

**Equality and
Human Rights
Commission**

Scotland
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Capturing the gains of the Public Sector Duties

**A report for the Equality and Human
Rights Commission Scotland**

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1. Introduction

Organisation and Social Development Consultants Ltd (OSDC) were commissioned by the Equality and Human Rights Commission Scotland to identify case studies which demonstrate how public bodies in Scotland are meeting the Race Equality Duty, Disability Equality Duty and Gender Equality Duty.

The aims of the project were:

- to collate existing knowledge on good practice held by the legacy commissions
- to build a set of case study examples covering key elements of all three duties in rural and urban public authorities across Scotland
- to provide examples of public authorities taking a proactive approach to religion/belief, age and Lesbian, Gay, Bisexual and Transgender (LGBT) equality.

2. Methodology

In the first instance a number of local and national equalities groups were contacted to gauge their views of how public bodies were implementing the equalities duties. Following this, public bodies across Scotland were contacted to discuss the impact of the duties and gather case studies for inclusion in this report.

Examples were sought with particular emphasis on the following issues:

- leadership and governance
- involving disabled people and other equalities groups in policy service design
- the outcomes of impact assessment processes
- good practice in monitoring
- increased organisational diversity
- progress on equal pay
- accessible public reporting systems.

These issues had been identified by the Equality and Human Rights Commission as likely components in the successful implementation of the duties.

The next stage was either to interview the respondent, usually by telephone, and to write up the interview, or to ask respondents to fill in a questionnaire. The questionnaire is contained in the Appendix.

3. Overview of issues arising from the work

Without doubt the public sector duties have generated a great deal of activity.

The effect of the requirements is that many public bodies are re-thinking their consultation, engagement and involvement strategies. For many, this has meant building on their existing work or re-packaging what they already do so that they can reach a wider group of people. Others are thinking beyond the three strands of race, gender and disability, where there are legal requirements, and are finding ways of connecting with communities with which they have not previously had contact. (See, for example, the case studies from West Dunbartonshire Council on building relationships with the Gypsy and Traveller community and the LGBT community and Dumfries and Galloway Constabulary's involvement of disabled people in the development of their disability equality scheme.)

Lack of baseline data on ethnicity, disability and gender of staff and service users has been an issue for many organisations who are now developing systems to collect better qualitative and quantitative data. (See, for example, the case study from NHS Forth Valley on gathering baseline data about the ethnicity of staff and the case study from Fife Council on the experience and needs of migrant workers.)

There are many examples of service delivery interventions which better serve the needs of specific groups of people. In a number of cases these were pilot projects or short-term funded projects and, although they were successful, there was some concern that these programmes would not be established in the core work of public bodies. Targeted initiatives include the case study from NHS Lanarkshire on cervical screening and preventative work on coronary health care, and the case study from Strathclyde Police on their Autism Alert Card Scheme.

Other organisations have policies and practices in place that are focused on recruiting and retaining a diverse workforce. Many organisations have developed flexible working policies and carers' policies. (See, for example, the Scottish Legal Aid Board case study on flexible working and the Scottish Parliament's maternity mentoring scheme.) The statutory requirements of the Duties mean that public bodies have equalities schemes in place. These are regularly monitored and reported on. In some organisations the outcome is that overall there is an increase, for example, in the number of ethnic minority staff employed or in the number of women employed in traditionally male environments. (See, for example, the case study from Scottish Enterprise and the case study from Strathclyde Police.)

One employee from an NHS board recognised the clear links between inequality and poor health outcomes and suggested that fulfilling the expectations of the Public Sector Duties provided an important stimulus to develop plans which met the diverse needs of their staff and service users. However, they also believed that: 'Developing an organisation of 44,000 staff along these lines is time-consuming and the extent to which these plans have been translated into meaningful outcomes is still limited.'

This point was made many times in many different ways. For example, most public sector organisations have addressed the need to ensure that procurement processes are fair. As a minimum they may have a questionnaire that prospective contractors are required to complete when applying for contracts. To an extent this is seen as a part of the organisation's risk assessment. The outcomes, for example in terms of more ethnic minority firms being on the tender lists or being awarded contracts, are yet to emerge.

