You also spoke about the equality proofing budget and policy advisory group. Will you give us an update on the group's current priorities?

Johann Lamont: In working to mainstream equalities in its policies, the Executive likes to look at the distribution of resources over a range of issues. We work with our partners on the equality proofing budget and policy advisory group—the name is easy for other people to say, but self-evidently not easy for me—on a number of things that will improve the presentation of information on equalities issues in budget documents. We are working on raising awareness of the need to mainstream equalities into policies and budgets and investigating ways in which to monitor Executive expenditure on various groups.

The most recent activities include the commissioning of research into the budget process. The group has also been holding expert seminars. For example, on 14 June, a gender proofing expert, Professor Diane Elson, made a presentation to Executive staff and members of the group. The group is also pursuing two pilot studies in the areas of smoking-cessation services and sport. The studies will provide an analysis of existing services, the extent to which policies are working in practice, how much is spent on providing services and whether there are barriers to access for women and men. The pilot studies are smaller-scale versions of the equality audits that the committee recommended.

As the pilots are now complete, we look forward to being able to update the committee at a later stage on the outcomes of that work and on how the group believes the work might be taken forward by the Executive. I am certainly keen that we have a sustained dialogue between the group and the Executive on those issues. Perhaps that dialogue could also involve the committee.

The Convener: That would be welcomed. The committee is keen to have an on-going dialogue with the group and the Executive on those issues.

Do members have questions for the minister? I am sure that there will be questions on the issues that she covered in her reply to my question.

Ms Sandra White (Glasgow) (SNP): Good morning, minister. Thank you for your opening statement.

Although the Executive has gone some way towards taking on board the concerns of the committee and of other equality groups, the committee still has a concern about changes to spending. That concern is shared by the Equal Opportunities Commission, which was particularly concerned about changes that have been made to spending plans since last year and about how the impact of those changes is equality proofed. For our scrutiny of this round of the budget process, we have been asked to focus particularly on the changes that have been made to spending plans and, obviously, we will do that from an equalities perspective. However, we have found that the information is not readily available from the budget documentation. Can the equalities impact of changes to spending plans be made more explicit in the budget documentation for this year and future years?

Johann Lamont: I hope that the committee's consideration of the budget will highlight those sorts of practical issues, such as the things people found difficult to follow or track. Although the committee is not quite an external eye looking in at the Scottish Executive's budget, it certainly provides some independent budget scrutiny, which I think is the purpose of today's session. I assure you that we will take on board any comments that appear in the committee's report.

Ms White: One concern is that there seems to be no equality proofing of moneys when changes are made to previous spending plans through resource transfers between portfolio areas. Basically, we want to know how such transfers impact on equality issues. Perhaps you are right in saying that the committee's consideration of the budget today will be the start of an independent scrutiny of the budget. However, basically, our concern is that it is difficult to track equality outcomes at the end of each stage of the budget process.

Johann Lamont: As I said in my opening remarks, the challenge is always to make the documentation both accessible and useful. I recognise that we still have some way to go in allowing people to track both the spend and the equality impact of that spend. Yvonne Strachan might want to say something about the work that we have done on that.

Yvonne Strachan (Scottish Executive Development Department): As the minister rightly said, the group is continuing its consideration of those issues with the finance people. The process of extracting, recording and reporting the right information is perhaps the main issue that the group is trying to address. The group will then be able to make suggestions on how the process might be refined and made clearer for the committee. That is what the group is endeavouring to do.

However, as the minister said, we still have some way to go. We hope that, in the light of the pilot studies, we may be able to develop tools that will help us in that process. However, for the time being, we are happy to accept the points that you have raised. We will reflect on those and consider how we might improve the documentation in the year to come.

Ms White: I have a small follow-up question. I accept entirely that the group is fairly new and is engaged in a long-term process, but my question is about why the changes were made and what the aims behind those changes were. I am sure that the aims included equality proofing. However, the group is obviously engaged in a long-term process, so I accept what you are saying.

The Convener: Do you want the minister to respond to that point?

Ms White: Basically, I want to know why the changes were made. Obviously, the Executive aims to achieve equality proofing, but that aim does not seem to be kept in mind for budget transfers. As I said, it is difficult to follow such changes. We do not yet have information on whether such changes will end up in achieving the aim of equality proofing.

The Convener: Many changes have been made because our committee and other organisations have asked for changes. I think that you are saying that that can make the changes difficult to follow.

Ms White: It is quite difficult to track how the spending plans have changed from those of previous budget documents in cases when, instead of providing new moneys, the Executive simply transfers existing resources. We do not yet have equality proofing of such changes.

Johann Lamont: It is fair to say that there is uneven development across the Executive on such matters. It could be argued that there ought not to be any change, so that people can track the process properly. However, we need to make changes to respond to what people are asking for. That is perhaps the core thing that we are trying to reflect on. First, we will want to look carefully at what you say about that issue in your report. Secondly, we can make available to the committee a detailed explanation of particular changes.

10:15

Nora Radcliffe (Gordon) (LD): The committee welcomes the inclusion in each portfolio chapter of measures that are aimed specifically at promoting equalities. Can you provide us with some background on the decision to include those, bearing in mind that the Executive resisted the idea during budget scrutiny last year? What explains that change of mind? We think that it is a good decision, but it would be interesting for us to know how it was arrived at, given that last year the Executive did not think that it was a good idea.

Johann Lamont: That is the power of persuasion.

Nora Radcliffe: Well done. Was it us or you? It does not matter, because we got there.

Johann Lamont: There is no doubt that measures such as the gender equality duty begin to concentrate people's minds, so that they see that they will need to get a bit ahead of the game. It is recognised that there is a rationale and a logic to what is being asked for. It is not an extra, but something that is embedded in the process of good budgeting and management of portfolios. It is also important to be aware of what the pressures will be at a later stage.

Nora Radcliffe: You said that different portfolios seem to be at different stages of development on the issue. The communities portfolio sets clear objectives that relate to its spending priorities, whereas the transport portfolio outlines aims with no spending plans or specific targets. What more can the Executive do to make equalities targets more uniform across portfolio areas, with specific and measurable targets?

Johann Lamont: I return to the issue that you raised previously. Last year, we suggested that if we concentrated on closing the opportunity gap and related issues, we would also be addressing equalities issues. That was a significant move. The Executive recognised that there are certain inequalities that do not relate to people's social or economic position—a point of which many members of the committee are already aware. Discrimination on the grounds of race and gender is not simply about poverty, although the two are connected.

Your second question was about equality targets.

Nora Radcliffe: There is much more developed treatment of the issue in some portfolios than in others. What can the Executive do to bring them all up to the standard of the best?

Johann Lamont: There is uneven treatment of the issue. Some equalities bodies have commented on the fact that there is a significant distinction between what the communities portfolio has done and what others have done. Partly, that reflects the fact that people in the communities portfolio have greater awareness of the issue and that it is much more closely related to the other issues with which they are involved. The communities portfolio has a great deal of cross-cutting responsibility. Many of the services for which we are directly responsible will be delivered through other departments. It is inevitable that there will be differences between departments. The challenge is for a dialogue to continue across departments. Yvonne Strachan may want to say something about the practical steps that have been taken to bring that together.

Yvonne Strachan: In the practical development of the budget documents, there is liaison with departments across the piece, both through the Finance and Central Services Department and through our work in the equality unit, to ensure that information on equality is given. It is connected primarily with the mainstreaming of equality and the awareness and understanding of equality issues in policy development. As we have always said, that is an integral part of our work.

Our activities to improve the mainstreaming of equality are critical to the ability of departments to reflect that in their budget statements. The increase in the support that we give to departments is reflected in the fact that we are now undertaking a dedicated two-year period of work to help the process internally, which is in addition to the work that we have done before. The aim is both to give support to departments on policy development and to provide them with the tools and means to mainstream equality. We hope that, as the next year progresses, we will become better at that than we have been until now.

