



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 3 September 2020

Session 5



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EQUALITIES AND HUMAN RIGHTS COMMITTEE

15th Meeting 2020, Session 5

CONVENER

*Ruth Maguire (Cunninghame South) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Angela Constance (Almond Valley) (SNP)

*Mary Fee (West Scotland) (Lab)

*Alison Harris (Central Scotland) (Con)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Gillian Martin (Aberdeenshire East) (SNP)

*Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Dave Black (Grampian Regional Equality Council)

Ruth Boyle (Close the Gap)

Silence Chihuri (Fair Justice System for Scotland Group)

Lori Hughes (Perth and Kinross Association of Voluntary Service)

Thom Hughes (Glasgow City Council)

Kath McCormack (East Renfrewshire Council)

Stuart Oliver (Stirling Council)

Dilraj Sokhi-Watson (Amina Muslim Women's Resource Centre)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

Virtual Meeting

Scottish Parliament
Equalities and Human Rights
Committee

Thursday 3 September 2020

[The Convener opened the meeting at 09:00]

Interests

The Convener (Ruth Maguire): Good morning, and welcome to the 15th meeting in 2020 of the Equalities and Human Rights Committee. We have received apologies from Alison Harris. I welcome our new member, Gillian Martin, to the committee and thank Angela Constance for her work. I invite Gillian to declare any relevant interests.

Gillian Martin (Aberdeenshire East) (SNP): I have no relevant interests to declare.

Decision on Taking Business in
Private

09:00

The Convener: Item 2 is a decision on taking business in private. The committee is asked to agree that item 5 be taken in private. I do not see any member disagreeing, so we agree to take item 5 in private.

Race Equality, Employment and Skills Inquiry

09:01

The Convener: The next item of business is our first evidence session for our race equality, employment and skills inquiry. We have two panels of witnesses. We are very grateful to all the witnesses for their attendance today.

I welcome the witnesses on our first panel. Dave Black is the general manager of Grampian Regional Equality Council; Ruth Boyle, policy and parliamentary officer at Close the Gap; Silence Chihuri, chief executive officer of Fair Justice System for Scotland Group; Mrs Lori Hughes, partnership and communities manager at Perth and Kinross Association of Voluntary Service minority communities hub; and Dilraj Sokhi Watson, acting co-chief executive of Amina Muslim Women's Resource Centre. Thank you all for being here.

I remind members that if their question is addressed to a specific witness they should please identify them by name. That aside, we will work to the order in which witnesses appear on the agenda. If the witnesses have nothing to add in response to a question, they should not feel the need to respond—they can simply state that that is the case. I ask everyone to allow broadcasting staff a few seconds to operate their microphone before beginning to ask a question or provide an answer.

We will now move to questions. Race inequality has been brought back to the fore of people's minds with the Black Lives Matter movement on the back of police violence in the United States and the evidence that Covid-19 has a disproportionate impact on black and minority ethnic communities here. What do we need to do in relation to employment in the short term, and how do we plan for the medium and longer term?

Dave Black (Grampian Regional Equality Council): A couple of things come to mind. One is about data and having a clear picture of what the disparities and inequalities are, because looking at ethnic minorities as a whole sometimes does not give a clear picture. An example comes from employment rates in the north of Scotland. African communities face unemployment rates that are around 10 per cent higher than the rate in the rest of the population, whereas ethnic minorities as a whole face similar unemployment rates to the rest of the population. I am suggesting not that we need a big audit process but that we should use the data that we already have to make some targeted interventions, rather than broad, sweeping ones.

The point about the focus on this area at the moment is a good one. We should make the most of that before the broader societal focus dissipates.

The Convener: It feels like—[*Inaudible*—]There have been requests for better data collection and more targeted responses for a number of years. Why has it not been got right yet?

Dave Black: That is a good question. There is a problem around the different terminology used in different data collection processes. For example, some organisations and institutions will use broad-brush categories such as "black", "white", "Asian" and so on, but others will collect more disaggregated data, which on the whole is much more useful. However, until we have a streamlined approach to that data, that will always be a problem.

In the north-east, and in our organisation, we put a lot of emphasis on trying to collect as much big quantitative data as we can at the regional and local level, bringing that together with the local research that we and other organisations such as universities have been doing in order to identify priorities. That is an effective tool in getting organisations and bigger institutions round the table and taking the matter seriously. I suggest that that might be a way forward at the regional and local levels, but my caveat is that it has not been easy to get the data that we need to make that an effective model.

Silence Chihuri (Fair Justice System for Scotland Group): I echo some of the sentiments that Dave Black highlighted. However, I point out that there is now a perception that is widely shared—and rightly so—that people are inquiry fatigued and evidence-collection weary. To be honest, the evidence is there and the inquiries have been done over the past 30 years or so. All you need to do is walk into the Scottish Parliament's debating chamber one afternoon to see how, disturbingly, the symbol of Scottish democracy lacks diversity and equality. You need to know only that the capital seat of Scotland—Edinburgh—has yet to register a single BME councillor among its ranks. The evidence, whether basic, specific or general, is abundant.

When we have processes such as the process that we are engaged in today, we need to ensure that they are followed up with practical, realistic and encouraging measures that can instil confidence in communities. Some processes are becoming almost cover-ups for institutions to be seen to be doing something about a historical problem that urgently requires to be addressed.

In your opening remarks, convener, you touched on George Floyd and the Black Lives Matter protests. From my perspective and that of our

organisations, those protests were simply violent manifestations of the systemic, inherently deep-seated inequality that we have seen across the world. Here in Scotland, we are lucky that we have not got to the levels that we are seeing in America and other places in terms of the protest movement being as widely established and viciously manifested. I think that Scotland can stay ahead of that by setting the pace in setting out a clear, practically implemented and visibly achieved agenda on addressing inequality.

To come back to your question, as an organisation, we have seen that some processes were set in place maybe 30 years ago. There may be a need to revisit recruitment criteria, for example, so that we can measure in a practical way the achievement of diversity and equality.

Across the board, the apprenticeship system in Scotland is focused on young black and minority ethnic people, but what about adult BME people? Scotland has a very significant adult BME population, which is still largely marginalised. Those people are still employable—they can still actively contribute to the economy and to the development of society—but there is no emphasis at all on addressing the inequality that they still face.

The final aspect relates to the emphasis on supporting those who are in employment. We know that numbers of in-work BME people are not that significant. How can we focus on supporting people who are just not there? We need to focus on getting them into employment, and then on making sure that they stay there. There is a trend whereby, once they start going up the steps, people just fall out; they leave the professions or they come out of work. Why are they not staying up there once they have started going up?

Those are some of the issues that could be addressed.

The Convener: Thank you. Your point about consultation fatigue is very well made; the committee absolutely acknowledges that, and we are keen, in our inquiry, to hold authorities to account. This is not about the communities not doing enough; it is about the structures in Scotland doing more. I know that colleagues will want to delve a bit deeper into some of the remarks that you made.

I ask Dilraj Sokhi-Watson to address my initial question on what we need to do, in general, in the short, medium and long term.

Dilraj Sokhi-Watson (Amina Muslim Women's Resource Centre): I come at the issue from a gendered perspective, because we work primarily with BME Muslim women.

In the short term, we would want to look at how Covid has impacted on employability prospects among minorities. The evidence on the ground is that women are normally in part-time roles and are more vulnerable with regards to the duration of their tenure and the terms of their contracts. Covid has wreaked havoc on their financial stability. Some are mums or have caring roles, and they have had to step away from their paid roles in order to take on roles at home.

In the short term, we should certainly look at how Covid has changed the landscape on employability and how it has affected women, in particular. Evidence is emerging that women are being disproportionately affected. I would like some work to be done on that.

I think that I raised this point in our written submission. As a community organisation, we do not primarily engage with public sector organisations when it comes to employment and employability, because that is not part of our landscape. In the medium term, a solution for us would be to have active engagement with community organisations that are working on employability measures or programmes, and to interact in terms of outcome-based work as opposed to output-based work. It is not just about delivering training, but about seeing how that training can create progression opportunities for women, whether that is in the form of placements or internships.

I echo what Dave Black and Silence Chihuri said about the lack of disaggregated data on ethnicity and on gender—on how women are being affected in the short and long term. In our experience of working with women through our employability programmes, we have noticed that they have enough training and capacity building, but there seems to be some sort of bottleneck at the point at which they need to be recruited.

We need a bit more clarity from public sector organisations on how many people are actually applying for jobs. It is not so much about encouraging the young or older BME folk to apply for those jobs as it is about actually seeing how many are applying and asking why those who do not apply are not making it through that first stage of the recruitment process. We need to shine more light on that element instead of simply saying, "Let's train people so they can apply for those jobs."

09:15

I have quite a few views on what we can do over the long term. For example, we can look at taking an outcome-based approach. In Scotland, we talk about the ACE—adverse childhood experiences—approach to training. Scotland is one of the first

countries in the world to use that methodology. It involves looking at a lot of the historical baggage, for want of a better word, which impacts on people's ability to progress in life. When we start to unpack the impacts of gender and race on young women and girls, we see the inherent disadvantages that they have experienced and how those prevent young people and older women from progressing.

We need to look at training packages in the long term, not just by taking a demand-focused approach, but by looking at people and where they sit in that space, and asking what we can do to pull out their strengths.

I mentioned care. During the Covid crisis, we have seen a significant rise in the number of women who have had to take on caring roles. What is coming through is that, given the way that minority ethnic spaces work with regard to family routines and how women take on unpaid caring roles, a number of women feel that, having done those roles for so long, they have nothing to go on when they want to get into employment. All the work that they have put into their households does not count as experience. We need to think about how life experience and life skills can be applied in job spaces. Those are my insights.

Lori Hughes (Perth and Kinross Association of Voluntary Service): I echo much of what has already been said on disaggregated data, consultation fatigue and people wanting to move to a more outcome-focused approach.

The ethnic minority demographic in Perth and Kinross is largely eastern European, and one of our concerns is that non-visible minorities are perhaps not taken into consideration enough.

The convener mentioned structures and institutions. The Covid response in Coupar Angus has demonstrated to us, as a hub, that all our solutions are focused on geography and locality, whereas the communities that we work with are connected to communities of interest. If a response is based solely on a geographic approach, people and who they connect with are defined by those boundaries—for example, their community is seen as being their neighbours in Blairgowrie.

What we have learned during Covid, which we knew to a certain extent beforehand, is that those communities may identify as a community in other ways. For example, a Romanian woman who lives in Carnoustie, where I am, may feel more of an affiliation and a closer connection with a Romanian woman living in Coupar Angus, and they may identify that connection as their community and source of support. If everything is based on a region or geography, those two structures will not align.

