



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# EQUAL OPPORTUNITIES COMMITTEE

Thursday 28 May 2015

Session 4

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**Thursday 28 May 2015**

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**EQUAL OPPORTUNITIES COMMITTEE**  
**10<sup>th</sup> Meeting 2015, Session 4**

**CONVENER**

\*Margaret McCulloch (Central Scotland) (Lab)

**DEPUTY CONVENER**

\*Sandra White (Glasgow Kelvin) (SNP)

**COMMITTEE MEMBERS**

\*Christian Allard (North East Scotland) (SNP)

\*Jayne Baxter (Mid Scotland and Fife) (Lab)

\*John Finnie (Highlands and Islands) (Ind)

\*Annabel Goldie (West Scotland) (Con)

\*John Mason (Glasgow Shettleston) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Marco Biagi (Minister for Local Government and Community Empowerment)

**CLERK TO THE COMMITTEE**

Ruth McGill

**LOCATION**

The Robert Burns Room (CR1)



## Scottish Parliament

### Equal Opportunities Committee

Thursday 28 May 2015

*[The Convener opened the meeting at 09:30]*

### Decision on Taking Business in Private

**The Convener (Margaret McCulloch):** Welcome to the 10th meeting in 2015 of the Equal Opportunities Committee. Please set any electronic devices to flight mode or turn them off.

I will start with introductions. We are supported at the table by clerking, research, official report and broadcasting staff and, around the room, by the security office. My name is Margaret McCulloch, and I am the committee's convener. Members will now introduce themselves in turn.

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

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

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

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

**Jayne Baxter (Mid Scotland and Fife) (Lab):** I am an MSP for Mid Scotland and Fife.

**John Mason (Glasgow Shettleston) (SNP):** I am the MSP for Glasgow Shettleston.

**The Convener:** Agenda item 1 is a decision on taking business in private. Members are asked to agree to deal with our consideration of the committee's work programme, which is item 5, in private. Do we agree to do so?

**Members** *indicated agreement.*

## Subordinate Legislation

### Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 [Draft]

09:31

**The Convener:** Under agenda item 2, we will hear evidence from the Minister for Local Government and Community Empowerment on an affirmative instrument, which is laid under the affirmative procedure, which means that the Parliament must approve it before the provisions come into force. Following the evidence taking, the committee will be invited to consider a motion to approve the instrument, under agenda item 3.

I welcome the minister and his official, and invite him to make some opening remarks.

**The Minister for Local Government and Community Empowerment (Marco Biagi):** It is wonderful to be back with the committee, however briefly. I am pleased to be here today to consider the instrument.

The draft regulations propose to make routine amendments to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 in consequence of the establishment of new public bodies and office holders in Scotland. That follows the order that the committee approved on 5 February, which added to the list of bodies that are subject to the public sector equality duty in the Equality Act 2010. All those additional bodies are now listed in the schedule to our draft amendment regulations.

If approved, the draft amendment regulations will ensure that recently established bodies and office holders will become subject to the 2012 regulations—our Scottish-specific equality duties. Those bodies include Historic Environment Scotland, our health and social care integration joint boards, regional boards for colleges, Children's Hearings Scotland, Revenue Scotland and Food Standards Scotland.

The committee will be familiar with the Equality Act 2010, which introduced the public sector equality duty that requires listed public authorities to have due regard, when exercising their functions, to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The purpose of the Scottish-specific duties is to help those authorities that are listed in the 2012 regulations to improve their performance in relation to the general equality duty.

The regulations came into force on 27 May 2012, so they are still relatively new. They set a robust and proportionate supporting framework for the duty in the 2010 act, based on data collection and evaluation, transparency and accountability. In that way they help public authorities to perform better with regard to their public sector equality duty.

The framework requires listed public authorities to report on mainstreaming the equality duty; publish equality outcomes and report progress; undertake equality impact assessment of new policies and practices; gather and use employee information on equality and diversity; publish their gender pay gap and a statement on equal pay and occupational segregation, if they have more than 150 employees; and consider award criteria and conditions in relation to public procurement. I should add that they go quite some way beyond the comparable duties in England.

Listed public authorities were first required to publish equality outcomes, mainstreaming reports and employee information by April 2013 and progress reports were due by 30 April 2015. Statements containing equal pay and occupational segregation were required at the same time, and new statements were to be published every fourth year. The draft amendment regulations propose that the new authorities are subject to the same reporting requirements and intervals as the 2012 regulations. Initial reporting deadlines of April 2016 are proposed for all the new authorities except Historic Environment Scotland, which we propose should report one year later, by April 2017, with intervals continuing as normal thereafter.

Historic Environment Scotland will replace the Royal Commission on the Ancient and Historical Monuments of Scotland—better known as RCAHMS—which was a public body established by royal warrant, and Historic Scotland, which was an executive agency within the Scottish Government. Historic Environment Scotland has the general function of investigating, caring for and promoting Scotland's historic environment. The new organisation is already subject to the public sector equality duty and is currently operating in transitional mode with the two existing bodies prior to taking on sole responsibility from 1 October 2015. Historic Environment Scotland will be ready to report on the Scottish-specific equality duties within two years.

The draft regulations will change relevant references to ensure that the 2012 regulations continue to apply to publicly funded colleges and universities.

Finally, I assure the convener that we have consulted the Equality and Human Rights Commission in keeping with our statutory requirements and it is content with our proposed

consequential arrangements. I hope that the committee will recommend that the draft regulations be approved.