Elaine Smith (Coatbridge and Chryston) (Lab): I am interested in exploring further the differences between departments and between portfolios. To take one example, the Environment and Rural Affairs Department is pursuing the aim of having more green spaces, particularly in deprived urban communities. That department views that aim as a target for resources. At the same time, however, the Education Department might wish to have more public-private partnership schools. That is happening in Coatbridge, for example, where it is proposed to build on existing

parks and green spaces for that purpose. Are such conflicts being monitored and addressed?

Johann Lamont: A lot of those matters are addressed by the planning system and through policies relating to sportscotland. It is not presumed that PPP schools will eat into green-belt land or playing fields. In my area, it must be established that there is an alternative and that if a space is used, a space is provided.

I am not sure whether there is the kind of conflict between departments that you are suggesting. Departments have to make their own priorities, and they have to be accountable for them. Ministers will be accountable for the choices that are made. At a policy level, it is a different matter. We need to find a way to get people to think not just about the mainstream policy needs but about any particular issues for people with disabilities and any equality impact that they need to be aware of.

The committee might wish to explore some issues with individual departments. It strikes me, looking at some of the budget process, that it is at the department level that some of the dialogue should take place. Within the Executive, the equality unit has the opportunity to generate that debate. Accountability must be rooted in the departments, too.

It is inevitable that departments and ministers will make their own judgments on where they want resources to be. If we take subsidiarity into account, local government will make decisions on where its priorities lie. The test here is to ask to what extent we are able to ensure that, when departments and ministers make their decisions, one of the things that they feel they must take into account is the equality impact of those decisions, in terms of both consequences and parity among various groups.

Elaine Smith: The minister makes a fair point, although the committee might wish to explore this area further. The fact that we are doing the process in this way perhaps makes it a bit easier to establish whether there are any contradictions—if that is what you would call them.

Johann Lamont: We need to carry those contradictions in our own heads. Planning and housing are good examples. People always say that we need more houses and that we have not created enough affordable housing. However, we must also have a rigorous and accountable planning system. There are pressures there.

The Convener: There will be an opportunity for the committee to examine the work of other departments if it wishes.

Nora Radcliffe: As we have already said, we very much welcome the separate section in each

portfolio area on promoting equalities. We agree with the Equality Network, which has said that the new material will be vital in ensuring year-on-year monitoring in each portfolio. Has the Executive any plans to develop further its reporting of the promotion of equalities within the budget documentation?

Johann Lamont: As I have said before, the implications of the new duties will have an impact. It seems to me that the budget process needs to facilitate the process as well as being a part of it. Information will be required there, although I am not sure whether practical steps are being taken now.

Yvonne Strachan: Not in such a way that we could give a firm report to the committee as far as those duties are concerned. The way in which the Executive tries to report is in response to the way in which material is received by parliamentary committees and the public in general. The intention is to ensure that, while remaining consistent with the information that is given, which allows comparisons to be made, we make improvements where we can. These deliberations will be extremely helpful for that process.

Marlyn Glen (North East Scotland) (Lab): My questions will go further along the same line, but they are more about specific targets. Only a few portfolio areas have specific equalities objectives and targets set out at the start of their budget chapter. Evidence from the Equal Opportunities Commission suggests that such top-level targets are crucial in ensuring that the departments understand their equalities commitments. Is the Executive considering a requirement for each department to include equalities targets?

Johann Lamont: The Finance Committee suggested that we reduce the number of targets, and that is a pressure on us. Most departments have some equalities targets, although we need to improve and refine all our target setting so that we include, where possible, more disaggregated sub-targets for equality groups. We must work with departments to get the balance right.

We also recognise that targets are at a higher level. Inevitably, however, some areas of activity will not be highlighted by a specific target. That creates a pressure on us as we cannot say whether that is a help or a hindrance. The duties imposed on us have implications for how we deal with the budget. We need to be open minded, and I will welcome comments. The consultation on gender equality goals and schemes may throw up some issues.

Marlyn Glen: There is certainly a tension surrounding the number of targets. Perhaps the committee might pursue that issue by writing to departments instead of holding a formal evidence session.

The Equality Network said in its evidence that there is a lack of measurable follow-through from objectives to targets. It cites the example of the commitment in objective 1 of the "Education And Young People" chapter of the draft budget to

"promoting equality, inclusion and diversity".

However, the only target that could feasibly relate to equality is that for Gaelic-medium education. How can the Executive ensure that once equality objectives have been set, targets are set to meet them?

Johann Lamont: That is part of the same argument, is it not? When does attaching a target and an equality impact to every policy objective become unhelpful? The test is the extent to which we are mainstreaming thinking on an issue. We must be careful when discarding what we may think to be an unnecessary target that we are not discarding equality targets disproportionately. That is my concern. I would not like the committee to think that I am saying that equality targets will be the first to go because there is pressure to reduce targets. I acknowledge that, but I think that it would be cumbersome to have to decide on a target and an outcome for every policy area.

Marlyn Glen: It is worrying, however, that we accept so much as implicit. When we write to the departments, we get answers that, if not exactly dismissive, are close to being so. There is a difficulty in presuming that a thing has been done implicitly only to find that it has not been done at all. I agree that it is a difficult balance to strike.

Johann Lamont: The point that I was trying to make, and one on which I want to reflect further, is that if we have not mainstreamed equality thinking into departments, they will hone the process by screening out equality considerations by saying that they are implicit. We know that in driving change, we must be more explicit on equality issues than on others. That is because equality issues have not been as mainstreamed as we would have hoped. I would like to reflect on that, and further discussion on it might be useful. I am all in favour of streamlining, but if it is removing aspects that might be considered edgy and difficult, that could be a problem. We might look at that further.

Marlyn Glen: The Equal Opportunities Commission said that it would like specific equality objectives and targets relating to the Scottish Executive's equality strategy to be in the budget documents.

Johann Lamont: I hope that the group can look at that.

Marlyn Glen: Thank you.

Elaine Smith: You said earlier that the Executive has evaluated the work of the housing

and education mainstreaming pilots. Can I take you up on your offer to update the committee on that?

10:30

Johann Lamont: Yes. As you know, we reported last year that the two pilots would be subject to an evaluation. The analytical services division of the Scottish Executive Development Department appointed a dedicated mainstreaming equality researcher in 2004 and she has provided analytical support to Executive officials, including those in the equality unit. She evaluated the two pilots and submitted her report recently.

It is fair to say that the evaluation provides us with a great deal of positive information about the progress that has been made on mainstreaming equality in housing and education. It also provides food for thought on how we can address some key learning points in order to continue to progress the agenda, maintain momentum and convince people that the work is necessary.

The work is by no means complete. The mainstreaming team in the equality unit is considering the evaluation and assessing what steps we should take next—first, to maintain the momentum and continue the work in housing and education and, secondly, to take the learning points from the pilots and use them to inform mainstreaming work and equality impact assessments in other departments. A recent example of equality work in the Education Department is the continuing research to review our strategies for addressing gender inequalities in Scottish schools.

The evaluation identified a number of examples of good practice in mainstreaming equality in housing, although it is clear that we still have much to do to maintain the momentum and drive the work forward. Equalities have been mainstreamed in the development of community warden schemes, for example, and a report on embedding equalities issues into the work of the housing improvement task force was published in 2002. Attention was paid to disability and Islamic finance in the consultation paper "Maintaining Houses—Preserving Homes" and, in January 2004, Communities Scotland established its strategic equalities group to develop and oversee the strategic development of equalities within the agency. Communities Scotland has been active in engaging with equalities issues and mainstreaming and it launched its draft equalities strategy for public consultation in November 2004.