We need to take that into consideration when we create strategies and plans. Obviously we want those plans to be co-produced as much as possible but, in order to embed our commitment to fairness and dignity, we need to reflect the structures and relationships that already exist in communities rather than expect people to define and live according to the geographic communities that we impose on them.

The Convener: That is helpful.

Ruth Boyle (Close the Gap): Thank you for the opportunity to come along and give evidence today.

As has been said, Covid-19 has highlighted the pre-existing inequalities in the Scottish labour market. Close the Gap published some research in a briefing called "Disproportionate Disruption: The impact of COVID-19 on women's labour market equality", which concluded that women's employment would be "disproportionately impacted" by Covid-19 job disruption.

That research also had some specific findings around BME women. We know that they are more likely to work in sectors that have been shut down during the crisis; that they are more likely to be in insecure work, which puts them at greater risk of loss of hours and earnings; and that they are concentrated in low-paid service sectors that are more susceptible to redundancies during the crisis. Those service sectors, such as the retail and hospitality sectors, are also less likely to bounce back at the end of the crisis because of changing consumer preferences and lower consumer spending power. That means that the impact on BME women's employment in those sectors is unlikely to be fleeting.

Because of BME women's concentration in low-paid work, the fact that people have received only 80 per cent of their wages through the job retention scheme also has the potential to push more BME women into poverty, and they were already at disproportionate risk of experiencing poverty, including in-work poverty.

That is the evidence that we have on the impacts for black and minority ethnic women. On what can be done about that, the most important point is that there must be no deprioritisation of equalities work by the Scottish Government. Indeed, the committee's inquiry is even more important now than it was when it was announced, because of those impacts.

What action can the Scottish Government take? As a starting point, it is about integrating gender-sensitive data analysis, including intersectional gender data, into economic recovery responses and labour market policy making. We would like there to be gender mainstreaming and race

mainstreaming in all labour market policy making as standard.

As other panellists have highlighted, there is a need for interventions that are designed to tackle women's rising unemployment, and BME women's rising unemployment, with targeted interventions to tackle BME people's inequalities specifically.

There is also a need to think within the response about how we can have better accountability mechanisms and implementation of the frameworks that already exist. Some evidence has already highlighted the lack of accountability mechanisms integrated into the race equality action plan and the race equality framework. It is really about making sure that the actions in those things are being implemented and pushing forward on that existing framework. The same applies to the public sector equality duty, which we know has not resulted in the transformational change that was intended.

It is definitely about looking at how those existing interventions can be improved. I know that the Scottish Government has plans for a review and, potentially, reform of the Scotland-specific duties under the PSED.

I echo the point about data, which cannot be made often enough. We have a lack of data, particularly on intersectional issues. As Dilraj Sokhi-Watson has said, we do not have a lot of data on BME women's experience in the labour market.

Employers should be taking action to improve their employment practices. As has been said, the emphasis really needs to be on demand-side interventions. That will involve looking at what employers can do to improve their employment practices across recruitment, training and development, and their general workplace culture.

I will end on a more positive note. In June, we held an engagement event with BME women, which Dilraj Sokhi-Watson attended. Its aim was to look at recommendations to respond to the problems that arose from Close the Gap's "Still Not Visible" research. At that event, participants expressed a lot of frustration that the agenda had not been furthered, that there had not been enough action, and that we did not have the required accountability mechanisms. However, there was also a bit of optimism that the current context provides an opportunity to push for substantive action.

Covid-19 gives us an opportunity to do things differently, and the emphasis on the Black Lives Matter movement, which the convener mentioned, is maybe starting to make employers think that they have a role in furthering equality for BME groups in Scotland.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning, panel. The topic of institutional racism has been touched on by earlier speakers, including Ruth Boyle. I would like to ask the panel more about it.

Given all the actions that are contained in the race equality framework to increase the number of minority ethnic people in employment, what role does institutional racism play in employment? How can we begin to address that? Do you agree with the evidence of the Coalition For Racial Equality and Rights, which told the committee that, in many ways, we are coming at the subject differently by trying to understand the deficiency as being within minority communities rather than by naming it as an issue in employment organisations?

Dave Black: That is an interesting question. As you have said, the role of institutional racism has been in focus in the past few months. A lot more discussion is still to be had about what that means for organisations. There is too much focus on looking at the outcomes for people and not enough on what organisations do internally and how their cultures prevent people from entering them in the first place, staying there or rising to the top of them.

There has been a culture of taking it for granted that overt racism is not a problem in a given organisation, and there is laziness about the issue of equality across all sectors. Something more systemic needs to be put in place that would require organisations to be more proactive in challenging themselves to consider how their processes are built into the culture that we live in and which is a product of our history. As we have been discussing over the past few months, that history is complex and often not very pretty. A lot of work needs to be done there.

On the question whether there is too much emphasis on individuals' outcomes, I am not sure whether, without having a broader, systemic approach, putting the emphasis on companies would make a big difference. We might just end up with a few good companies that take a proactive approach but many others that do the bare minimum.

There is also a risk of exploitation at the moment. We are hearing of cases of people returning from furlough and not being paid their full wages because their employer has told them that some of their money has to be paid back to the Government under the furlough scheme. This year, we have also seen cases of employees not being paid the minimum wage. The same basic issues that have been there for many years are still there, and we must be aware that they, as well as the more systemic and structural issues, need to be addressed.

Silence Chihuri: My take on that can be put very briefly. Institutional racism was brought to the fore for the first time through the report of the inquiry into the murder of Stephen Lawrence. That was when it was first highlighted as an existing problem, but it is more than 20 years since then. Over the years, attempts have been made to dilute that finding, to dispel institutional racism as a myth, and to say that it does not exist. We have heard high-profile individuals, whom I will not name here, making comments to the effect that nothing like institutional racism exists or that it is not a problem.

We need to have acknowledgement at the highest possible level—for example, from the Scottish Government, the Scottish Parliament and all our public institutions, such as local authorities—that such racism is a problem, that it does exist and that it is still very much alive. Getting that sort of high-level acknowledgement would be the first point in reviving the perception around the problem. If we do not admit that we have a problem, that is a difficulty: it is very difficult to find solutions for something that does not exist as a problem. That is the starting point.

09:30

We have seen something of a chicken-and-egg situation whereby organisations are taking advantage of their systems, which are not inclusive. They always throw the ball back to the marginalised communities and say, for instance, that they do not get enough applications from BME communities, which is why they do not have many BME people within the ranks of their employees. They might say that the reason why they are not addressing the problem—a problem that is affecting the aspirations and prospects of BME communities—is that they never realised that there was a problem.

We need to ensure that public bodies face the same kind of penalties when they fail their section 146 obligations under the Equality Act 2010. We have seen that in the financial services industry post the 2008 financial crisis. I am thinking about the penalties under the general data protection regulation and the Data Protection Act 2018 and its associated regulations whereby, if companies breach their GDPR obligations, they face penalties in the form of percentages of their annual turnover, and individuals in senior management face possible jail terms. The criminal liability aspect has reformed those other sectors. We need that to be replicated when it comes to section 146 of the 2010 act and the public duty obligations such that, when public officials fail in their public duty to make their organisations inclusive, they must face stiff penalties. Organisations must also face those same stiff penalties when they fail on their public

duty obligations. That is the only way to radically address anything linked to institutional racism.

Dilraj Sokhi-Watson: For us, there are two sides to this. One involves organisations viewing themselves as not having any agency, because they are one organisation within a sector that is inherently and systematically stacked against minority ethnic communities. In our experience, we have come across examples in which organisations have said, “There’s nothing much we can do about inequalities in our practices, because the sector itself is inherently unequal.” For me, that means people not recognising that they are part of that system. The issue is about taking action as individuals rather than putting it back to the system.

The labour market is competitive—there is no doubt about that. When you start to look at recruitment practices and when you consider opening up jobs across the board, you see that it is very difficult for BME folks and BME women, who have inherent disadvantages that have existed over time, to be as competitive as others to be viable candidates for organisations that are recruiting. It is a matter of recognising that the labour market is competitive. It is all very well to train, train and train people but, if the market itself is competitive, people will get left behind.

For example, there is an absence of BME women in senior positions across public sector organisations. If there are no senior role models in place, those practices are not built into and do not permeate those organisations. That is just one example. First, if you do not see somebody who is similar to you within an organisation or at the higher levels of that organisation, you feel that that organisation is not for you. Secondly, the understanding to bring in people from that particular demographic is absent. However sympathetic we are to the idea that we need to be diverse, if we are not experienced or aware, or if we are not in that space, we are not going to recognise that. That is a key issue for us.

Mr MacGregor asked another question, which I wanted to answer. I am sorry, but I have forgotten what it was. Would you repeat it, please, Mr MacGregor?

Fulton MacGregor: Was it about what CRER told the committee? Are we coming at the issue from the wrong way by talking about deficiencies within minority ethnic communities as opposed to those within organisations? Was that the part that you missed?

Dilraj Sokhi-Watson: Yes. Thank you. That is what I was referring to.

I agree with CRER. BME communities and BME women already have the capacity, so it is not about deficiencies in that particular pool; it is about

recognising that organisations are deficient in their recruitment practices and putting the lance inwards. In short, I agree with that.

The Convener: I want to say on behalf of the committee that we are focused on holding employers to account, and we are looking at public sector employers in particular. We are clear that it is not about black and minority ethnic community deficiencies at all; it is about the structures in Scotland that we need to change.

I will bring in Lori Hughes to answer Fulton MacGregor's questions.

Lori Hughes: I agree with CRER's statement. The framing of the question is very important. Is it an equality issue or an inequality issue? How we frame the question makes a big difference to how we respond to it, and the power and the significance of that difference should not be overlooked.

I want to echo some of the thoughts and remarks that Dave Black and Silence Chihuri made about there not being a problem. We regularly hear employers say that they are open and inclusive as employers, but one question that I would ask is whose responsibility is it? If a local authority has only one individual whose job is to focus on equalities for that local authority, how is that possible? How can that one person be responsible for ensuring that everything that that whole local authority does meets equalities criteria? The issue is, whose problem is it? Is it one person's problem or everybody's problem? If it is everybody's problem, does that make it nobody's problem? We need to focus on that.

We have spoken about the Black Lives Matter movement and how it might have given us an opportunity to do something now to capitalise on the momentum and the feeling that is there at the moment. However, I have participated in a conversation during which the comment was made that it might pass. I have quite deep-rooted concerns about some of the issues that need to be addressed.