There is also evidence of greater partnership working with equalities groups and/or the voluntary sector. It appeared that contacts, connections and expertise are in the voluntary sector whereas the financial resources are in the public sector. When the public sector has put resources for capacity building into the equalities/voluntary sector it has helped them to meet their statutory duties. (See, for example, the case study from SEMPERscotland or the case study from Dumfries and Galloway Access Panel.)

As one respondent said: 'There is not one particular thing that we are doing that I can point to and say that it alone is making a difference. It's the sum of the policies and activities that demonstrate our commitment. Hopefully, it means that we get a reputation as being an organisation that is serious about diversity.'

In conclusion, from the work carried out for this report, it seems that the focus of much of the activity to date has been on getting the processes of consultation and evidence-gathering right. There was evidence of good outcomes from established projects and from short-term funded projects.

The next challenge for public bodies is to ensure that fairness and equality is embedded in organisational policy and practice. Public bodies must be able to show what difference the duties are making for real people – to demonstrate outcomes. There is a need to keep in mind that the overall aim of the Public Sector Duties is to put equality into all the aspects of mainstream organisational practice in order to ensure that public services are fair and accessible to all.

4. Case studies

A number of case studies have been identified, these have been organised in this report under the following headings:

- leadership and governance arrangements to deliver change across an organisation
- involvement of disabled people and other excluded groups in the development and delivery of policy and services
- impact assessment leading to changes in policy or service design
- effective monitoring of service outcomes and improvements
- action to improve organisational diversity
- action to deliver equal pay
- accessible and informative public reporting on progress and demonstration of positive organisational attitude towards the equality agenda.

Under each heading there are examples of practice that demonstrate how the equality duties are having a real impact on the employment practices and service delivery of public bodies. Full case studies are available separately at: www.equalityhumanrights.com.

4.1 Leadership and governance arrangements to deliver change across an organisation

Most of the public bodies contacted for this report have mechanisms in place to ensure accountability for their equality schemes and action plans at the highest level of the organisation. For some, this means it is a standing item on the agenda of the senior management team, or the board, or equivalent. For many, the monitoring and review process is the way that the governing body and the senior managers receive regular information about equality.

Scottish Parliament: leadership arrangements

The Scottish Parliament Corporate Body (SPCB) have a programme that highlights the importance of leadership training as well as staff training and the importance of having equality champions at a high level within the organisation. The Deputy Presiding Officer of the Parliament is the disability equality champion. Each directorate within the Parliament reports annually on its progress and plans. Every member of staff has to demonstrate, through the performance management competency framework, how they have contributed to the promotion of equality. This provides an indicator of how well the SPCB are performing on equality at an individual and organisational level.

Cadder Housing Association: leadership and cultural change

Cadder Housing Association received a critical report from Communities Scotland in 2003 and, as a result, they put in place a number of interventions to turn the Association around. They reviewed all their policies and procedures, trained their staff and committee members in the importance of equality and diversity, monitored who used their services, ran a major marketing campaign and built up a working relationship with Positive Action in Housing from whom they now receive tenancy nominations.

In three years they increased the percentage of ethnic minority tenants from less than 1 per cent to 15 per cent and now have 23 per cent ethnic minority representation on their committee. The incidence of empty houses (and the resultant lack of income) is now one of the lowest of its peer group.

Scottish Prison Service: leadership and accountability

Scottish Prison Service (SPS) established a National Equality and Diversity Executive Group which is chaired by the Director of Prisons. Each individual prison has an Equality and Diversity Group, chaired by the Governor in charge and made up of staff representatives, a prisoner representative (where possible) and local external representatives of equality organisations. The local groups meet at least three times a year and have a remit to ensure the implementation of the corporate equality and diversity schemes. They also report quarterly to their own establishment's business review. Accountability is identified, therefore, both at the local and national level and the most senior SPS staff are accountable.

4.2 Involving disabled people and other excluded groups in the development and delivery of policy and services

The Disability Equality Duty requires public bodies to involve disabled people in policy and service development. This, together with the requirements of the other Duties to carry out Equality Impact Assessments and to consult on proposed and existing policies, means that a great deal of energy in the public sector is currently being spent on consultation, engagement and involvement strategies and processes.