An equalities focus has been incorporated into the Housing (Scotland) Bill and in the work of the housing improvement task force. The regulation and inspection department of Communities

Scotland is committed to mainstreaming equalities in its operations and practices. The report "Black and Minority Ethnic Communities and Homelessness in Scotland" was published in 2004 following the work of the Scottish Executive's homelessness task force; the revised version of the code of guidance on homelessness will incorporate some of the key findings of that report.

Mainstreaming principles have also been followed in taking forward the recommendations of the Scottish refugee integration forum. The needs of refugees should be taken into account when local authorities are updating their housing and homelessness strategies.

The Executive's work on mainstreaming equalities in education has focused on schools. The schools group in the Scottish Executive Education Department has designated two officials with responsibility for providing a focus on equality work. Equality provisions have been incorporated into key pieces of legislation on education and the Education (Additional Support for Learning) (Scotland) Bill was passed by the Parliament on 1 April 2004. Anti-racist education resources have been funded and implemented and the Scottish Executive has increased funding for the centre for education for racial equality in Scotland. The department is also working on other issues, including bullying.

The Executive supported the Minority Ethnic Learning Disability Initiative to develop a resource pack for parents and families of minority ethnic children. In the first phase of mainstreaming anti-discrimination into the curriculum, the Education Department is considering what the current curriculum offers in terms of equality and how we should proceed. Other work includes research to review the strategies to address gender inequalities in Scottish schools; consideration of the department's capacity to produce leaflets and publications in other languages; and the consultation exercise on the School Education (Ministerial Powers and Independent Schools) (Scotland) Bill, which was launched on 6 November 2003 and forwarded to groups that are concerned with equality issues.

We will let you know when we have considered the evaluation report, at which time the committee might want to have further formal or informal dialogue on the matter.

Elaine Smith: I did not hear you mention the Zero Tolerance Trust's respect project. Do you know anything about that? You mentioned an impressive list of projects, but are you satisfied that monitoring and evaluation is taking place to the extent that you expect?

Johann Lamont: We have to monitor the position, keep the pressure on and sustain

people's commitment. It is one thing to say to someone, "Go and get me a list of things you have done that look as if they're about mainstreaming equality," but it is a different matter for people to realise that they have done that work because they have mainstreamed equality into their thinking.

The Executive has supported the work of the Zero Tolerance Trust and it continues to fund packs for schools and so on. Indeed, I had a meeting with the trust recently to talk about other areas of interest. That is a good example of where people act as a resource to the Executive and bring knowledge, understanding and direction that we perhaps would not have access to otherwise. I cannot give you details of how we are supporting such organisations now—I can get it to you later—but I can say that we are committed to that on-going dialogue with all the organisations that have particular expertise and something to offer in that regard.

Elaine Smith: That would be helpful. Convener, could the committee use part of a future meeting—perhaps one that does not concern the budget process—to examine the research, once we receive it?

The Convener: Yes, and that could be linked to what we are discussing.

Johann Lamont: There is a lot going on in education and the dialogue with individual departments is interesting as well.

The Convener: Given that one of the main parts of our remit relates to the mainstreaming of equalities, the committee would want to return to the issue.

Mr Jamie McGrigor (Highlands and Islands) (Con): Can the minister give us an update on the proposal by the committee last year that targeted equality audits be undertaken to facilitate the scrutiny of the equality impact of the Executive's spending?

Johann Lamont: As I have mentioned, the Executive has undertaken two areas of work that we would argue are smaller-scale versions of the equality audits that the committee has recommended. First, under the auspices of the equality proofing budget and policy advisory group, the Executive has undertaken two pilot studies in the areas of smoking cessation services and sport to analyse the needs of men and women for a particular service and to determine which of those needs the existing policies are intended to meet. The recommendations and action planning emerging from that work will help us to take forward further work on equality audits, so we are looking to see how effective that has been. Once the equality proofing budget and policy advisory group has had an opportunity to consider those

recommendations, I would be pleased to talk to the committee about how the audit work might best be taken forward. I recognise that the pilot work is focused on two specific areas in the Health Department. As I am sure you are aware, this is a work in progress that, by its nature, is by no means complete.

The second area is the work that has been carried out by the Equal Opportunities Commission to pilot gender action planning in the Health Department. That pilot work, which has been well received, has been undertaken as part of the preparations for the forthcoming gender equality duty and has involved the assessment of the department's policy and functions in order to prioritise areas for action on gender equality.

Mr McGrigor: Will you also give an update on the current position in relation to the gender impact assessment pilots that the Executive is conducting and an indication of whether those could serve as a model for the type of equality audit that the committee has previously recommended?

Johann Lamont: I might have already mentioned some of what I will say in my answer to that question. There has been considerable progress. Again, we considered health equalities and focused on smoking cessation services and sport. The aim of the pilots is to find a way in which we can assess the equality impact of mainstream spend in order to devise a method that is tailored to fit existing practice and can be used to assess the equality impact of spend across all equality groups. I am hopeful that the work on the pilots will inform future activity.

Mr McGrigor: Has the Executive considered using existing analysis methods, such as workforce monitoring, to measure equality impact?

Johann Lamont: We need to ensure that we are using the resources that already exist. A range of things is going on in various places and we need to mainstream that as well and make it coherent. We should not be operating in silos. Someone from the analytical services division was involved in the housing mainstreaming work that we did and, as you would expect, they had a generic and mainstream view of how we should research and analyse something. That is important.

The Convener: The committee is interested in the on-going issues surrounding equality audits. The pilots have been very good and have demonstrated the worth of carrying out equality audits in other areas so that we can measure how successful or otherwise the mainstreaming agenda has been. We will want to come back to that.

Elaine Smith: Minister, I will ask you about public sector targets. Despite 30 years of legislation, sex discrimination and gender inequality are still widespread and consistent in workplaces. I note that, although the draft budget contains specific equality employment targets for the Scottish Executive Administration, it does not mention any strategies for the development of equality employment targets in the public sector. In its written contribution, the EOC states:

"It is not clear to us why the Executive can place performance and service delivery targets on the public sector, but is not in the position to demand equality in public sector employment."

You mentioned that, to some extent, the gender equality duty might help to sort that out. I am interested in whether the implications of the public sector duties can be reflected in the budget documentation. Can you do something with that to encourage and promote the observance of equal opportunities throughout the public sector?

Johann Lamont: As you say, we continue to lead by example by setting targets for the Executive to employ women in senior positions, ethnic minorities and disabled people. Although we have no similar strategy at present that promotes or encourages target setting in the wider public sector, we should consider that, especially given the forthcoming public sector duties to promote disability and gender equality.

By way of illustration, the gender equality duty will place a statutory requirement on public authorities to eliminate discrimination that is unlawful under the Sex Discrimination Act 1975 and the Equal Pay Act 1970 and to promote equality of opportunity between men and women. We would not necessarily want to be prescriptive about how public authorities should comply with the specific duties, because we have different relationships with different public authorities. Equality of employment might form part of the goal and target setting that public authorities need to undertake in order to meet their gender equality duty. That will be part of the on-going dialogue.

The gender equality duty will require public authorities, including Executive departments and agencies to carry out gender impact assessments on all relevant policies and to set out their plans for promoting gender equality through their work. It will also require public authorities to develop an action plan on equal pay.

Elaine Smith: I welcome the gender equality duty, but we have been asking such questions during the six-year existence of the Parliament and the committee. Earlier, you said that we want to be ahead of the game when we can be. I am still looking for an answer to why the Executive can impose performance and service delivery targets and other requirements on public services

and public authorities but not equality targets. I do not understand that. I understand that the Executive has different relationships with different authorities, but in some ways the Executive is able to dictate and I do not know why that is not happening with equality—I am genuinely asking why not.