Ruth Boyle: Close the Gap focuses a lot on the demand-side and supply-side intervention points. We support CRER's analysis that we should be focusing on institutional racism.

When she was an independent race equality adviser, Kaliani Lyle also highlighted that there was a need for more of a focus on demand-side interventions, because focusing on the supply side implies that there is a deficit among BME women rather than the system being stacked against them.

In response to Mr MacGregor's question, institutional and structural racism is the barrier and the thing that should be focused on.

When we looked at the findings of our "Still Not Visible" research, which was published last year—we did some primary research with BME women as part of that—we found that 72 per cent of our respondents had experienced racism, racial discrimination, racial prejudice or bias in the workplace; 47 per cent of our respondents felt that they had been discriminated against when applying for a job; and 49 per cent felt that they were overlooked for a development opportunity within their workplace because of racism or racial prejudice. It is clear that that is about the system and the lack of action on behalf of employers to improve their negative employment practices and tackle negative, and potentially racist, cultures within their workplaces.

Inclusion Scotland uses the term "employerability" as opposed to employability. That is the key point. It is about what employers can do to recruit and retain BME women instead of putting the emphasis on improving applications from BME women, for example.

I want to pick up on one of the questions about recruitment in the consultation document and return to our findings. As I said, 47 per cent of our respondents felt that they were discriminated against when applying for a job. Some 41 per cent felt that they were discriminated against at the interview stage. A lot of women in our focus groups said that, when they were struggling to get a job, they felt that their only option was to return to education to upskill themselves. However, when they went back to applying for jobs, they were still not securing good-quality employment. That highlights the fact that, for BME people, there is no correlation between higher education outcomes and better labour market outcomes. It is really about changing what employers can do.

One of the telling findings in the recruitment section of our report was about language. There was an idea about the language barrier. Rather than BME women having a genuine skills deficit, English language skills are an issue for a small proportion of the BME community and migrants, and that also correlates with older migrants. Language was seen almost as a universal barrier for women not because of a genuine skills deficit but because of discrimination and bias by employers. BME women felt that they were always going to be marked as a non-native English speaker because of their name or their accent. Again, that is all about employer discrimination rather than there being any skills deficit.

The Convener: I am sorry to interrupt you, but I know that Gillian Martin has some questions about recruitment, so we will delve into that.

Ruth Boyle: That is perfect. That is what I was going to go on to talk about.

I want to make one final point about what has been said about voluntary action. What we see from work with employers and across the labour market is that employers are still very reluctant to take voluntary action on equalities issues in the workplace. Often, there has to be a legal obligation for employers to prioritise work on equalities. There are lots of examples to demonstrate that. For example, the fatal flaw in the new gender pay gap reporting regulations is that employers are not required to take any action, so they do not. Although employers are reporting their gender pay gap figure, they are not taking any action. Fewer than a third published any actions that they were going to take to close the gender pay gap, and only 6 per cent published any targets. We can see that there is still employer complacency and reluctance to prioritise policy in their practice.

The Convener: Thank you. That is helpful.

We have spoken a lot about accountability. That brings us nicely to Mary Fee's line of questioning.

I am sorry, Mary, but your microphone is not on yet. I suspend the meeting for a couple minutes while we work out what is happening with the microphones.

09:43

Meeting suspended.

09:47

On resuming—

The Convener: Welcome back. We seem to have managed to sort out the problem. I know that this is not a very relaxing meeting format for everyone, so I thank you for your patience.

Mary Fee (West Scotland) (Lab): I have a couple questions. First, the committee is planning to hold a partnership accountability event with public authorities and stakeholders. The public authorities will be able to talk about the progress that they have made and the actions that they are taking, and stakeholders and the committee will have the opportunity to ask them questions about that. Are such events beneficial? If you consider that they are, should our event have a specific focus?

Secondly, there is a mixed picture across public authorities in respect of helping people from minority ethnic communities to get into the workplace. Progress has been quite slow. Do you have any advice that would help public authorities to encourage diversity in the workplace?

Dave Black: It sounds as though there is a place for something like the accountability event. However, in order to be beneficial, accountability

must sit alongside a stronger enforcement system around, for example, the Equality Act 2010, which Silence Chihuri and others have mentioned.

Consider the funding, resource and capacity that enforcement bodies had before the 2010 act came into force; I believe that the organisations that were focused only on race equality, gender equality, disability or discrimination had more capacity and resource than the Equality and Human Rights Commission. I am sure that there is willingness and keenness on the part of EHRC to do more, but it is not an organisation that we hear from often. It feels as though its capacity to take on cases is quite limited, because they must be aligned with its strategic objectives. That is my understanding of the current situation, anyway.

Employers, including public sector employers and organisations, cannot just be sent an email in which they get a bit of a telling off, but must, to some extent, be in fear of being held accountable. Without their being properly held to account, I do not think that there will be real change.

The event that Mary Fee mentioned would be public, which might allow for more community involvement. That would be a good addition to a broader and more systematic approach to enforcement.

I will let others respond to the second question, if that is okay.

Silence Chihuri: I cannot overemphasise the importance of those two questions. They relate very much to issues that we have been talking about in respect of the historic position and where we would like Scotland to be today.

On the first question, such events should be useful, but our experience so far is that they have not been useful. My view is, I think, well shared in our organisation—some of you will have seen our report. I do not want to speak much about that, because this discussion is about general issues.

If you were to have such events and bring public bodies to them, you should go to those bodies with specific asks. Do not allow them to tell you how much they are doing, that is not evidenced by anything other than the outlook of their staff complement, governance structures and executive structures—by which I mean the outlook of the chief executive officer, and senior and middle management. Do not allow them to wriggle out. Go there and be clear. Tell them, "The time for you guys to come and tell us about how much you are doing, how much you are spending and how many organisations you are working with, is over. It is no longer an input-based approach; it is an outcomes-based approach." We call the former the headcount approach.

If you look at today's panel, you can see that there is diversity, because of the outlook of the witnesses. We want to see that in organisations. They should no longer talk about how much they are doing, how much they are spending and how much they are reaching out.

I have another point to make on this issue. Recruitment policy is not a community outreach or community engagement issue. A lot of the organisations hide behind what they are doing to engage with the community, and are substituting that for what they should be doing on their recruitment policy. It is a policy matter; I have done that work, myself. I come from a background of having done a lot of community work, but I realised that that is not how we achieve change. We get change when we start engaging at policy level.

If I have got it right, the second question was about the role that local authorities can play. I will give an example by way of an answer. We have done a report for the Convention of Scottish Local Authorities. For those of you who are not aware of it, it is an umbrella body that brings together all local authorities. Our report highlights that, out of the more than 1,100 councillors across all 32 local authorities, only nine of them are from a BME background. That is staggering.

Organisations such as COSLA could therefore play an important role in bringing to local authorities our real-time requirements for, or recommendations on, how they could change their recruitment practices. For example, when election campaigns for councillors are held, options including standing as independent councillors must be encouraged. People should be told that they can stand as independent candidates, but the political parties are not creating that sort of space. We need to cut across the layers of construction of such organisations.

That is my answer to your question. I could have said a lot more, but I should give others time to speak.

Dilraj Sokhi-Watson: It would be useful to know what the committee hopes to achieve from the partnership accountability event. It would be a good start, but my starting point would be to ask what we hope to get out of it. Would it involve a high-level conversation about our next steps, or would it consider how action plans could be implemented?

The Convener: It might be helpful if I jump in, for a second. Mary Fee's question is about the committee's approach to its inquiry. We hope to hold an accountability event at which, instead of simply asking questions of panels—perhaps the same ones as have been asked in previous inquiries—we might have a more dynamic setting,

in which we would hold public authorities and other bodies to account for the outcomes from inputs that have been mentioned. We would also involve stakeholders.

Our aim is to shine a light on the position on outcomes rather than on what people are doing at the moment. I hope that that is helpful.

Dilraj Sokhi-Watson: Thank you. That clarifies the question for me.

In that context, I feel that "accountability" is a very strong term, which might put public authorities off from the word go. Instead, the approach should consider how such authorities might work on that. We have identified a lot of issues with how recruitment is done and have found that structural issues persist, so the approach should not just hold authorities to account but should aim to make progress on the basis of what we have learned. It should not be just be about issues such as not wanting to use the word "lynch", or saying, "Okay, we're not doing that." Rather, it should be about asking what we can do to move things forward.

Holding such an event would be useful, but if it is to be really impactful, an action plan should come out of it. Identification of gaps and areas in which we need more input would be fine, but actual measurable and impactful actions would enable us to hold bodies to account. Otherwise, the event would be just another high-level conversation.

I turn to the second result that I would like to see. I cannot speak for others, but bodies such as ours do not usually engage with public sector organisations on recruitment and employability, because such issues are almost out of reach for the demographic with whom we work. For organisations such as Amina, the event would therefore offer a good opportunity to be in the same space as public sector organisations and to have honest conversations with them about what we have to say and what we do. Being in that space would be really welcome.

Moving forward from the event itself, I would say that deadlines and reviews would be a good idea. If we agree on actions, we should see how far we have come on them after a few months or a few years, depending on the timelines that are agreed on or set. That is my take on the first part of the question.

On the points about there being a mixed picture across BME recruitment and progress on that, a high-level response would not only consider recruitment practices and functions across public sector organisations but would examine training. We have already spoken about the training of staff across different functions, including senior staff. We should look at what that training means. It is

not just about making people aware that we have a public sector equality duty and that it is what we must do. What are we taking from that training? How are we measuring the impact of the training and looking at the outcomes rather than just saying what the training is?

10:00

There should also be more transparency in recruitment practices. That could be in the form of reporting, or of disaggregated data and how it is mapped. I am not familiar with the legal and policy aspects, but more transparency on recruitment practices would be helpful. It would help us to identify the people who do not even make it through the first line, so that we could support them.

The Convener: I will reflect on your comment that public sector bodies are accountable to Scottish citizens. The committee would never carry out an ambush; we would always aim to work in a co-operative and helpful way. We must be clear that those bodies are accountable to our communities in Scotland.

Lori Hughes: I am sceptical about the approach. In a set-up like that, local authorities will tell you what you want to hear, and I question the authenticity of that. If local authorities are given time in the run-up to such an event, they will project what they want to project and will portray themselves a certain way.

Also, in a meeting or situation like that, you would perhaps be asking organisations that receive local authority funding to question that local authority. We would have to consider that. Some of us are commissioned to deliver services, so that might create a situation in which we would be biting the hand that feeds us.

We would also have to consider whether the format was accessible for communities and stakeholders.