**The Convener:** Because this is a straightforward Scottish statutory instrument, I did not think that members had any questions but I am about to be proved wrong on that.

**John Mason:** I said that I might not have a question but I have just thought of one and, seeing that the minister is here, we might as well ask him a few questions.

I am slightly disappointed that the process is not more automatic, although I suspect that that is not within the control of the minister or anyone else. Clearly, the principle would be that we want all colleges and universities to come under the Equality Act 2010 but we are having to do something to bring in the regional bodies. I suppose that I am a wee bit concerned because the University of the Highlands and Islands has been going for some time, so I hope that nothing has happened there that should not have happened.

The same goes for Historic Environment Scotland. If the two bodies that are being brought together were subject to the 2010 act, but we have to do something when they are brought together, the process seems cumbersome. Will the minister comment on that?

**Marco Biagi:** Any process by which additional duties are placed on a public body will invite a wish for a fair level of parliamentary scrutiny. The issue has been considered in the past and I have to say that it is rare for a minister to come in front of a committee and hear a committee member say that the Government should subject itself to less parliamentary scrutiny when it wants to amend legislation. I will take the point and consider it, but affirmative procedure that puts quite onerous duties on new public bodies seems to me to be proportionate. It is something on which we have taken opinion in the past.

**Sandra White:** I welcome the regulations and the new bodies that are affected. Any tightening up of the Equality Act 2010 is most welcome. As the minister said, the duties go beyond those in other jurisdictions.

You mentioned the regional boards for colleges, and I am particularly interested in the Glasgow Colleges Regional Board and its duty to eliminate discrimination. Four people, including the chair, have resigned from that body and there is some unrest with regard to allegations of harassment. If there is evidence of such harassment, will it go before ministers and the Government?

**Marco Biagi:** I do not want to comment on any on-going legal, disciplinary or other disputes, but I

can say that the education side of the Government has certain powers with regard to good governance in colleges in Scotland and certainly has portfolio responsibility for this. I am aware that education colleagues are monitoring specific issues with regard to internal disputes in organisations; it is not a matter that would normally come to us, but I would advise anyone in any organisation who is facing such behaviour or making such allegations to make a report under the methods that are available through the helpline.

**Sandra White:** Thank you.

**John Finnie:** This is a bit of a lateral question, minister, but a number of my constituents would be surprised if, in discussing equalities, I did not raise the issue of Food Standards Scotland. The logo and letterheads of this new body—and, previously, its constituent bodies—used to be bilingual, but the Gaelic has now been dropped. If our aim is to show equal respect for both languages, would you throw your weight behind the reinstatement of bilingual letterheads and logos for that organisation?

**Marco Biagi:** There are certainly strong reasons for every organisation in Scotland to consider carefully the role of Gaelic and indeed the legal burdens in that respect. I undertake to investigate the matter further and report back to the member.

**John Finnie:** Many thanks. Mòran taing.

**The Convener:** If members have no more questions, we will move to formal consideration of motion S4M-13207.

*Motion moved,*

That the Equal Opportunities Committee recommends that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 [draft] be approved.—  
[Marco Biagi.]

*Motion agreed to.*

**The Convener:** That concludes our consideration of the instrument. We will report the outcome of our considerations to the Parliament, and I thank the minister for his participation.

**Marco Biagi:** Thank you.

## Annual Report

09:43

**The Convener:** Agenda item 4 is consideration of a draft annual report for the parliamentary year from 11 May 2014 to 10 May 2015. Does anyone have any comments to make about the report, or is everyone happy with it?

**John Finnie:** It is a very good report. I have already suggested to the clerk that it should point out that there was a debate on the issue highlighted in paragraphs 15 and 16, albeit that it was a Scottish Government debate. Perhaps the report could contain a link to it.

**Christian Allard:** On that last point, do we usually put all the links on the back page of the report? Is that not a bit cumbersome?

**Ruth McGill (Clerk):** It is a change in the way that reports are formatted. They are being taken forward on a new template.

**Christian Allard:** I like links at the bottom of the page.

**The Convener:** Are you happy to leave the report as it is, Christian?

**Christian Allard:** If, as I have been told, it is a new template that we need to adhere to, then it is a new template that we need to adhere to.

**The Convener:** Where, in paragraph 4, it says:

“We agreed to meet in Easterhouse”,

I wonder whether we could add the words “in Glasgow”, given that another paragraph refers to “Easterhouse in Glasgow”. We are assuming that people know where Easterhouse is.

Are all members content with the report?

**Annabel Goldie:** This is not a substantive question, but as someone who has been in and out of the committee, I wonder whether anyone who looks at this report would be interested in reading about committee membership and changes. Is there a template for all committee reports? Is this simply how it is?

**Ruth McGill:** There is a template, but I imagine that the overarching annual report will show membership. I will find out and get some clarification on that point.

**Annabel Goldie:** Fair enough. It was just an observation.

**The Convener:** We will clarify that and bring it back to the next meeting.

**Annabel Goldie:** It is not a serious matter, convener. I was just interested.

**The Convener:** Okay. If members have no more comments, is the committee happy with the overall report and the amendments that have been suggested?

**Members** *indicated agreement.*

**The Convener:** That concludes the public part of today's meeting. Our next meeting will take place on Thursday 4 June, and we now move into private session.

09:45

*Meeting continued in private until 10:29.*

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