Johann Lamont: As I have said, we need to consider that further. The gender equality and other duties change the context in which people discuss and act on these matters. I hope that we can consider the issue in more detail through the consultation. I recognise the distinction that you have made, but we have to reflect on the matter further.

Elaine Smith: I am talking about how there seems to be no recognition of equalities in the awarding of contracts at local authority level, for example; the committee has raised that issue before. However, I accept what you say. The committee might want to consider the matter again.

John Swinburne (Central Scotland) (SSCUP): The Equality Network thinks that the finance and public service reform portfolio chapter of the draft budget should reflect the equality activities undertaken by the bodies that the Scottish Executive delegates as spending authorities—for example, national health service boards and local authorities. What are your thoughts on that proposal?

10:45

Johann Lamont: I am always in favour of keeping in with the Equality Network and other equalities bodies. We want to reflect further on their evidence and committee members' commentary. I have already said that we will look at the suggestion that there should be a sharper definition of equal opportunities.

John Swinburne: I have spent two and a half years on the Finance Committee, so I can bear out what you said about the improvements that are being made to equality proofing, as was reflected in many of the changes that were implemented. The only issue that seemed to lag behind the others was ageism, which was accorded a much lower priority. To what extent do you intend to alter that situation?

Johann Lamont: We have made a general commitment to equality of opportunity, but I recognise that there are ageism issues. Indeed, Westminster is in the process of legislating on the matter, if it has not already done so.

It is not the Finance Committee and the budget that will determine what we do about ageism, although it will be important that the budget

process underpins and delivers our position on equality, once we have taken it forward. We are developing our policy on ageism. Responsibility for older people lies in the communities portfolio and the minister, Malcolm Chisholm, has been active in working with a range of senior forums and groups to ensure that the policy and strategy are right. We will then attack and interrogate the budget to see whether it matches our policy aspirations.

John Swinburne: I take on board what you say, but I remember an evidence session with the minister when we spoke about lifelong learning. It turned out that grants for people who wished to take advantage of lifelong learning were not made to people over the age of 65. That type of thing should be looked into and eliminated.

Johann Lamont: We could have a discussion about grant support for different age groups. However, the point is well made that the Executive should marry its commitments to equality and to older people with its policies in individual departments. We all have a role in developing that approach.

The Convener: The Equality Bill at Westminster should make a difference in that respect. Elaine Smith indicated that she wanted to ask another question.

Elaine Smith: The minister answered it earlier in response to another question.

Johann Lamont: The minister answered a question—that should be underlined in the *Official Report*.

The Convener: As members have no further questions, I thank the minister for her evidence this morning and suspend the meeting for five minutes to allow for the changeover of witnesses.

10:48

Meeting suspended.

10:55

On resuming—

“An Independent Review into Policing and Race Relations in Scotland”

The Convener: Agenda item 2 is on the report “An Independent Review into Policing and Race Relations in Scotland”, which was commissioned by the Commission for Racial Equality in Scotland. I am pleased to welcome Ali Jarvis, the interim director of the Commission for Racial Equality in Scotland. Unfortunately, Chief Constable Paddy Tomkins, whose name appears on the agenda, has been taken ill and is unable to appear today. However, we will invite written input from Mr Tomkins once he is back on his feet.

I hand over to Ali Jarvis to give a short briefing on the report, after which the committee will ask questions.

Ali Jarvis (Commission for Racial Equality in Scotland): I will start by explaining our approach to the matter in Scotland, which was different from the approach that we took south of the border, where we conducted a formal investigation into policing and race relations. The catalyst was the documentary “The Secret Policeman”, which highlighted shocking levels of blatant racism in the police service. I hasten to add that that programme was not filmed in Scotland and that those levels of racism have not been explicit in Scotland. The decision to review policing rather than carry out a formal investigation was based on the fact that the CRE in Scotland already had close working relationships with the police service and felt that it would be more beneficial and constructive to carry out developmental work that highlighted the good aspects and the failings and gave us a clear set of recommendations for the way forward.

We set up a steering group with representation from the Scottish Executive, HM inspectorate of constabulary for Scotland and the Convention of Scottish Local Authorities, because of its relation to police boards. The review had two objectives. The first was to consider, internally, the effectiveness of the equal opportunities training that is conducted in the Scottish police service and the recruitment and employment experiences of ethnic minority officers and support staff. The second was to consider, externally, the impact of the police’s equal opportunities policies on the operational realities of policing and the public’s confidence in the police in relation to good race relations.

The report was prepared in three stages. The first involved desk research and data analysis. The

second involved formal interviews with the chief constables of all the Scottish forces, the individuals in forces who are responsible for race relations and representatives of the Scottish Police Federation, SEMPERScotland—the ethnic minority policing representative body—and the Scottish Police College. The third phase involved focus groups with different ethnic minority groups, including Gypsy Travellers, and with young people, women and people in businesses, in relation to whom we felt we had the least amount of information.

The report found clearly that the service is not failing, but that there is room for improvement. We are on a journey. We are progressing, but the commission’s view is that that progress is not as fast as it could be. If we carry on progressing at the present pace, the changes that we need will not take place within the timeframe that we expect. To that extent, the review fully served our objectives, which were to give us clear recommendations and action plans to pick up the pace and catalyse movement.

The picture that we found was better than that which was found by the formal investigation in England, which had damning results on some of the racism issues. However, we must temper that to some extent with the recognition that, in the Scottish context, we perhaps have a degree of complacency about racism.

To set the context, I quote David McCrone, of the University of Edinburgh’s institute of governance, who did some work with us recently on the fresh talent initiative.

“We celebrate the fact that we are a ‘mongrel’ people, that our nation is a complex tapestry of peoples and traditions. On the other hand, we are an overwhelmingly white population—our openness might simply be rhetoric because we never had much opportunity to put our liberal ideology into practice.”

We really have to keep that in mind. Anybody who saw the editorial in *The Scotsman* yesterday, which accused us of being a bit heavy-handed on such issues, would agree. We have to recognise the context in which Scotland is experiencing race, especially in relation to criminality. The number of referrals to the children’s panel of children who have been involved in racist incidents has tripled in the past three years. It is not something that is cemented purely in one section of our population.

11:00

We saw in the crime statistics for 2004-05, which were released last week, that the number of racist incidents in Scotland has risen by 25 per cent and has increased fourfold since racially aggravated offences were introduced in 1999. Every day, 10 racist incidents are reported, although others go unreported. Against the context

of a police service that is doing well, we need to recognise that the level of crime is rising and that incidents are increasingly being reported.

The service is not failing, but we need to do more. Several examples of good practice have emerged, but one of our biggest concerns is the inconsistency across Scotland and across the different forces. We did not set out to undertake a comparative analysis of the different forces, creating some kind of league table. We did not think that that would be helpful. Across the forces, there are different levels of progress and different levels of expertise. That is not to say that all forces are good at all things; sometimes, the good practice is quite patchy.

The downside is that the pace is not fast enough, as there has been a relative slowness in transferring good practice from one force to another. Although the policy documentation and frameworks are generally good and robust, the practicalities of implementing them at operational level are somewhat less clear. There are excellent examples of leadership—it is a shame that Paddy Tomkins is not here, as he has taken a positive stance and gives strong and effective leadership—but it takes time for that to translate right through the organisation to people at all levels, whether in or out of uniform.

We are not yet at the point at which good race equality practice is a standard part of the way in which things are done in the Scottish police service, which is what we aspire to. We are now following up the report with the same players—the Scottish Executive, HMIC, the Association of Chief Police Officers in Scotland and SEMPER—to put in place mechanisms that we are reviewing on a six-monthly basis. We are also working with those agents in the interim between those reviews.

The Convener: Thank you. The committee would like to be kept up to date with those reviews. We want to see things moving forward.