Mary Fee asked about how to encourage diversity in the workplace. Dilraj Sokhi-Watson touched on that. You can do all that you want with recruitment practices and policies, but what matters is changing the culture. People must see a workplace as being somewhere that is for them. I do not know how much impact recruitment practices will have until we change that. It would be advantageous to use different languages; how things are framed is important.

Responses to the survey that we did showed that people are attracted by fair treatment. They want fair treatment and to be somewhere where they are respected and accepted for who they are. There is no policy or practice that can be put in

place to make that happen; an organisational culture shift is required.

The Convener: Your point about organisations and who funds them is a good one. We will take that on board.

Ruth Boyle: I echo some of the cynicism that we have heard already. A transparency event would not be a magic bullet and it would not make organisations suddenly prioritise equality.

There is a role for greater transparency, particularly if senior leaders from public bodies were encouraged to come to events and to be questioned. There is often, in an organisation, one person working on the public sector equality duty, and they are supposed to do all that organisation's work on equalities. We know, however, that only strong senior leadership will change negative workplace cultures. It would be useful if senior leaders from organisations were encouraged to come along and to be questioned about what they are doing on equality. That would highlight that equality is an organisation-wide problem and must be prioritised by all the leaders within that organisation.

That builds on a point that was raised by the Council of Ethnic Minority Voluntary Organisations Scotland, which highlighted the need for accountability. In its written submission, CEMVO said that, if we were to do something like this, it could not be a one-off box-ticking exercise. Rather, it would be useful to have the organisations come back after six or 12 months to highlight the action that they have taken since they were last questioned, because—I have raised this previously—unless there is accountability or legal obligation, employers do not prioritise equalities. It would therefore be useful for the organisations to know that such an event is not just a one-off.

During our engagement event with BME women, they highlighted that a key consideration for them is transparency about what the Scottish Government is doing on race equality and about what their individual employers are doing. Such transparency can help to build trust, because individuals see that the issues that they raise are being taken seriously and that organisations are taking action.

Women who participated in the event highlighted that organisations often survey them and ask what changes they want but then go away and make those changes in private, and there is never an update on what changes they are making or whether they have been successful. That, too, is a really important point. The women who participated in the event highlighted that transparency must be coupled with greater accountability.

Those were caveats for the event that the committee proposes, but it would be a useful thing to do.

Public bodies can take a range of actions to further equality. The point was made about changing workplace cultures, which is pivotal. Again, strong leadership and consulting staff about the types of changes that they would like in the workplace are really important, as are having clear discrimination and harassment policies and ensuring that employees are aware of and feel comfortable about using those policies.

As I have said, it is key that public bodies prioritise the public sector equality duty and fulfil their obligations under it. There has been regression in compliance with the duty, which is not operating as was intended.

The Convener: Thank you. The points about who is accountable are very important. The committee is fully aware that diversity and inclusion officers do not have the ultimate responsibility; that is for chief executives and senior directors.

I see that a couple of witnesses have requested to speak, but we are very tight for time and I want to get members in with another couple of questions. If we have time at the end, I will come back to those witnesses, but it is important to touch on some other points.

Gillian Martin: We have touched on positive action. I am very struck that Silence Chihuri spoke of cover-ups, the idea of being seen to be doing something, and tick-box exercises. Positive action has been used for years and years, but it does not seem to be working. Why is that?

Further to that point, I am aware that specialists are often brought in to look at recruitment practices through a gendered lens. If I were in a public body and saw that what I was doing was not working, the first thing that I would do is ask organisations such as yours to come in and look at my practices, to assess why they were not working. I am thinking of things such as how many people from black, Asian and minority ethnic backgrounds apply for jobs and how many make it through to successful recruitment—if that was disproportionate or not working, I would want to ask organisations such as yours what I was doing wrong.

What is working and what is not working? Why is public bodies' progress so slow? Have any of you ever been asked to do that kind of assessment—have you been invited in to look at what has gone wrong?

Dave Black: The last question is quite easy to answer, so I will start with it. I do not think that we have ever been asked to go in and look at public

bodies' recruitment practices in particular. Third sector and even private sector organisations have approached us, but not public sector organisations.

On the point about positive action having been taken but not seeming to work, I have not really seen positive action used to the extent that it could be. I hear organisations such as PATH Scotland, which focuses on housing and employment in the housing sector, speak passionately about the benefits of the programmes that they deliver and the positive outcomes that they have had. I do not think that positive action is properly understood by public authorities and other organisations or that it is used to the full extent that the legislation allows.

Silence Chihuri made the point that recruitment is not a community engagement exercise. Part of the problem with how local authorities and public bodies approach the Equality Act 2010 and the specific duties is that it has become a tick-box exercise and is completely disconnected from communities in some cases. Local authorities may lack that knowledge and those connections that they used to have. They do not have relationships whereby, if they are recruiting and they are not getting applications, they can ask people where they can advertise, whether there is someone who can champion that or push it out, and who the key people to speak to are. We have some very positive relationships in our work in the north-east, but not with all local authorities.

I go back to the earlier question about what we would ask local authorities at such an event. I would ask how they understand what is going on in communities and how they know what the reality is. Such an understanding has an impact on the success or otherwise of recruitment exercises.

The Convener: I note that, when we talk about public authorities, we do not mean just local authorities; we mean all public bodies in Scotland.

Silence Chihuri: I thank Gillian Martin for asking those important questions.

I agree with Dave Black on positive action not being adequately articulated. The concept of positive action needs to be revisited and articulated more robustly. In particular, some of the positives that can come from such a concept being implemented as vigorously as it should be need to be highlighted.

The other important issue that I want to touch on is that most local authorities seem to audit themselves. It needs to be highlighted to local authorities in engagement exercises how they audit their internal processes. Most of them depend on their own internal systems, and they are accountable to themselves. That will not help them to achieve much. They need to be open to outside scrutiny.

To follow on from Dave Black's point, community engagement could benefit from scrutiny and auditing. Community organisations can be used to provide feedback. When local authorities are provided with that feedback, they should not just take it and throw into some pigeonhole without using it. They should take it on the chin and try to implement some of the key aspects of that feedback instead of necessarily implementing things wholesale. We have had a lot of those exercises but the follow-on steps are being lost in translation.

Equality and diversity officers in most of those organisations are more implementation officers. They simply implement what is dropped on their laps from the top and they do not have significant input into those processes. We talk about the will and the power to get things done. We have officials and organisations who have the will to get things done, but they do not have the power. It is high time that we combine a little bit of the will and a little bit of the power. We need to give equality and diversity officers more power, so that they can formulate policy rather than just implement it. Enabling that to happen would be a turning point.

10:15

I think that the other question was about what local authorities should do and why the measures are not working so far. I return to my previous point. Instead of looking at recruitment, local authorities are looking to have a pipeline process that allows them to say, "At some point, it will happen. At some point, we will have BME people in our staff complement." It will not happen like that. They must approach it from a different angle.

The Convener: We have three more witnesses to go to and questions from two more MSPs. I make a plea for brevity in your answers. I know that it is an important topic, and we value what you have to say, but I want to get through everyone.

Dilraj Sokhi-Watson: What is working? Good practice reporting—that is, procedural reporting on what organisations are doing—is working. What is not working? The good practice activities—in Scotland, at least—focus on outputs as opposed to outcomes, which I have mentioned.

For me, the solution would be to tie good practice reporting to the data on recruitment. In that way, there would almost be a circular view of where things are going wrong as opposed to reporting what organisations are doing, the training that they have done and the awareness that they have raised.

If you start looking at the PSE duties in the context of the numbers on recruitment, attrition and the lack of progression, that is when you will begin to see an impact on public sector

organisations in the context of BME recruitment and progression.

Lori Hughes: When we speak about positive action, I think that the work of Positive Action in Housing is what springs to mind for the majority of us. Silence Chihuri spoke about will and power. I personally consider that positive action is not used widely enough, because there is a fear of how such action would be perceived or concern about how it would be portrayed to the average white middle-class male on the street. There are concerns wrapped around that.

Gillian Martin asked whether we have ever been invited to reflect on recruitment practices and so on—not to my knowledge, no. That is part of a bigger issue around parity of esteem and where power is held. I do not think that the third sector is seen as being on an equal footing, so I do not think that we would be asked to do that.

We have been asked to peer assess equality impact assessments in the equality and strategic group in which we participate, but we have certainly not been asked to do anything on recruitment practices.

Ruth Boyle: I echo everything that has been said on the positive action point. Employers are definitely fearful of getting it wrong, which leads to a reluctance even to use positive action measures, and that remains an underutilised aspect of the 2010 act. I think that that was highlighted in the Equalities and Human Rights Committee's 2016 inquiry. There has not been much progress since then on the use of positive action measures. There is definitely a role for the Scottish Government in encouraging employers to use positive action measures and highlight that positive action is a legal measure that can be taken to address underrepresentation.

We often see well-intentioned positive action measures that inadvertently funnel BME women into low-paid, undervalued work, where they are already concentrated. Organisations are encouraging BME women to apply for care work or cleaning work, for example, rather than using positive action as a means of addressing BME women's underrepresentation in senior roles. Therefore, the design of those programmes is really important.

We work with public bodies and provide guidance to them. My colleague Lindsey Millen leads on that, so I am not sure whether we have done anything specific on recruitment, but we have a range of guidance on the Close the Gap website that we provide to public bodies. We also provide advice around that guidance. Most recently, we sent the recruitment guidance to the Scottish National Investment Bank, which is trying to recruit a more diverse workforce than is usual in

financial services. We have been encouraging the bank to use that guidance in designing its recruitment practice.

To be brief, there are lots of actions that public bodies can take on recruitment, such as using standardised and robust applications; providing applicants with reasonable information about the role; ensuring that recruitment panels have ethnic minority representation and gender balance; and providing robust equality and diversity training for people on recruitment panels.

We have guidance on the website, but I am happy to provide it to the committee if that would be helpful. We are designing specific guidance for employers on BME women's inequality in the labour market, which will include a section on recruitment. I will be happy to share that in due course when it has been drafted.

The Convener: That would be helpful.

Alexander Stewart (Mid Scotland and Fife) (Con): We have touched on the opportunities for training and development across the sector, which are vital to ensure that we have a diverse workforce. The workforce is stimulated by all that work. However, when we have looked at what public bodies are doing across the piece, we have found a very mixed picture. Some have mandatory training while others have optional training; some provide face-to-face training whereas others provide online training. Where success has been achieved, that is because the bodies have a programme of training and development across the piece that allows tailored management and leadership development.

What are our witnesses' views on that? It appears that we do not even have a basic minimum standard across public bodies to ensure that the vital training takes place to get the diverse workforce that we all need.