For some public bodies this is not new but in many it has, up until now, been piecemeal. Organisations have to identify ways to consult with people who use their services – and with those who don't, but are potential users. Some organisations were positive about this focus on consultation and involvement, as one respondent commented: 'The days are gone when you could sit in a room on your own and develop and write a policy – and it's a good thing too. We are far more accountable now.'

The work involved in establishing partnerships and networks has consumed a great deal of energy in many organisations and the result is that the organisations' processes have been transformed. Many commented that it was 'early days' to see many tangible outcomes from the Public Sector Duties. However, they were able to demonstrate a new energy directed at consultation, involvement and data gathering.

In Scotland there are 49 access panels covering most of the country. Their aim is to improve access to the built environment for disabled people. Many take a broader definition of access and are active in campaigning for social inclusion and greater equality for disabled people.

Many of the equalities groups that are operating at a local level, including access panels, are under-resourced and many do not have the capacity to engage in all of the consultation that public bodies are asking of them. A partnership is only as strong as its weakest partner. In the long term, public bodies need to find ways to consult with equalities groups in creative and engaging ways.

The case study from Dumfries and Galloway is an example from the voluntary sector perspective. It demonstrates that having a strong partner in the voluntary sector can aid public sector bodies in meeting their duties.

Dumfries and Galloway Disability Access Panel

The Dumfries and Galloway Disability Access Panel's remit is to:

- provide a forum for consultation among voluntary and statutory organisations concerned with access to the built environment for disabled people
- encourage integration between disabled and non-disabled people in the community

- promote and encourage the provision and improvement of facilities for disabled people in the built environment, and
- discuss the implications of the Disability Discrimination Act 1995 and Disability Equality Duty in Dumfries and Galloway.

The panel's membership is drawn from the voluntary and statutory sectors and is led by disabled people. The relationships that have been built up as a result of the work of the panel have enabled a range of public bodies to consult and involve disabled people.

The panel has major input into assessing the accessibility of council and other public buildings. All schools in the area will be audited in relation to access and many adaptations have already been made. Plans for new public buildings are scrutinised by the panel.

West Dunbartonshire Council: engagement with the LGBT community and the Gypsy/Traveller community

In West Dunbartonshire Council, two examples of work demonstrate engagement with groups who experience discrimination and prejudice.

LGBT Equalities Network

West Dunbartonshire Council worked in partnership with other agencies to support the LGBT Equalities Network in the area. The development of the network reflected a range of influences including the Community Planning Partnership's recognition that no work had been done to engage with the LGBT community in West Dunbartonshire, changes in legislation and the Council's support for LGBT History Month.

The LGBT Equalities Network is a multi-agency partnership including the voluntary youth sector, the police, health care providers, the West Dunbartonshire Violence Against Women Partnership, the Community Planning Partnership and council staff and elected members.

The Network received funding from West Dunbartonshire Community Planning Partnership to raise awareness of LGBT issues, to challenge homophobia and to ensure that the LGBT community was consulted in service design and delivery.

The LGBT Equalities Network focused their activities on the following three areas:

Visibility – a poster campaign was developed and posters were displayed in bus shelters and in public buildings and spaces. Examples of the posters can be viewed on the West Dunbartonshire Council website. The rainbow flag was flown at the Council offices in Dumbarton and Clydebank at the start of LGBT History Month.

Celebrating diversity – an event was organised for the equality groups in the area alongside a programme of youth events to raise awareness of LGBT equality.

Training – LGBT Youth Scotland provided training for trainers for a multi-agency training group which was then able to offer taster sessions and training to groups and organisations throughout West Dunbartonshire. This work has helped the Council to develop its expertise in LGBT equality issues, raise awareness of homophobia and improve relations between the Council and the LGBT community in West Dunbartonshire. The network and training programmes are now established and the Council is currently in the process of developing an action plan to build on this work.

Gypsy/Traveller strategy

West Dunbartonshire Council has published a Gypsy/Traveller strategy as part of its broader race equality strategy. The aim of the strategy is to ensure a co-ordinated and responsive approach to support provided through services such as housing, social work and education. The strategy has also provided a focus for consultation with the local Gypsy/Traveller community on the policies and services that affect them and a framework to address the issues which have emerged.