The report of the review points to the gap between policy and implementation even after all the detailed and comprehensive pieces of work that have been carried out regarding race relations and the police in Scotland, which are referred to in the report. What factors have you identified that have contributed to that?

Ali Jarvis: It feels as though it was only when the specific duties came in with the race equality duty that the concrete tools to measure and manage some of the progress became common practice. It was as if, once there was a legal requirement to do things such as monitor and address many of these areas, that work started to happen. Prior to that, there was no framework for it. As one reads the early pages of the document, it feels as though we have been here before so

many times. As a famous American author said, the definition of insanity is doing the same thing over and over again, each time expecting a different result. Somehow, we need to do something different in order to get a different result.

The Convener: A number of the recommendations that are made in the independent review were, as you say, made in 2000 and 2003 in HMIC reports. Are there any areas in particular that have not been delivered on?

Ali Jarvis: The area of greatest concern is the recruitment of ethnic minority staff to the police, either in uniform or in the staff support structures. That area will be one of the tipping points for a major breakthrough. Race will become a normal part of the Scottish police service, rather than something that the Scottish police service does. We have been concerned about the absolute failure, over the past four years, to move the number of people who are employed in the police service.

The Convener: You alluded to the impact of having more diversity in the police. What would be the advantages in ensuring that there is more diversity in recruitment and therefore in relation to the men and women who work for the police on our streets?

Ali Jarvis: There are two main themes to mention. First, more diversity in the police would result in ethnic minority communities being confident that they are being policed by an institution that visibly reflects the populations that it serves. The report identifies a perception among ethnic minority populations that there is racism in the police, although much of that perception comes from the media and is not necessarily borne out by individuals' experiences. In fact, many individuals from ethnic minority populations highlighted their very good experiences with the police. That visibility and the confidence that results from seeing oneself reflected in such a major and powerful institution as the police are important.

Secondly, diversity would to some extent normalise and increase the experiences of officers and support staff who execute operational duties. At the moment, such people almost feel that they must think about and concentrate on racial equality and that doing so is in addition to their work rather than a mainstream, core and normalised part of it. Once there is a more representative mix of staff, people will not have to think about racial equality as something that they learned about on a training course—they will inherently understand it.

Marlyn Glen: I have a question about monitoring racist incidents. The review highlights the lack of consistent monitoring mechanisms for reporting racist incidents. Has any progress been made in developing a consistent recording mechanism for racist incidents since the publication of the report?

Ali Jarvis: No, not yet. One of the key recommendations is that there must be consistency in how such incidents are monitored and in forces' broader statistical analyses. Currently, we cannot compare what happens in forces or across Scotland, the nature of the incidents that take place or recruitment and retention issues, although changes in the broad, computer-based infrastructures will help matters. That is a key area in which we recommend that there should be progress.

Marlyn Glen: The report recommends that the police should use the census categories for reporting purposes. If that recommendation is progressed, do you envisage that any system that is adopted will include Gypsy Travellers as a category?

Ali Jarvis: Including Gypsy Travellers is recommended. Again, that is an area of inconsistency that will obviously be a concern for members, given the committee's previous interest in the subject.

Forces have used the census categories differently, but a commitment has been made and an assurance has been given that the categories are consistent in all the forces. We are involved in the process of validating the information that we get back to ensure that that happens operationally. Sometimes it is easy for people to believe that something is happening, but when they check it out, they realise that old systems or measurements are still being used.

The issue is particularly important with respect to the Registrar General for Scotland's work on the 2011 census because people must be able to compare data relating to any new structures or categories that are used with previous data so that there can be longitudinal analysis of change and we do not have to start from a base point again in 2011.

Marlyn Glen: The recommendation that I mentioned was originally made in the 2000 report entitled "Without Prejudice? A Thematic Inspection of Police Race Relations in Scotland" by HMIC. Do we have a good understanding of why that recommendation has still not been acted on five years later? How confident are you that the latest recommendation will be any more effective?

Ali Jarvis: Those questions would probably be better directed at the police. From the research that we have carried out, our perception is that the

recommendation was slow to be progressed because there was no central drive or motivation to achieve consistency. Different forces operate in different ways. ACPOS has only recently taken on more of a leadership, umbrella role on some issues, particularly those that relate to diversity. From the research, my best guess is that there was no great motivation to implement the recommendation.

Ms White: I want to ask a couple of questions about support for minority ethnic victims. Bearing in mind what Marlyn Glen has said, I think that my question should include Gypsy Travellers, who are all too often completely forgotten about, as the convener has said in previous meetings. I hope that, when people listen to our discussion, they will realise that we are also talking about Gypsy Travellers.

Your report mentions concerns about support services. Is there a specific gap in respect of culturally aware victim support services, or is there a general issue with such services? For example, are you aware of any research having been carried out into victim support services in general that could be compared with the experiences reported in certain cases?

Ali Jarvis: I am not aware of any formalised research that has been done into that matter. Our report highlighted two areas that were of concern. One is communication about what victim support services are available. I am sure that that extends to many victims of crime, not simply ethnic minority victims of crime, but the latter group often face additional barriers, such as language issues and even the level of confidence that is needed to come forward in the first place.

When I was on a ferry to Arran one Friday evening, I was surprised to get a call from a woman in Edinburgh whose husband had been taken into custody and who was very anxious. She had been given a custody sheet, on the back of which my mobile phone number was listed as our out-of-hours contact number. I asked her why she was ringing me, just to get it clear in my mind, and she said, "Well, my husband is black." However, there was no race dimension to the incident or to what had happened afterwards. That level of communication is unhelpful to people who want to know what to do in situations that are tense and difficult and in which they are under strain. There needs to be clarity about communication.

The second area relates to our point that many of the recommendations in the report are not simply for the police. Other agencies have a responsibility to do something. I know that Victim Support Scotland, for example, has done a lot to ensure that its volunteer base represents the communities that it serves, but it faces some of the same challenges in recruiting people from ethnic

minority communities that we have discussed. I am not saying that there always has to be a match of ethnicity between someone who needs support and someone who is offering it but, given the stress involved, that can make it easier for the victim, just as it might be better for a male adviser to help a male victim or a female adviser to help a female victim.

Ms White: The example that you gave involving your ferry journey to Arran indicates that there was a lack of support from the police, who just assumed that the Commission for Racial Equality would take on the responsibility.

Gypsy Travellers have said that they feel as though they do not get feedback when they report crimes. Do you agree that minority ethnic communities mistrust the police more than other communities and that the lack of interpreters contributes to any lack of trust in the police that might exist?

Ali Jarvis: The Gypsy Traveller focus group that we worked with felt that they were overpoliced, in the sense that there were assumptions that, if there was a crime, they were probably connected with it—for example, they would be asked to show receipts for the goods that they had. That experience was patchy, in that the approach differed between police forces. Gypsy Travellers are a mobile group and can see quite quickly that they receive a different sort of treatment in one part of Scotland than they might in another.

The focus group highlighted some good practice in certain areas of Scotland and mentioned circumstances in which the police had helped and supported Gypsy Travellers. The picture is not all bad, but the difficulties that were described serve to create a feeling of mistrust in the police and concerns about going to the police, particularly with complaints of harassment. That was one of the things that we wanted to overlay in the report. Although much good work is being done by the police, it takes only one incident, which will be shared among populations that might have very different communication structures, to reinforce a long-held myth or preconception and put race relations back considerably. I agree that Gypsy Travellers, in particular, have experienced such situations.

In relation to interpreting services, again, the picture is patchy. There are parts of Scotland where the service is brilliant and where the police have good links with interpreting services and can quickly provide that support, but there are other parts of the country where the service is not so good.

One of the challenges that we have to overcome with that section of the population—particularly among new migrant communities, asylum seekers

and refugees—is that many people's perceptions of the police are based on experiences in their home countries, where the police service is less a support and more an instrument of oppression. The communication needs to be twofold. It must raise people's expectations about what a good police service can deliver—and, in general, the Scottish police service is a good police service—and it must give people the confidence to approach police officers without fear of further oppression.