Dave Black: Can I just clarify that the question is about training related to equality for internal staff and to the response of organisations to then recruit in an equal way?

The Convener: I think that it is about training the staff who are already in the organisation. It is the issue of employerability, which has been mentioned.

Dave Black: Thank you for the clarification. I like that concept of employerability, which I have not come across previously. There is potential for that to be used. Perhaps third sector and community organisations can come together to do a bit of work on accountability.

To return to the question, it is a good point that training is often a bit ad hoc and piecemeal. In some public bodies, it has possibly become a bit of a tick-box exercise. We have concerns that

people who should be trained on equality issues are not being trained. A minimum standard would be a start. However, there is a danger that stand-alone training without culture change, leadership, understanding and discussions in the required context either will not make a lot of difference or could be damaging to equality because of the backlash when people are forced to do something. It also puts people from minority backgrounds in a difficult position. It has to be part of a holistic programme—as people have already said, it must be part of leadership—and it has to be built into the culture and not just be a tick-box exercise.

Silence Chihuri: Alexander Stewart asks an important question, and I share some of Dave Black's sentiments. I would expand on them by saying that staffing is a process that encompasses recruitment, employment, promotion and retention. Again, all those aspects have to be taken into consideration because the reason why there is a lack of BME staff in these organisations is because at least one of those four elements has been missed, and probably all of them have. In these organisations, the recruitment process has not been done in a way that creates an enabling environment for that entrant. What are the support structures once the person has entered the organisation? Somebody talked about the barriers that people face. The fact that you have been employed does not mean that the language barrier has been removed. What support structures are available to you as a member of staff entering that organisation, given that the BME element is lacking, which is the case in most of these organisations?

On promotion, a lot of BME people find it difficult to progress through the ranks once they are in the organisation. Again, what are the organisations doing to help BME staff to be promoted, to scale the ladder and to stay in the organisation?

On retention, again, how do we retain BME staff when they find it difficult to adapt to the environment and culture of the organisation? Maybe they feel out of place. How do we support them to remain in that employment?

The other aspect is that, because most of these organisations are not diverse, they do not have the BME element at the top level. When they have board meetings and executive meetings, they do not have the BME element present. The other thing that they can do to bridge that gap is to outsource that BME element by involving organisations such as the ones that are represented in today's meeting. That is how they can ensure that their training systems contain some of those key aspects. Some of the training in these organisations is very much off the shelf; it is not compatible with the requirements of bringing diversity into the organisations. Some of it just

meets general training requirements, but it needs to be more specific and tailored to the needs and requirements of BME staff.

The last point that I will make is about the culture of the go-to organisations that are regularly engaged with by public bodies. Some of those organisations might not have the expertise that is required—

The Convener: I apologise for interrupting, but I would like to pause you there so that we can get reflections from the rest of the panel on training. We will come back to you if we have time. Everyone's contributions are valuable, but we are a little short of time.

I ask Dilraj Sokhi-Watson to respond to Alexander Stewart's question about training the existing workforce.

Dilraj Sokhi-Watson: As there are different functions and roles in organisations, the training should be different, too. One sort of training for all does not serve the purpose. That just creates a minimum basic standard that an organisation needs to deliver on. However, managers, recruitment panels, members of the board and so on all have different functions, and their understanding of equalities comes from the roles that they play. Therefore, my first recommendation would be to have training that is contextual to people's roles in the organisation.

10:30

Secondly, training should be set in the context of reporting mechanisms in the organisation. For example, while we are training staff, are there safe spaces within practice where people who feel that they are being discriminated against or that they are not being heard can air their concerns? Training in itself will not build capacity. What matters is that there is an enabling environment in which people feel free to speak about the issues. Sometimes, if there are issues in the organisation involving one's manager or a senior person, there is no space to deal with that, and the human resources department would not necessarily have the capacity to understand those issues. Therefore, there should be a reporting mechanism that is separate from the roles that are being delivered.

Thirdly, as Silence Chihuri has touched on, there should be some sort of regular external audits of the training to see whether it is delivering what it is meant to. Third sector organisations such as ours that are actively not partnered with—we have the expertise, but not necessarily the resources—would be happy to provide insights into whether the training is fit for purpose.

Lastly, on staff attrition and progression, in the labour workforce, people leave jobs, so there is a need to regularly review whether the staff in an organisation have been upskilled and are aware of their basic duties and can go beyond that. There is also a need to consider BME staff progression. Are BME staff progressing or are they leaving? Why are they leaving? That can be asked about in the exit interview process.

The issue is wider than just training; it is about bringing all those elements into the process.

Lori Hughes: I echo much of what has been said with regard to the danger of standardised tick-box exercises around training. Training must take place in a wider context in which you can see that culture is changing.

Dilraj Sokhi-Watson mentioned external audits. There might be a need to have a charter mark or some other sort of standard. For example, in the third sector, we have the good governance award. We could work with a range of organisations and stakeholders to co-create something that would enable us to evaluate and assess the merit of that training.

There is a concern about the myth-busting approach, which, as we all know, just reinforces things.

The only other comment that I would make is that we are all aware that we can put in place as many training workshops as we like, but perception is built on relationships and dialogue and on an essence of reciprocity. If someone is forced to attend a session on diversity, it will be meaningless unless they can have conversations and engagement with people who are diverse and hold different perspectives and world views. I am not sure how valuable an exercise equalities training is without that.

Ruth Boyle: We know that unconscious bias training is quite widespread, but such training alone is insufficient, mostly because it is one-off training that is undertaken when someone joins an organisation. It is often seen as a tokenistic, tick-box exercise. As Dilraj Sokhi-Watson said, the content of the training is rarely reviewed or updated, which is why her point about external audits is important. Further, an organisation should survey its BME staff to see whether they think that the training is sufficient. It is important to use that expertise.

Unconscious bias training often lumps together the nine protected characteristics, and we see little evidence of differentiation or an understanding of the causes and experience of inequality. The solutions for those individual protected groups are different, and that needs to be highlighted. Indeed, there is a push to treat BME people as a homogeneous group, which fails to recognise that

there will be different experiences based on race, ethnicity, gender or religion.

There might be a place for unconscious bias training, but it cannot be the only type of training. As Dilraj Sokhi-Watson said, it is important to have specific training for those who are involved in recruitment and handling complaints, for those who make decisions on training and development opportunities and for line managers. I also highlight the fact that people in an organisation often do not know their role in tackling racism, so that should be an important part of the training.

Although 72 per cent of our respondents had experienced racism, only 52 per cent of them chose to report their experience and, of those who reported, only 23 per cent were satisfied with the way in which their complaint was handled. They had a lot of fear around their line manager not believing them or an HR representative maybe trying to minimise their experience. There was a sense that, although HR representatives deal with the explicit, obvious or overt forms of racism that people might expect, they were less able to deal with the more covert and implicit form of racism, which one of our participants described as the

“insidious drip, drip, drip effect”

of being undermined in the workplace. It is important that HR representatives understand the different forms that racism might take in the workplace so that they can tackle them all head-on.

The Convener: Alex Cole-Hamilton will ask the final question in this evidence session.

Alex Cole-Hamilton (Edinburgh Western) (LD): I will make a specific point. I was very taken with Silence Chihuri’s comments at the top of the meeting about the fact that we first became properly aware of institutional racism when the Stephen Lawrence report came out 20 years ago, but there has been inquiry after inquiry and we are getting to the stage of inquiry fatigue.

As a committee, in this parliamentary session, we took the Gender Representation on Public Boards (Scotland) Bill through the Parliament, because we recognise that cultural bias stems from the boardroom. Do the panel members believe that we should legislate in a similar way to introduce other such affirmative levers in our society? We might not do so in an identical way, because it would not be practicable in a Scottish context to have meaningful ethnic minority representation on every public board in Scotland.

Dave Black: I would need more time to reflect on that, but I do not see why there should not be a similar approach to ethnicity and ensuring diversity on boards. It sends an important message from the top about what equality means in an

organisation, and the speed of change is quicker, because it is possible to make change happen more quickly at board level than in relation to employment throughout an organisation. Therefore, in some ways, it is a quick win and it can start the ball rolling effectively in an organisation. It is worth exploring that idea further.

Silence Chihuri: I thank Alex Cole-Hamilton for asking that important question, which is an important one with which to wind up the session. My take on it is that one downside of the Equality Act 2010 has been that it has amplified other inequalities. As a direct outcome, the racial equality aspect has been drowned out by other competing equalities, such as gender equality. A lot of progress has been made; most of the boards that you have been scrutinising are doing really well on gender representation. Gender balance has been progressively embedded in the legal profession in Scotland, which is great.

Alex is right: we need to go back to the drawing board with the Equality Act 2010. We need to look at how it has allowed that disturbing lack of diversity and equality with regard to the racial element. We have to be specific: it is racial equality that is lacking. Again, I put the ball squarely at the feet of the Scottish Government. Every appointment to the board of a public body goes through the desk of a Scottish Government minister. Ministers need to start sending back those recommendations when they arrive on their desk and say, “Is this the best you can do? You looked round the whole of Scotland and this is all you found?” They need to do that with the people who make those recommendations before they sign the appointments.

We need to do some serious soul searching in relation to the legislative aspect and see where the law has allowed the current situation to obtain.

Dilraj Sokhi-Watson: I am not sure how to respond to Alex Cole-Hamilton’s suggestion. With an intersectional lens and in the gender and BME context, such legislation would create an opportunity, but the bigger concern is that a whole journey needs to be taken to get representation at that level. We are talking about not just the goal but the journey. Public board recruitment is the quickest way to influence change at that level, but would that resolve the issues along the employability pipeline? I am open to the idea, but I am not sure that it is a silver bullet, although it would be a start.

Lori Hughes: I come here wearing two hats: I manage the PKAVS minority communities hub and the third sector interface for Perth and Kinross. Diversity in board level recruitment is a broader issue. Diversifying boards is all about adding different perspectives and enriching them, but my concern is that, if we go down a legislative route,

we could create the problem of it a becoming tick-box exercise of boards looking for people who are of an ethnic minority background but who have the same perspectives. To me, diversity is about adding different perspectives, ideas and positions, which is a bigger issue. It would depend on whether individuals see board opportunities as accessible to them, so it comes back to the culture issue that we have spoken about a lot.

Ruth Boyle: I echo what has been said. Such legislation alone would not be enough to tackle the issues that we have spoken about, but it would probably be positive if board representation could be developed through legislation.