The Council's Community Learning and Development Service supported the development of a Gypsy/Traveller's Action Group. Committee skills training was made available and the group was assisted to form a constitution and to elect office bearers. This activity led to the identification of the following priorities:

- the need to improve living conditions and facilities on the site, with particular concerns for disabled people and older people
- the need for better access to services, including education and health care
- the need to alleviate overcrowding
- the need for greater recognition of the needs and rights of the Gypsy/Traveller community from the Council, the wider public and politicians.

These priorities were reflected in the Gypsy/Traveller strategy and action plan agreed by the Council in January 2008. An information leaflet has been produced and work to implement the strategy is ongoing.

The action plan lists a number of actions and intended outcomes along with timescales and designated responsibility. Some outcomes are dependent on the availability of funding e.g. upgrading the site and providing additional facilities. Others can be actioned through partnership working between the Gypsy/Traveller community and agencies such as the Community Health Partnership and the local FE College.

Strathclyde Police: Autism Alert Scheme

Strathclyde Police, in partnership with National Autistic Society in Scotland and Autism Resource Centre in Glasgow established an Autism Alert Card Scheme. There is evidence that autistic people are more likely to come into contact with the police than people who are not autistic.

The approach has been two-fold: firstly, there was the need to be able to identify people who were autistic, and secondly, there was a need to ensure that officers and other members of the police service who come into contact with the public were aware of the appropriate ways to respond.

As a result the 'Autism card' was developed. The card is distributed by the Autism Resource Centre to autistic people and, when people are given the card, there is an explanation of how and when to use it. Carrying the card is completely voluntary.

A short DVD has also been developed to raise awareness of the issue. It is available on Strathclyde Police's intranet. All staff are required to view it and this requirement is monitored.

The Chief Executive of the Scottish Society for Autism commented: 'We see this card as a quick and easy way of alerting police officers to the needs of people with autism and, in so doing, help officers to better understand the individual.'

Tayside Police: SMS text messaging service for people who are deaf or hard-of-hearing

During a consultation process, as part of developing their disability equality scheme in 2006, Tayside Police were advised by deaf and hard-of-hearing people that contact with the Force Communication Centre (FCC) was not accessible. In response, officers from the FCC worked closely with the Sound Sense Project, which is a part of the Tayside Association for the Deaf, to identify ways to improve communication and ensure the accessibility of services. They assessed the viability and value of introducing an SMS text messaging service for those who were unable to use other means of contact.

The Tayside Association for the Deaf and Sound Sense Project acted as conduits between Tayside Police and their membership to facilitate consultation. They were also instrumental in building a database of potential users of this service. Registrants agreed to share their contact details with other relevant agencies, for example local authorities, to help improve accessibility to their services.

The head of the FCC took ownership of the project and ensured that all necessary resources were made available. The FCC will monitor use and report back regularly to the Deputy Chief Constable via the Force's strategic management Diversity Development Group.

Currently, approximately 70 people are registered. The service is restricted to those who have registered their mobile phones and provided essential information.

Involvement and consultation with disabled people were crucial components of this work. Disabled stakeholders and potential users were involved in the development of the registration form and marketing materials, as well as developing the business case for the new project to submit to the Force Executive.

The next stage of the project is to develop a short online video in British Sign Language, again to be developed in partnership with other service providers.

Glasgow Metropolitan College: CALM project

As a result of their consultation with students as part of the preparation of the college's disability equality scheme, Glasgow Metropolitan College was made aware of the need to ensure that their teaching and learning materials were more easily accessible to all students. The college established a project to train and support all academic and key clerical staff to create and maintain electronic resources that could be adapted to meet the different needs of students.

The project was initiated in order to respond to the Disability Equality Duty, and to:

- increase staff uptake of the college's virtual learning environment
- reduce the large (and growing) number of requests for note-takers, and
- present learning and teaching materials in an accessible, college-branded format.

The CALM project was established to train all academic and key clerical staff to create and maintain accessible electronic resources and present them in the college house style. At the training session they learned:

- the importance of developing accessible materials – the legislative, business and personal case
- ways to develop their teaching materials to be more inclusive to varied learner needs and preferences, and
- some of the interactive e-learning resources that can be used to enhance learning and teaching materials.