11:15

Elaine Smith: You have talked about what a good police service can deliver. Is there any family liaison involvement to support people? Is that a matter for the police alone or could there be civilian input?

Police numbers have increased, but a lot of specialist units have been set up. Your report states that

“if public confidence in the police is to be improved it is necessary for forces to have good contact with communities”.

Does that mean more police?

Ali Jarvis: That is an operational question and I am sure that it is outwith my remit to answer it. Family liaison is part of what the report identifies as good community policing. The easy box to tick is the one for relating to and making contact with community leaders, and I say that advisedly. Many self-styled community leaders do not have connections to the communities that they purport to represent. One of the recommendations is that the police must find more ways of getting closer to actual communities, not just community leaders. If the Surjit Singh Chhokar case taught us anything about family liaison, it taught us about the importance of recognising different generational needs, different expectations and different understandings, and about the need to recognise additional sensitivities that might occur in race-related crimes.

John Swinburne: The report mentions that a strong view was expressed at every level in every force that the culture was changing. It also points out that some difficulties were encountered with some forces in identifying volunteers and maintaining confidentiality. How confident are you that the strong view expressed was a true reflection of views and of the reality across Scottish forces?

Ali Jarvis: I think that the strong view that the culture is changing is an accurate and genuinely felt one, but the climate is also changing, and sometimes it is the pace of the change that is important, not the fact that things are changing.

In relation to research among serving officers and staff, we were interested to see that, even though the review group said quite expressly that it wanted volunteers for that research, it was still quite common for people to be volunteered or included because they were working on race equality, not because they were ordinary members of the staff team. We found it difficult to attract ethnic minority volunteers, and some of the off-the-record comments showed that people feared that if they said something there might be a backlash. The fact that those fears still exist, whether or not they are founded, limits and shapes people's behaviour. That is what leads me to think that, although there is a belief—and this is the reality—that the culture is changing, it is perhaps not changing fast enough, and there are still too many incidents that reaffirm the old culture and prevent the arrival of the new.

John Swinburne: Do you agree that police forces have a unique opportunity in this respect, given that 50 per cent of police officers will retire over the next 10 years? Are you satisfied that police forces are implementing training structures and so on to ensure that such problems are totally eliminated slowly in the next 10 years, if that is possible?

Ali Jarvis: To achieve such a level of change takes a long time. We are naive if we hope that that change can occur overnight. I firmly agree that we have a unique opportunity. Five years of research tell us the same thing. We no longer need to question whether the research is accurate; we need to question why we cannot implement its findings. I hope that, in the recruitment opportunity that is imminent, we can achieve a step change forward.

Elaine Smith: The report says that each force has its own approach to implementing the national policy on handling complaints against them from the public and that only one force pays clear attention to the instructions that are given to officers on how to deal sensitively with complaints from members of minority ethnic communities. Does that suggest that the national policy needs amending or that forces have too much discretion in how they implement the national policy?

Ali Jarvis: I tend to feel that the latter is probably the case. The national policy is robust, but is implemented inconsistently.

Elaine Smith: How do you suggest tackling that?

Ali Jarvis: My first suggestion is similar to many recommendations in the report. It is that the police should be quicker to identify good practice and transfer it between forces. They should have an overarching system for monitoring that, which should—ideally—be within the police service

initially. Much monitoring could be self-monitoring and self-evaluation. A consistent strategic overview of all the forces is needed, instead of leaving it to external bodies such as HMIC or ourselves to consider race equality. The tendency is to operate force by force, because the legal accountability lies with forces, rather than to compare forces, which would concern the whole Scottish police service.

Elaine Smith: I will take that a bit further and relate it to training, which I am about to explore with you. Could handling complaints from members of ethnic minority communities be included in the equality and diversity training that all officers receive?

Ali Jarvis: That is important, but I would prefer a different approach. Complaints from all sections of the community could probably be handled better.

Elaine Smith: Yes.

Ali Jarvis: Ethnic minority communities might feel that more than some, because they encounter additional barriers, but the robustness of the whole complaints system is the concern. I am wary about pushing too many of those issues into the equality and diversity agenda rather than getting them right in the main stream.

We can consider the matter the other way round. If we were assured that the Scottish police service could give ethnic minority communities an excellent complaints service, the reality would be that its service to the whole population would improve. If anything, the situation is more difficult when issues such as cultural sensitivity, lack of confidence in the police and linguistic matters arise. If the service is right for ethnic minorities, that means that it is excellent. That would improve it for everybody. Mainstreaming is an issue.

Elaine Smith: What you say is right and brings to mind something that arose at a public meeting that I attended recently. Someone had phoned to complain about antisocial behaviour and then had phoned again to say that that had turned into racial abuse of her neighbour. She complained that the police did not respond to the first or second call. Hours later, someone turned up when those involved had dispersed. That highlights how right you are.

Ali Jarvis: Some staff members and serving police officers—I stress that they were in the minority—gave feedback that they felt that ethnic minorities would somehow receive better or special treatment. That goes back to the old reverse discrimination argument. I stress that the review is not about that. The aim is to ensure that all members of society receive an excellent service. People can look at the service the other way and think about the fact that if they do it right

for some of the more difficult sections of society, they will get the system right for everybody. It was a concern that people—albeit a minority group—still felt that ethnic minority people would have a better service than others in Scotland.

Elaine Smith: I turn to what the report says about training. At the bottom of page 42, it states:

“The products which emerged emphasised that the focus and title should be on diversity awareness”.

Although it identifies different areas, such as lesbian, gay, bisexual and transgender issues, disability awareness and

“dealing with racist incidents and race relations legislation”,

it does not mention gender. I wonder why that is.

Ali Jarvis: Given that the national equal opportunities training strategy covers gender, I am not sure why it is not mentioned in the report. I have trained on the NEOTS, so I know that gender is dealt with.

Elaine Smith: I found that omission slightly worrying. I wondered whether an assumption was made that gender issues had been sorted out. We might need to look into that further.

Ali Jarvis: That might be a job for the EOC.

Elaine Smith: The report mentions that a review of the police's NEOTS is under way. Is there a timeframe for the completion of that review? Can you give us more details on how it is being carried out?

Ali Jarvis: Yes. In many forces, the level 1 training has now been completed; indeed, in many forces, all three levels of training have been provided. I suppose that we are most concerned about the cases in which the training has not been provided and what pressure the forces concerned are under to complete that work.

However, we are not talking about a sheep-dip—it is not simply a case of plunking people in the bath of equality training only once. Awareness of equal opportunities has to be inculcated in the way in which people work. We are keen for the principles of the NEOTS training to be embedded in performance review processes and in the considerations of promotional boards, so that equality competences are measured on an on-going basis. Equality training is not something that people do only once, without having the opportunity to test it in practice or to operationalise it.

Elaine Smith: Is the review simply an internal process?

Ali Jarvis: The review of NEOTS?

Elaine Smith: Yes.

Ali Jarvis: Yes, that is an internal process.

Elaine Smith: Do you think that that should be the case or that it would be healthier to have members of other equality strands, such as ethnic minority communities, involved in the review?

Ali Jarvis: I had not really thought about that. In general, the more widely informed a review is and the wider the range of stakeholders who are involved in it, the more effective it is likely to be.

Elaine Smith: The report raised a significant number of issues to do with training. Given what you have just said, might there be merit in having a dedicated team to provide the same training for all police forces? That would ensure consistency and might avoid a situation in which a trainer had to deal with high-ranking officers in their own force, which could be quite an intimidating scenario. Would that suggestion have merit?