It is also about exploring the experience of BME people when they are on boards. It is highly likely that, on some boards, BME individuals who join will be the only person from an ethnic minority. Are their contributions valued as much as those of other people on the board? Something that came out of our research was that BME individuals often feel that their contributions are minimised or not taken seriously.

Gender recognition on boards is a positive development, but we need further action on tackling occupational segregation in the labour market, which is one of the main causes of the gender pay gap. We need a range of measures, and we need to look at how to tackle BME women's concentration in low-paid and undervalued work and encourage them into leadership roles and other types of promotion opportunities. Such legislation could be one of a range of measures, but it would not be the most important or the only one.

The Convener: That draws the session with our first panel to a close. Thank you all very much for your evidence, which I know the committee will have found valuable. If there is anything that you did not get the opportunity to say or we did not ask, or if you wish to give us more information, please feel free to send that on.

10:44

Meeting suspended.

10:48

On resuming—

The Convener: Welcome back. I welcome our second panel: Thom Hughes, senior corporate HR officer at Glasgow City Council, Kath McCormack, HR manager at East Renfrewshire Council, and Stuart Oliver, senior manager for economic development and communities at Stirling Council. Thank you for being with us, and for your patience.

I will quickly repeat how the session will continue. Members will ask questions. If a question is directed at a specific witness, the member will identify that witness; otherwise, we will work in the order in which the witnesses' names appear on the agenda. Everyone should keep their questions and answers as succinct as possible and should give the broadcasting team a few seconds in which to operate their microphones before beginning to ask a question or give an answer. That will ensure that we hear all that you have to say.

I would like to ask about the impact of Covid-19, the lockdown and the evidence that minority ethnic communities have been affected more than others by them. Also, what has the increase in public awareness of racial inequality because of the Black Lives Matter movement meant for employment in the short term, and how should we plan for the medium and long terms? Has your organisation done any specific planning for your minority ethnic staff that takes account of Covid-19? I would like to ask Tom Hughes those questions first, please.

Thom Hughes (Glasgow City Council): It was very interesting to hear the points that were raised by the first panel. There has been a specific impact on the BME workforce as a result of Covid-19. As an employer, we have ensured that our risk assessments take into account Covid-19, given the fact that there is evidence that BME people are far more adversely affected.

We are trying to continue with the actions that we have taken. It was interesting to hear a lot of the points that were raised this morning by members about what public bodies can do, and it was also a relief to know that we are already taking some of the actions that they recommended should be taken. Perhaps I will have an opportunity to provide a bit more detail on that later.

At the moment, we are trying to continue with the work that we are already doing on BME recruitment activity. It is obviously more challenging now, with lockdown restrictions in place; however, we continue to work with our BME partners to see how we can mitigate any impact and understand what the impact is. As an employer, we have identified 10 organisations across Glasgow—mainly third sector organisations such as the Bridges Programmes, Radiant and Brighter, the Scottish Refugee Council, Amina and Path Scotland—with which we engage to understand what is happening in BME communities.

When we first looked at what we were going to do to increase our BME representation—our statistics on this are in the public domain—it became clear that BME people who apply to work

with us are less likely to be appointed than other people and are also less likely to stay with us for more than a year. If they stay with us for more than a year, they stay with us for 20 years. Therefore, we have tried to look at the wider picture to see what the employee experience is and how we can understand the full experience from the start of recruitment to progression and leaving employment. We have been working with those specific BME organisations to understand that, and we will continue to do so in considering the impact of Covid.

The Convener: You mentioned risk assessment and keeping your existing BME workforce safe. Could you give us a flavour of what changes Glasgow City Council has made to take that additional risk into account?

Thom Hughes: It is done on a case-by-case basis. We have a standard risk assessment and, depending on the job that a person is doing, we have said that each manager has to have a face-to-face discussion with employees to ensure that we take into account what their concerns are, because we cannot assume how people feel. There is media speculation around that and around how it is making the BME workforce feel.

We also have a BME network, and we have been doing some work with it to ensure that that message gets out there. We have involved members of our BME network, and we have a senior leadership sponsor, a director in one of our areas who is BME, and he has been involved in all our discussions on how we ensure that what we do to support the workforce is appropriate and fitting.

The Convener: The committee would be interested in hearing some specific examples. I do not expect you to pluck them off the top of your head, but perhaps you could follow up in writing with some examples.

Thom Hughes: Yes, absolutely.

Kath McCormack (East Renfrewshire Council): Covid-19 has affected some of the recruitment and engagement events that we had planned with our ethnic minority communities. We had a number of events planned that have had to be put on hold. We have had to look at adopting different ways to engage.

We have been looking at our recruitment practices and, rather than hold the drop-in sessions that we might have held previously, we now look to have more virtual meetings or use the telephone. We are looking at different methods because we want to keep both our staff and the community safe. In terms of the medium and long terms, it was interesting to hear the first panel on Black Lives Matter and BME recruitment, because we definitely need to focus on data. We need to

look at the application and recruitment data at every stage to understand where we can take more positive action. One of the earlier questions around positive action was interesting, because we are keen to take action but we need practical guidance about ensuring that we do so in the right way.

The Convener: I assume that your local authority holds data about the ethnicity of your employees.

Kath McCormack: It does. We use a common recruitment platform called myjobscotland, but it is difficult for us to get data at each stage of the application process from a standard report. We have to go into each application and hope that the applicant has provided that data—in many instances they do not—then somebody has to go through the application forms manually. We have fed back to myjobscotland about the sort of data that we need to gather.

Stuart Oliver (Stirling Council): Good morning. On what we are doing with our staff, I echo Thom Hughes's point about internal risk assessment. There is a range of demographics in the staff group, with different needs and risk factors related to Covid-19, so an individually tailored risk assessment is undertaken. Where issues of increased risk are identified, we follow public health advice on the best possible measures to protect those staff.

On the wider impact on the BME communities in relation to employment and opportunity, it is too early to say. We will see the impact a bit further down the line, as we are still in the phase of reacting to things and the real impacts are not yet fully known. The increased challenge for all vulnerable or minority groups is obvious, so we will see impacts there. However, we will be a bit further down the line before we see how that manifests in terms of statistics and data.

The Convener: Thank you. We go to Fulton MacGregor now for questions.

Fulton MacGregor: Good morning. You might have heard the discussion with the previous panel around institutional racism and the role that that plays—[*Inaudible.*]—from the wrong angle. Do you consider institutional racism to be a factor when you develop recruitment policies? What I am trying to get from you is whether you are up front about that and recognise it as an issue, and whether you have done anything to try to address it.

Thom Hughes: Our statistics show that we have issues in terms of fewer BME people applying to work with the organisation and that, if they apply to work with us, they have less chance of getting through to the appointment stage. We look at that in a wider spectrum in terms of what we can do to understand those applicants'

experiences, and we have worked with organisations to develop specific training programmes. We are therefore taking positive action, but I reiterate Kath McCormack's point about the nervousness around positive action from a BME perspective. The Equality Act 2010 allows specific positive action from a disability perspective, in line with organisations being disability confident. However, from a BME perspective, it is up to organisations to justify objectively what they do. That causes some nervousness in organisations and management about whether what they are doing is appropriate and whether they can objectively justify it.

In Glasgow, we have tried to reduce that by working with a number of organisations that run employability programmes. We work alongside them and, when we have high-volume recruitment, we say that this is the area in which we are recruiting and these are the types of jobs that we have got, and we work alongside those organisations to look at how we can assist the people who are on their employability programme through a recruitment strategy to get them into jobs.

11:00

One of the positive courses of action that we have taken is that we have adapted—*[Inaudible.]*—recruitment process. Previously, we had competency-based interviews that asked lots of specific-example questions. We have moved away from that towards more life-based experience—the convener was talking about that this morning. It is more about asking people what they do in their lives, what they have done with their lives and what their overall life experience is. We also work closely with the Scottish Refugee Council to support into employment asylum seekers who have the right to remain or the right to work. We look to understand the impact of their experiences and how we can assist them into employment.

We have done a lot of things in trying to resolve the issue. It would be wrong to say that institutional racism does not exist—the statistics show that it does, and they are in the public domain. It is about what we can do to change the overall culture of the organisation. It is not just about saying, "Let's get BME people into the organisation"; it is about supporting them through the organisation.

We work with Path Scotland on a leadership development programme. We also make sure that there is BME representation on our interview panels. Those are just some small examples of things that we do now, but this is a longer-term issue and we cannot change it overnight. We need

to start to do this activity to change the culture over time.

The committee is also looking at the issue from the perspective of education. The Black Lives Matters activities and the wider cultural change in Scotland should also be looked at. For example, what do we teach in schools about Black Lives Matters and the history around it? The children in our schools are the next generation of managers in organisations, so how can we develop that further to move forward?

Kath McCormack: I disagree with Thom Hughes's point about the disability confident scheme, which is something that I have been thinking about quite a lot recently. It is very clear to our hiring managers that they have to understand the disability confident scheme and the positive action that can be taken there, so it would be good to have further guidance on race.

On institutional racism, I recently had the opportunity to join a working group with some members of the Scottish Government, and this was a concept that they highlighted as one of the key factors in recruitment and something that we should be clear about. I took it away as an action point to look at some sort of training for our managers.

We have a standard recruitment policy that talks about discrimination and the nine protected characteristics. All recruitment managers have to go on training that deals with unconscious bias, so it was interesting to hear from the earlier panel of witnesses about their views of unconscious bias. We undertake equality impact assessments, but we probably do not engage enough with community groups and the voluntary sector—the real experts on race equality. We are looking at our recruitment policy at the moment, so I will definitely take that on board and ask some of those groups to audit, monitor and assess us and give us some guidance on that.

We also have an equality panel that is made up of representatives from different departments within the council. Something else that I will take away from today is the fact that a member of that panel should be on recruitment panels, perhaps for higher-level jobs.

We consider unconscious bias but not necessarily institutional racism, because, as I say, that has just come to my attention in the past few weeks and months.

The Convener: You mention having someone from your equality panel on your recruitment panels. What level of employee are they? I am sorry; that is not the right term, is it?

Kath McCormack: They are not necessarily heads of service; they are just below that. They

are perhaps at my level—managers of departments.

The Convener: What about the other members of recruitment panels? I am thinking about parity of esteem when people try to influence the process.

Kath McCormack: I am thinking about higher-graded posts or posts at a similar level to that of the person who is running the panel. If a head of service is running the panel, it would be somebody who would be confident enough to challenge them. To be honest, the people who are on the equality panel have scope to challenge and to implement measures in their departments.