Staff were provided with supporting materials and a pen drive with accessible templates uploaded, and two additional staff posts were created to support the project.

As one graphic design student commented: 'I have a visual impairment so it's easy for me to open documents up and with the software package I have on my computer I can just enlarge the text, instead of the documents getting enlarged by the college. Having documents in an electronic format saves the hassle of going through people to enlarge files and going to the photocopier; I can just do it myself and magnify it to how I want.'

Dumfries and Galloway Constabulary: involvement

Dumfries and Galloway Constabulary set up a process to ensure that disabled people were consulted and involved in the development of their disability equality scheme. They made initial contact with 36 disability-related organisations and as a result they had further contact with 26 of these. They found that the Disability Access Panel was able to help them to identify local groups and provide contacts. Initially the Constabulary contacted the groups to find out firsthand how best to consult with them. The Constabulary found that good consultation with disabled people required preparation: for example, taking account of visual or hearing impairments and ensuring that the meeting places were completely accessible.

There is now an ongoing relationship between Dumfries and Galloway Constabulary and organisations in the area that represent the views of disabled people. This has enabled greater input from disabled people into policy development and action planning.

This has led to further developments: for example, the relationship that was built with the local Disability Access Panel resulted in members addressing a senior management strategy away day. They are also involved in annual updates of the disability equality scheme.

Scottish Prison Service: disability equality

As part of their response to the Disability Equality Duty the Scottish Prison Service identified the need to raise awareness of disability discrimination and to ensure that staff, visitors and prisoners avoided discriminatory language and behaviour.

Working in partnership with Capability Scotland the service produced a poster for display in all Scottish Prison Service establishments giving examples of terms that were likely to be offensive. They also produced a 'handy hints' guide for staff to raise awareness of the issues relating to working with disabled prisoners. The outcome of the initiative was that the profile of the disability equality scheme was promoted across the Scottish Police Service, it also sent a clear message to disabled people that they could expect to be treated with respect and dignity and to have their individual needs fairly addressed. The partnership between the Scottish Police Service and Capability Scotland was crucial in making this initiative a success, as was the involvement of disabled people.

University of Glasgow: gender equality survey

The University of Glasgow devised a Gender Equality Survey to consult with their stakeholders prior to writing their Gender Equality Scheme. The response rate was high with over 4,000 responses from staff and students.

The gender equality scheme and action plan was researched and written by the Gender Equality Implementation Group, which included representation from staff unions, the student union and academic and service departments. This group has now been reformed into the Gender Equality Group, which has responsibility for implementing the action plan.

The university had included specific questions on harassment and bullying and this was highlighted as a concern by both staff and students. This led to two actions points which were included in the gender equality scheme:

For students – Review the extent to which harassment and bullying is a concern in the learning environment.

For staff – Clarify whether harassment and bullying is a concern in the working environment.

The outcome for students has been that the University developed a Student Harassment Statement which links into the formal Academic Codes including Student Complaints and the Code of Discipline. This statement is a supportive, encouraging statement which highlights where a student can seek sources of support if they feel they have been harassed or bullied. The statement has been widely promoted and is supported by a website which includes Frequently Asked Questions addressing the different issues if the student feels they are being harassed by a member of staff or a fellow student.

The outcomes for staff have included:

- the recruitment of 10 new Harassment Advisers
- the development of a Harassment Advisers handbook
- two training sessions covering confidentiality, active listening, grievance procedure and defining harassment
- a monitoring system for casework and client feedback
- a harassment information website, currently under development
- a Harassment Policy, currently being re-drafted for consultation
- the Harassment Advisers Network is forging closer links with the Human Resources Department
- the Management Development Programme now includes a session on equality and diversity which includes a specific harassment case study.

In developing the Student Harassment Statement the University will investigate extending the role of the existing staff Harassment Advisers to include supporting students. This goes beyond the requirements of the university's gender equality scheme action plan.

4.3 Impact assessment leading to changes in policy or service design

Public bodies are required to carry out equality impact assessments of new and existing policies. There are many different approaches. Some organisations are undertaking major consultation and data-gathering exercises in order to carry out more comprehensive equality impact assessments and others are training staff to carry out the assessments. Some have already carried out hundreds of assessments and some are impact-assessing on the three strands where there is a legal requirement to do so, while others are impact-assessing on all six strands.