Ali Jarvis: You are right—a number of issues were raised on training. At the outset, I should say that the national equal opportunities training strategy is good. It provides a robust and intensive piece of training, for which the Scottish police service should be applauded. The questions that have arisen have been to do with consistency and the difference between delivery of the training in two or three days and its delivery in a shorter timeframe, when there is a tendency for it to become didactic—chalk and talk—rather than more experiential.

The reality is that there are certain facts that people can know—for example, they can find out when Eid is or what the implications of certain cultures are—but they need to know how to use those facts, to interpret them and to operationalise them. That is often what proves to be the challenge. The training has to be as much about attitudes as it is about knowledge. We have found that that is where some of the challenges lie, especially when issues of rank and hierarchy are involved. In a training session, a trainer might find it extremely difficult to challenge someone who is of a higher rank and it is clear that that could set the tone for the whole session. That is partly why delivery of the training has been inconsistent and people have had varying levels of confidence in the material.

Elaine Smith: Is that an argument for getting an outside organisation to deliver the training, as that would ensure consistency throughout Scotland?

Ali Jarvis: The fact that the training of trainers at the Scottish Police College at Tulliallan was delivered by an external agency was certainly greatly appreciated because there were no personal conflicts and people did not feel vulnerable as a result of having to challenge views that had been expressed by someone of a more senior status. That was widely appreciated by trainees and their organisations alike.

Operationally, there are cost implications for doing that throughout the Scottish police service. Doing the training internally had the benefit of building trainees' skills and making them sustainable in the service.

Whether it is better to do training internally or externally is not a black-and-white issue, although doing training internally could be enhanced by more support. One of the recommendations that could be taken on in future is, for example, to get staff to train people in forces other than their home force. That might address issues of personal risk.

11:30

Elaine Smith: Would that also help with sharing good practice across forces?

Ali Jarvis: Exactly. It would give people a chance to share what is happening and not simply to go with the norm of their own force.

Ms White: We have touched on some of the matters—good practice, communities and community leaders—that I wanted to ask you about. The report highlights the difficulties in getting ethnic minority groups to come to lay advisory group meetings or to keep attending them once they have come along. Why is that? What can we do to improve the attendance of members of ethnic minority groups at such meetings?

Ali Jarvis: The research highlighted some practical reasons: people cannot attend meetings held during the day if they work full time. It would have to be acknowledged that they would have to take a half day or lose earnings by closing their business.

However, another cause of low attendance was a sense of consultation fatigue that goes beyond consultation about the police. People felt that even though they participated, they never got any feedback. It is almost a one-way street: people put stuff in but do not get it back.

There were also suggestions that tokenism could be playing a part; that people were asked to attend meetings because their face fits. There is a danger that the relationship could be a little too cosy. The lay advisory group should sometimes be very challenging; it should have the confidence and capacity to feel not just that it is there to rubber-stamp predetermined decisions. We felt, looking at the research, that that would also help ethnic minority recruitment.

A longer-term investment in relationships at strategic levels and in operational community policing would make people in ethnic minority groups more inclined to think of the police as a viable long-term career choice.

Ms White: You said that the head of a community might not necessarily represent the whole community. You also said that work and business were some of the reasons for people from ethnic minority groups not attending advisory group meetings. Do more men than women attend the meetings of the lay advisory group? I find that interesting.

Ali Jarvis: That is the case. The police are aware of that, and there have been instances of good practice in trying to strike a different gender balance in some communities. A different gender balance can lead to different styles of working, solving problems and exploring issues. That is not to say that one is better or worse than another; it is just that greater diversity makes finding a solution more likely.

Ms White: It also improves equal opportunities for everyone in the community.

Ali Jarvis: Exactly.

Ms White: How do you deal with gender imbalance at meetings? What strategies would make contact with women in those hard-to-reach groups? Would strategies at a national or at a local level help?

Ali Jarvis: We have not formed a settled view on that. I do not believe that there are such things as "hard-to-reach" groups—there are organisations that do not have the capacity to reach them. We must invest in developing such capacity.

The balance between national strategic work and local work is very important. People at a local level often feel that they can do more in their street or neighbourhood, so they feel more inclined to engage. However, sometimes it can feel very isolating; people can feel that things are happening in a vacuum. The two should happen side by side. The most effective model appears to be national forums that enable people to feel that there is a voice and a structure into which local work can fit.

Ms White: Yes. It is important for people to get feedback.

Ali Jarvis: We should also recognise that it takes time to build relationships. Members of ethnic minority communities in Scotland are like anyone else. They have lives to lead, jobs to do and kids to bring up. They have the house to clean or whatever it might be. We have to stop expecting that those people will want to give up a Wednesday night to go to a meeting about their community any more than we would expect that from a majority community. Rates of volunteering and participation are down throughout the Scottish population, so we have to find creative ways to engage with people and we have to invest in that

in the long term. Relationships build up only if there is consistent contact. We can't just say, "We did it for two months and no one came so we stopped."

The Convener: Do the police have a role in working with other agencies that are already working locally? I agree that there are no hard-to-reach people, but it is a question of how people approach their work and good community development. That could include the police working with other organisations at various levels. Should that be encouraged?

Ali Jarvis: It should. There are many recommendations in the report, but they are not all targeted at the police. Many other organisations also have to respond to the recommendations. We would be quick to say that, on many issues, the police are a lot further ahead than other parts of the public sector. The more people work in partnership, the more effective the work is. We have seen some good work, particularly in Dumfries and Galloway and Lothian and Borders, in which agencies work together so that they do not say to the same people, "We want to see you on Tuesday night and they will see you on the Thursday." That is simply unsustainable.

Also, many of the issues cross over, such as housing and antisocial behaviour. We can tie many things together. People do not live in silos, so the more creative public agencies are in working with the police, the better the results will be. There are opportunities for people to share lay advisory boards. I am not sure why we get caught up in worries about who is responsible for them and who pays them. The work should be managed according to the need and the person rather than according to the organisational structure.

Ms White: In response to Elaine Smith's question about good practice you said that police forces should share good practice. Also, in response to Cathy Peattie's questions you mentioned examples of good practice in various communities—not necessarily just ethnic minority communities.

One example of good practice that springs to mind is the work of the police in Sighthill in Glasgow, who have interpreters available 24 hours a day. The police went around with an interpreter and mixed with the local community. How can we encourage such practice throughout Scotland? Should the police go to train other police forces, as you suggested to Elaine Smith? How can examples of good practice in the police be passed on so that they are introduced throughout Scotland?

Ali Jarvis: The practical steps are obvious. They include the creation of more opportunities for forums, workshops and information sharing. That

can be done thematically—for example, by holding a half-day seminar on community engagement and encouraging the police forces to attend. A sense of competitiveness between police forces in Scotland appears to inhibit that. In doing the research, we made it clear that it was not a force-by-force analysis but an analysis of the Scottish police service. However, there was an element of people saying, "What have they done? How have we done? Can we compare ourselves against them?" Sometimes competition can be healthy, but sometimes it is isolating. That is one of the challenges.

Again, I give credit to Paddy Tomkins because a lot of the work that he has done through the diversity standing committee has addressed those concerns and tried to bring people together by pointing out that we are all interested in good diversity practice. More support can be given for those leadership stances, and police boards and HMIC can encourage forces to regard the sharing of good practice as an additional competence, rather than looking behind them to see whether anyone else is catching up.

Ms White: Do you agree that equal opportunities training at the Scottish Police College at Tulliallan is an ideal opportunity for the police to pass on examples of good practice?

Ali Jarvis: Yes, and again, not just when they are at the college for equal opportunities training. Sometimes we target that training too narrowly; the opportunity exists to offer it in the context of operational policing training. Good community relations are not just about equal opportunities. That said, equal opportunities should be at the core of police training and not just a side issue.

Ms White: Thank you.