Stuart Oliver: I imagine that the recruitment policy in local authorities is largely uniform. From what I have seen, it is founded on equality and human rights principles and legislation, and therefore it is fairly robust on how we should approach recruitment. To echo Kath McCormack's comments, all recruiting managers and people on recruitment panels in our organisation need to have undergone all the necessary training so that they are qualified to make the right decisions.

Before pointing to institutional racism, we need better interrogation of the data and records of recruitment to understand the reasons why people fall down in an interview or do not get through. For example, an individual from a minority background might not have had the opportunity to get the employability support that is open to others, perhaps because they were not aware of what is available or because improvements are needed in that area. Those improvements could naturally feed through into an interview process whereby fair selection would recruit the best person for the position.

There are different levels. There was a lot of chat with the previous panel about data and information. Good and robust interrogation of the story so far on some of those policies and procedures would perhaps help to shed light on whether institutional racism is, in fact, happening in public bodies.

The Convener: Why has that interrogation not happened so far? We have evidence that people from black and minority ethnic communities—particularly young people—are often overqualified and do very well on qualifications. We heard from the previous panel about the amount of training that people have. If we simply need to look at the process and understand what people did not do well enough, why have we not done that so far? By “we”, I mean public bodies.

Stuart Oliver: Obviously, I cannot speak for public authorities as a whole, but we certainly do that in Stirling Council. There is a robust feedback process, with feedback given on specific points, and a robust scoring system. We are confident

that the people on the panel are qualified and have the right training, and we score everything fairly and have good records of what has led to a recruitment or to a candidate being unsuccessful. However, I do not know how robust the approach is in other public bodies—I do not know what kind of records they keep.

Mary Fee: I will ask the panel the same two questions that I asked our previous panel. The first is about partnership accountability events. The committee plans to hold an event at which public authorities can get together with stakeholders and the committee. That will give public authorities the opportunity to talk about actions that they have taken to improve ethnic diversity and it will give stakeholders and the committee the opportunity to question public authorities. Are such events a good idea and can we get meaningful actions from them?

Secondly, given the mixed picture across local authorities on promoting diversity in the workplace, what progress is being made in your local authorities?

Thom Hughes: Partnership events would be beneficial. In Glasgow, we already work with 10 third sector organisations. We call them our BME employability partners. We work with them to understand what we are not doing well, where we can improve and how we can work together to achieve outcomes for BME applicants. In general, an event of that type would be beneficial.

In Glasgow, we have developed a positive action plan. We have a BME working group that is led at a political level by our convener for equalities and our convener for workforce, and that feeds into our senior management team. On the back of that is our BME positive action plan.

We work closely with a number of organisations to assist people into employment. We have adapted our recruitment procedures, and we make sure that there are BME people on recruitment panels. We have also looked more widely at the life journey and experiences of BME people. The previous panel said that BME people often come into an organisation but do not want to stay there. We recognise that, and we try to involve our BME network as we go through the process and at welcome meetings and events.

We are very open with BME people when they come into the organisation. We tell them that we have a drive to increase our diversity and that we appreciate their coming on board because we need to understand what is working and what is not.

We also work with BME partners such as the Bridges Programmes. When people come on board and take up their posts, those partners will link up with them and touch base regularly to find

out how things are going and what is working and what is not. We then get feedback from those organisations. They might say, "There have been a couple of wee blips here." We can have policies and practices on paper, but what matters is what happens in the workplace. That kind of work means that we can get information about whether we have a cultural issue and what else we can do to change that.

Some of the things that we do might be small things, but they can have a big impact for BME people. Other people in their work area might not even have recognised that something was causing an impact, so we have to pick up on that.

We have also done two mentoring circles with the Jobcentre Plus race disparity group. Employees from our BME network go along to Jobcentre Plus, talk people through our application process, give them details of the jobs, take them through mock interviews and assist them with application forms. They will then help and mentor those individuals through the recruitment stage. When those people come on board, we hope that their mentors will continue with their mentoring role.

We are also looking more widely at what we can do to understand what happens when BME people come into the organisation. We find that they come into lower-level roles. Unfortunately, cuts and other issues mean that we can only recruit where we are recruiting, and sometimes the posts are in catering, cleaning or home care. However, it is important that we break down barriers and get those people into the organisation.

The work that we have done with third sector organisations shows that a lot of BME people are sceptical about working for a local authority. They do not trust local authorities or understand what the local authority does, so having third sector organisations assisting us in breaking down those barriers has been beneficial. It means that, when BME people come on board, we need to understand their previous experience.

One example of such a third sector organisation would be the Scottish Refugee Council. People come into Scotland from a variety of countries and bring a huge amount of experience with them, but they apply for posts with us as catering, cleaning or home care assistants. That can be great because it can give a person confidence and the ability to get back into the workplace in a different country, with all the benefits that brings. As an employer, however, we need to understand that person's previous experience and how we can use it to support them through the organisation. We are at the early stages of that, but that is our longer-term plan. One of our partners who assists with that is Path Scotland, which runs a BME

leadership development programme that is funded by the Scottish Government.

11:15

One of the outcomes of that is that we have recruited 120 BME people into a variety of posts over the past year. A lot of those are lower-level posts, but some are at a higher level. The mentoring programme seems to get us better results at higher-graded posts than the employability programmes. A lot of the employability programmes are for women and they are run by Amina at the Al-Meezan centre on the south side of Glasgow. We target particular groups.

We have managed to increase our BME numbers by 120 over the past year. We are in the early stages of our approach, as I said, but it looks as though it is starting to work for us.

The Convener: How many employees does Glasgow City Council have?

Thom Hughes: It has about 19,500 employees. Our latest figure for BME employees is 2.7 per cent. I put my hands up: we are nowhere near reflective of the population.

The Convener: Kath, can I come to you on Mary Fee's questions about the partnership accountability event and the actions that East Renfrewshire Council has taken?

Kath McCormack: I would welcome our participation in a partnership accountability event. I would look on it as a learning and best practice sharing event; we could probably learn quite a lot of best practice there. From attending the committee meeting today and reading the submissions from other councils, I feel that we do not necessarily get to see such information, so I would welcome any sort of partnership event.

On the second question, which was about progress, East Renfrewshire Council has been working with CEMVO, and that has been beneficial in the early years expansion. We have an equality team that focuses on the community, but my role is more about employees.

The best practice around our community engagement with CEMVO was shared with me and I got in touch with its representatives, who gave me lots of useful guidance about our recruitment process. CEMVO has 400 voluntary organisations that we can tap into and share our vacancies with, so we now do that every week. We hope to get data from that; we have updated our application form so that applicants can say whether they heard about us through CEMVO. We feed that back, which is also a positive story for CEMVO.

Our main focus is on recruitment and the application process. We have perhaps not been good at looking retrospectively at our policies, and we are now focusing on our recruitment and selection policy. We would like to engage with CEMVO and other organisations so that they can assess how inclusive our policy is. A lot of work goes on in our community engagement with Syrian refugees, but there could be more cohesion between the HR team and the community team to ensure that we have a joined-up approach to equality.

Stuart Oliver: Partnership events and engagement are to be welcomed. Increasingly, in all aspects of policy development and service delivery, councils strive for more engagement with communities to co-shape activities and co-design how we operate as areas. There is always room for significant improvement and we often get useful experience from listening more closely to communities.

It was really good to hear the views of the partners who were the witnesses on the earlier panel. A learning point from that is that they would like more engagement with public bodies. Having not had the opportunity for such dialogue, that would be hugely beneficial. The nature of a committee such as this means that we have to hear about the real or perceived flaws of public bodies, but, on starting to move forward and focusing on practical things, I am sure that my local authority would be open to an almost peer review approach or proper partnership engagement on where we can see practical improvements. I have taken that as a real positive and possible practical step from the first panel session.

On on-going work in our local authority, we try to focus on wider employability support, and we have a range of specific BME interventions in our community that are designed to ensure that we have every opportunity. The employability team is part of Stirling Council, so we ensure that any vacancies that come up are fully flagged to that team so that it can assess whether there are people whom we can support to apply and be successful in those vacancies and move forward.

That ties back into ensuring that those who ultimately make recruitment decisions are well trained and fully aware of the key issues, and that we are all trying to get to the right place, which is a diverse and modern Scotland. We take that from the first panel and from all these discussions. We are all on the same side on the agenda; the issue is how we keep improving.

To go back to my first point, greater engagement with key partners would be a significant step forward.

The Convener: I want to reflect on the answers from all the witnesses on the partnership accountability event. There are two strands to that. There is the issue of organisations learning from third sector partners and communities but, as the Equalities and Human Rights Committee, we are keen that organisations are held to account. To be fair, we have heard about that in written evidence from some of our third sector colleagues. We do not want to have the same conversations over and over again. Although the outputs and the good work that is being done are important, there has to come a point at which we say, "Okay, this isn't working." The approach will work only if there is a diverse senior management team or diverse directors.

Obviously, you good folk could talk fully about the work that is going on in your organisations. Who is ultimately responsible for the culture and make-up of your organisations?

Thom Hughes: The chief executive and the senior leadership team are responsible for ensuring that their organisation's culture is correct and that there is support for BME people. Our head of HR is responsible for reporting back that information, and there is our BME working group, which has political input. That is the first time that we have taken such an approach, to ensure that we involve our elected members in our employment activity. However, the responsibility for that ultimately lies with the senior management team and the chief executive.

The Convener: Does Kath McCormack agree with that?

Kath McCormack: I agree with Thom Hughes. The same applies to us.

The Convener: I assume that the same applies to Stirling Council.

Stuart Oliver: Not per se. In any large organisation, the culture is a huge and very complex thing. Large organisations such as local authorities are often disparate because of their cities and geographies. In my experience, the senior leadership team will take its lead from the chief executive but, under that, managers can create their own subcultures. We have seen that, and I am sure that my colleagues would echo that sentiment. There is, of course, individual responsibility for any officer of a public body, but the management team and line managers have a real responsibility to show leadership, because it is very easy to create subcultures that are at odds with the published aims of the organisation and the leadership from the chief executive and senior management team.

The issue is complex, so the quality of training and the level of scrutiny have to be very tight. That is where engagement with partners can help us as

we consider those things within cultures. It is a matter of ensuring that there is a uniform culture and approach across what is a pretty diverse organisation. That is a really difficult thing to achieve in any aspect of policy or behaviours; it is difficult to get a cohesive unit. That is true for any large organisation, and particularly for local authorities, given the diversity of scope and the often disparate locations.

The Convener: Thank you. That was helpful.

Gillian Martin: I want to talk about positive action, which many of you have addressed already. This is partly in response to some of the responses that I had from the first panel on the topic. When I asked whether the organisations that they represent had ever been asked by public bodies to give any assessment of their recruitment practices, no one said that they had been invited to do an assessment.

The witnesses on this panel have said that they have had some engagement, and I would like to know about the nature of that. Has it been a case of having meetings or of downloading guidance—such as that mentioned by Close the Gap—or has there been scrutiny, with advice sought about your HR policies and recruitment practices? If that has not been the case, as a result of what was talked about earlier, will you contact organisations such as those that we heard from this morning in order to get that done?

Thom Hughes: I was surprised earlier when the representative from Amina Muslim Women's Resource Centre advised that the organisation had not been asked about that, because we have engaged with Amina through its employability programme. It might just be that she was not aware of that. The work that we have done, not just with Amina but with other organisations, has involved going out to meet the BME people who are part of that employability programme. We have done some outreach work with them.

We worked, in particular, with the Scottish Refugee Council and the Bridges Programmes to understand their views about our recruitment process and which parts of it they feel people were not able to get through. That resulted in our changing from a competency-based approach to more of a life experience-based approach. The feedback from those organisations on BME applicants referred to a BME person being on the recruitment panel.

We have tried to do some tracking. When we work with those organisations, we get details of the posts that people have applied for. We then provide feedback—if someone is not successful, we guarantee to give feedback to the individual and to the organisation. That allows us to wrap that up and ensure that everyone is clear about

how we can further develop and support people. That is the approach that we have taken.

Gillian Martin: I was very struck by something that Silence Chihuri and, I think, Lori Hughes, said. Often, organisations are seen to do something but without engaging with people, and some of the positive actions that have been taken by organisations might have been of the wrong type. Do you recognise that? Is that something that you would want to investigate? Has the stuff that you have done been working? Who assesses whether it is working?

Thom Hughes: It is a learning process, and we have been taking a partnership approach with the organisations. We are constantly getting feedback from them about what is working and what is not working. Through the work that we are doing, we have managed to recruit 120 people from BME backgrounds into posts, and we have managed to maintain their employment: some of them have been in post for quite a while.

We do the assessing; it is done internally. We may need to work more with community partners to consider how else we can get feedback. That would probably be done further down the line, when folk are getting further into their employment, in order to find out whether their experience is still the same.

For the start of their employment, we have agreed with the Bridges Programmes and the Scottish Refugee Council that, as bodies external to the council, they will continue to meet people when they come into post and will touch base with them. That allows us to get feedback from them. However, we may well need to do something further down the line.

The evidence shows that our approach is working. I do not in any way think that it is perfect, but we are certainly doing a lot better than we have ever done before. We are always open to getting feedback and working with partners to see how we can improve.

11:30

Kath McCormack: East Renfrewshire Council has established a partnership arrangement with CEMVO. It has been about more than just going on to its website. As I said before, it has been working with us to hold some events in Glasgow; unfortunately, those have been cancelled because of Covid. However, now that we have that partnership arrangement, we will utilise CEMVO's expertise to review our policies, especially on recruitment.

It is really good to hear about the committee event, because we will be able to get in touch with the organisations involved, establish relationships

and understand what support they can provide to us.

Stuart Oliver: On partnership scrutiny, my view is that some of the challenges and issues would be common across local authorities. I wonder, therefore, whether there is merit in having an initial strategic discussion, perhaps through COSLA, with some of the organisations that were represented on the first panel—and others—to make sure that debate and discussion is had at that level and that the approach is almost uniform.

There is a danger in relying on individual local authorities to take that proactive step, even though they should. In the spirit of reviewing and of trying to improve, that may be a positive first step, and perhaps those partner organisations would welcome that opportunity. I think that that would be quite positive, and it would probably bring those issues further up the agenda for consideration.

The Convener: Thank you. Gillian Martin, are you content?

Gillian Martin: Yes, thank you.

Alexander Stewart: Let us go back to the topic of equalities and diversity training and development opportunities. We heard from the earlier witnesses that tailored management, leadership and development programmes help the workforce to overcome the barriers that they face daily in the workplace. What training does your organisation provide to encourage that diverse workforce to blossom, engage and progress in the organisation?

Thom Hughes: In general, we provide our whole organisation with equality, diversity and inclusion training in a mixture of face-to-face and online learning. We also work with Path Scotland, which delivers a leadership development programme for BME people. Each year, we normally put a number of BME employees on the programme.

The training element is only one part of what we do. Our BME employee network assists in changing the culture in the organisation and helps people to understand the barriers and the experiences of BME people. Members of our BME network have organised visits to a number of local religious organisations. Each year, we ask members what they think we need to do, as an organisation, to help to change the culture. Therefore, it is about not just that direct training provision but the other information that we can provide to our workforce to change the culture.

In relation to BME people specifically, we use the Path Scotland programme, and we also work with our partners to track how people are getting on when they come on board with us.

Kath McCormack: We have a range of training courses that are available to all staff. We have separate courses on equality and diversity for all nine protected characteristics but we do not have courses that are tailored to BME employees. Again, I will take away from this morning's discussion that there should be a more tailored approach.

Stuart Oliver: As in other authorities, there are extensive internal learning and development courses and opportunities in Stirling Council. Where appropriate and required, the local authority will also outsource and commission specific training. Those opportunities are available to everyone in the workforce. There are no specific training courses aside from the generic equality stuff that we were talking about, but that is different from what was asked about.

Making those learning and development opportunities available to all is key. However, we are trying to progress a flexible culture around the workforce. In that regard, we are in a pretty good place, and any individual with specific circumstances has the opportunity to be flexible in their work. In addition, the management is trained and encouraged to make sure that any particular circumstances—whether they are about home life or cultural considerations—are supported and embraced, so that somebody who is working in the council can thrive and be happy regardless of their wider circumstances.

The Convener: I want to ask about that flexibility. We have heard that, particularly in local authorities, folk from black and minority ethnic communities—especially women—often work in care-at-home or social care roles. Does the local authority have scope to provide flexibility in those roles? Sometimes, flexible working is available only to those of us with laptops. Obviously, local authorities' workforces are much bigger and more diverse than that.

Stuart Oliver: Yes, absolutely. That is an interesting issue. There are few positives to take from Covid-19—it is trite to say that—but one positive is the speed at which our local authority and most others have been able to roll out the mechanics of working from home to almost our entire workforce. With the exception of front-line workers in the roles that you would imagine, our staff are now set up to work from home. That has fast-tracked the culture that we were trying to achieve: full flexibility that is about not presenteeism in the office but output and working round people's schedules to make sure that they have the right work-life balance. That has been a huge positive that we will progress once we get through Covid-19. It has fast-tracked a change in culture that can be only positive for everyone who needs and requires that flexibility.

If you had asked me 10 months ago how flexible the organisation could be, infrastructure-wise, I would have given a very different answer. However, we are now well set up, and, consequently, we are seeing real improvements in how people feel about work and how supported they feel to do the things that they need to do, including in their caring roles. That is one positive that Stirling Council can take from the present circumstances.

Alex Cole-Hamilton: I will address a specific comment that Stuart Oliver made. He said that the specific data on why people from ethnic minority backgrounds are perhaps not being recruited at interview stage as readily as people in other groups has not yet been interrogated. We heard earlier from Silence Chihuri that we suffer from inquiry fatigue. Why have the many recent inquiries about race inequality in employment never led to the interrogation of data around job recruitment?

Stuart Oliver: I am not entirely sure that I can answer that question in terms of the previous wide-ranging inquiries; I can answer only for my local authority, and it is probably a question that my organisation's human resources colleagues would be better able to answer. I do not get the impression that there is a uniform approach. There is in Stirling Council, but, if we look at the wider picture, local authorities differ in their approaches to the recruitment process and the recording of it. As I said earlier, policies are largely uniform, but the process is specific to each organisation and it will vary. There might be a challenge around getting hold of all that data and information to create a picture.

That is not a great answer for you, but the question would probably be one for my chief HR colleague if they were here. Perhaps one of my colleagues from the other local authorities could come in.

Alex Cole-Hamilton: I apologise for putting you on the spot, Mr Oliver. My question was not designed to trap you; it was more to make the point that it is striking to me—as I am sure it is to other members of the committee—that we do not have that knowledge. Despite all these well-meaning and wide-ranging inquiries, we have never interrogated, across the board, the applications that go in, the feedback, those that are rejected and the applicants that are not successful at interview. I genuinely think that that is the chief take-away from this meeting for me.

I have nothing further to ask, convener. Our colleagues have asked all the other questions I was interested in.

Stuart Oliver: I should say that that is my impression and understanding. I might be wrong

and work might have been done at the national level, but I am not aware of it. Perhaps my other colleagues have a view on that.

Alex Cole-Hamilton: Perhaps our committee—

The Convener: I am sorry, Alex, but I need to pause you for a moment. It is nice that we can be relaxed but, when you are all in little boxes on my screen, it is almost impossible for me to make eye contact, so please continue to speak through the chair.

I see that Thom Hughes wants to come in on that question.

Thom Hughes: At Glasgow City Council, we are able to see that data and understand overall the rates from application through to shortlisting and final appointment. As Stuart Oliver has said, there are issues about how different local authorities and public bodies record ethnicity information. COSLA is doing some work with the City of Edinburgh Council to look at getting more alignment so that we can help each other and compare what we are doing. At the moment, what is happening in Edinburgh and how the council collates its statistics and the information that it uses is different to how we do it in Glasgow. There is certainly some work being done on that at the moment, and it might lead to better use of the data.

The Convener: Thank you. I see that Alex Cole-Hamilton wants to come back in.

Alex Cole-Hamilton: Yes, convener, just briefly. I do not doubt for a second that, as Thom Hughes says, data on ethnicity in applications is recorded, and I am sure that that is common across the country. That is not what I am interested in. I am interested in the little nugget of information that we got from Stuart Oliver—that we never do research into why applicants are rejected, not shortlisted or turned down after being interviewed. I would like to understand—perhaps our clerks can help with this—whether there is best practice and whether there are any studies on that issue. Perhaps there is a route towards understanding and resolving the problem through such research.

The Convener: That concludes the questions for our second panel. I thank our witnesses for joining us; it is much appreciated. As I said to the first panel, if the committee did not get to something or you wish to share additional information, we are more than happy to hear from you.

That concludes the public part of the meeting, as we have agreed to take item 5 in private. The next meeting of the committee is scheduled for next week—Thursday 10 September—when we will continue to take evidence on our race equality,

employment and skills inquiry. In the meantime, any follow-up scrutiny will be dealt with through correspondence, which will be published on our website.

11:44

Meeting continued in private until 12:27.

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