Frances Curran (West of Scotland) (SSP): You spoke earlier about issues that affect other agencies. Concerns are expressed in the report about the lack of action in schools on racist name calling. Funnily enough, I was at a school in Clydebank last week for a priority question session with MSPs. One of the pupils made the point that a lot of money and resources have been put into addressing bullying in schools, but not into addressing racism. We were asked what we, as MSPs, would do about that. The issue appears not just in your report; young people are also raising it.

Have you approached the local education authorities or the Scottish Executive on the subject? Have you asked them whether any action can be taken or policy pursued?

Ali Jarvis: Yes, we have. Given the importance of education in young people's lives, racism in schools is of significant concern to us. Education can shape someone's performance, self-esteem and attainment throughout their adult years.

Clearly, if we are to address racism—and racist bullying, in particular—schools need critically to address the issues.

The police share some of the frustration that incidents, which should have been dealt with as part of a school's policy and operational practice, escalate to the stage that they become criminal incidents and have to be dealt with through the criminal justice system. If the incidents had been addressed at an earlier stage, they could have been resolved more quickly.

Obviously, the education system at local authority and Scottish Executive level needs to take a clearer stance on the issue. The Executive is convening a leadership group on racism in education. Again, let us ensure that some of that discussion gets converted quickly into practice. There is a lot of research in the area and we do not need to do a lot more to find out what the problem is. We need to find concrete ways in which to address the issue.

Frances Curran: My other question is about the media. You spoke earlier about the perception of racism—whether it is accurate or based on an old premise—and about the fact that the perception in the minority ethnic communities is on the whole negative. The issue is first about communities' engagement with the police and, secondly, the way in which police recruitment is affected by that perception. How should the police approach the issue in order to change it—sorry, how should the media approach it?

Ali Jarvis: Again, the question is one for Paddy Tomkins when you speak to him, convener.

We have seen things that work well, some of which stem from a recognition that the desire of the national papers to do a big story can override much of the good, but not newsworthy, work that is happening locally. We learned some interesting things when we launched the report. Working closely with the ACPOS press team, we set up a regional story for either the evening paper or local paper in every region of Scotland. The idea was to put the human face on the story. We set up stories about the experience of the police and people in local communities. It took a long time to set up and prepare those stories, but we wanted to make things easy for the journalists.

The reaction to those stories was positive, especially in the communities where people read their local paper—*The Barrhead News* or whatever—but might not read *The Herald* or *The Scotsman* or even *The Daily Record*. A lot can be done by working with the local media to reach local communities. Again, although it is a challenge, the issue is about trying to interest the media in stories that are not sensationalist but about on-going good practice.

Frances Curran: What you said shows that the situation is changing, but where on the scale is that change at? I know that we are talking anecdotally

Ali Jarvis: I have much sympathy for the police service in this regard. The position seems to be that they are crucified whichever way they do things. For example, if the race-hate figures are rising, they will get high news coverage, but it is difficult to get news coverage on the fact that community relations are improving. The issue is not ethnic communities' perception of the police, but their impression of race crime. The police are responsible for solving and policing race crime, but not for causing it; the cause of race crime is the people who commit it. The challenge will be how to change the perception of the police in the media. The perceptions that the media promotes will not be changed through the media, but by sound operational and community policing and by people having the opportunity to say of what they hear in the media, "That is not my experience; that is not what I felt."

I return to my earlier point that it takes only one incident for people to say quickly, "The police reconfirmed everything we believe."

11:45

John Swinburne: The Minister for Justice welcomed the report when it was published. Are you aware of any concrete action taken by the Executive in response to the report's findings?

Ali Jarvis: The Executive's equality unit is represented in the group that was appointed to follow up the review. The group validates the reports from the police about where improvements are being made and prioritises the actions and recommendations. There are many recommendations, some of which are almost tangible, such as, "All people should use this monitoring system". Others are more generic, such as, "Better community relations should be sought". We can all agree with that, but what we do about it and how we drill down into specific instances is more challenging. The Executive is involved in that.

I have spoken previously to the committee about the need for the Executive to join up its many initiatives to enhance race equality and bring them together into a coherent strategy—an overarching framework, if you like—rather than a series of localised initiatives. I have been amazed by how much of the police report touches on virtually every other policy area with which we are engaged. We are glad that the Minister for Justice welcomes the report, but it is not just about work being done in education, justice or housing; it is about bringing the work together and making it a

Cabinet-collective responsibility as well as giving it a Cabinet profile.

John Swinburne: What is your impression of the police service's response to the report?

Ali Jarvis: It has been positive. It is hard for the police because they often feel under attack. Every time they try to improve they get slated for not doing something else.

As we approached the launch of the report, we had robust discussions about matters in the report on which areas of the police service disagreed. However, as we pointed out, the report was independent research and we did not necessarily agree with all of it. The fact that we then had robust discussions was healthy because that enabled people to put over different perspectives that they felt were not picked up through the research and to challenge aspects of the report.

Our work with ACPOS leadership has been highly positive in the development of the review. I am well aware that working with ACPOS is not the same as working with the individual forces and we want the consistent, strong leadership that we have seen from ACPOS to be translated into strong leadership at local force level.

Mr McGrigor: The report notes that many contributors to the work of the review requested that a process to provide feedback be put in place. Has that been done and, if so, what is the process?

Ali Jarvis: We took that firmly on board because we are aware of people's frustration about contributing and then hearing nothing back. People contributed anonymously to the research and only the research group that conducted the work knew who they were. We used Law at Work's mechanisms to ensure that all contributors and organisations received the report and a letter from us highlighting the next steps. People know what has happened up to this stage.

The implementation steering group that is now meeting is due to make its first report in the spring and that will be the next point at which we will make a progress report. There is not much that we can tell people at the moment apart from the process, which we have already explained.

Mr McGrigor: Thank you. Was the review intended as a one-off investigation or would it be beneficial to have a review at regular intervals?

Ali Jarvis: There are regular reviews through HMIC's continuing inspections, but to have a review on such a large scale, looking at the situation across the piece, is a useful exercise. I would be wary, however, if, like many of the reports cited in the review, it was just considered to be something that has happened. People might note that it had taken place and they might find it

interesting, but nothing might necessarily happen as a result.

Such a review could usefully be repeated at three-year or five-year intervals, which would allow a significant length of time to track the progress that had been made, although it is not clear whether or not the CRE could afford to do that. In fairness, the Executive was a sponsor of the review and provided part of its funding. The practicalities of delivering such a review also have to be considered. It would be useful if, in the interim, the HMIC inspections continued to keep race high on their agenda, so that inspecting forces are regularly looking at race equality and broader diversity issues.

Mr McGrigor: There is an issue here about tracking progress. What do you plan to do to ensure that work progresses in the areas that were identified by the review, such as basic targeting, monitoring and the placing of responsibility with named personnel?

Ali Jarvis: The first output of the implementation steering group following the review's publication will be in the new year. Each of the recommendations will be broken down. There will be an update on where the police and other agencies feel they are. There are specific things that still need to happen. There will be a detailed description of what success criteria will look like, and there will be a named allocation within each agency based on who is to deliver. That covers our first six months of work. Our aim is both to validate progress and to clarify the gaps between the recommendation and our current position. That all relates to the outcomes of the first six-monthly review.

The Convener: We will write to Paddy Tomkins and ask for his written input. We will then consider what the committee would like to do next to progress this work. We will be interested to hear about any other work that you are involved in and about your reviewing the report. We are keen to see some work taking place as the result of the report. Thank you for your evidence this morning, Ali.

Petition

Members *indicated agreement.*

Meeting closed at 11:53.

Gypsy Traveller Sites (PE760)

11:52

The Convener: Agenda item 3 is a petition that the committee has previously considered. In light of the actions that have already been taken, as outlined in the paper before us, do members agree that the committee will take no further action in respect of the petition?

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