The consultation and involvement mechanisms that have been developed vary. The first example below, from NHS 24, describes the process that they have developed to ensure maximum engagement as well as organisational accountability and ownership. The second example, from sportscotland, highlights how a significant policy area was changed as a result of the equality impact assessment process. The third, from Scottish Enterprise, describes how the equality impact assessment process led to the development of an action plan to address the issues that emerged.

NHS 24: the equality and diversity impact assessment process

The Equality and Diversity Manager of NHS 24 brought together an equality and diversity impact assessment team made up of people both internal and external to NHS 24. As a group they represent a variety of interests and expertise, including the views, interests and experience of a range of equalities communities and groups. They meet on a monthly basis and at each meeting they impact assess one policy, function or service. If necessary, they are joined at that meeting by the person/people from within NHS 24 who have responsibility for the policy area. The impact assessment is drafted from the notes of that meeting, sent back to the group for agreement or comments and then the final draft is produced. This is then put in the public domain for further consultation. As well as being available on the website, it is also circulated to other parties that may have an interest in it.

The final version, taking account of any further feedback, is agreed with the owner of that policy area and is then submitted to EQIPP – the NHS 24 Board’s committee with responsibility for governance and overseeing the delivery of the equality and diversity objectives.

Sportscotland: equality impact assessment of ‘Out There’

Sportscotland carried out an equality impact assessment on ‘Out There’ – their policy statement on sport and recreation in the outdoors. The significance of the policy is that it forms the basis for the approaches to all sports that are carried out in the outdoors across Scotland. The policy sets out the framework that partner agencies will need to take into account when designing, developing and delivering their own schemes and action plans.

They consulted widely on the policy but, importantly, they also drew on information that was already available to the organisation. Sportscotland had

already carried out research into the barriers to participation in other sporting areas and their single equality scheme had already pulled much of this information together. They were also able to draw on work that had been carried out by the Countryside Recreation Network. The consultation that they carried out specifically in relation to ‘Out There’ enhanced what was already known.

As a result of the assessment, a new guiding principle was added to ‘Out There’ making it clear that all sectors of the population should be involved in outdoor sport and should be encouraged to participate. Some key policy statements were added to relevant sections of the text, underlining the need to provide facilities and opportunities for sport close to where people live. Policy was revised in the chapter on outdoor access – encouraging provision for disabled people in the implementation of access rights, including provision for wheelchair users and families with buggies. The policy on charging for sport use of the outdoors was revised to encourage charges to be set at a level that would not exclude certain groups because of cost.

A section has been created, entitled ‘Inclusion’, which outlines the need to address the barriers to participation that some groups face in participating in sport and recreation in the outdoors. It is also recognised that it is crucial to engage with excluded groups to clarify their issues and barriers and to work with them in identifying solutions.

Scottish Enterprise: equality impact assessment of National Training Programmes

Scottish Enterprise’s Skills and Learning Division carried out an equality impact assessment on their National Training Programmes (NTP).

They reviewed data from several internal and external research sources and carried out an extensive consultation exercise with a number of under-represented groups. The aim was to gain details of experiences and views relating to potential inequalities within the NTP.

The overall assessment suggested that those from an ethnic minority background and those with a disability had experienced some degree of adverse impact. Gender also emerged as an issue in some occupational sectors. Data showed that a higher percentage of males than females take up the opportunities offered by NTP.

Scottish Enterprise benefited considerably from this consultation exercise. Hearing first-hand accounts of individual experiences gave staff a better understanding of the barriers service users faced. They were able to build a number of useful ongoing relationships with local organisations who welcomed the opportunity to work with Scottish Enterprise to develop longer-term solutions.

As a result of the equality impact assessment, the Skills Development Equal Opportunities Network Group developed an action plan to address the specific recommendations identified. Joint partnership working has been highlighted as being crucial for driving the plan forward and ensuring its success in improving outcomes for service users.

4.4 Effective monitoring of service outcomes and improvements

Effective monitoring is essential to be able to demonstrate that services are being delivered fairly. In many areas (both geographical and sectoral) there is concern that the baseline data is not available. This is compounded in some organisations by the concern that to gather data is somehow an infringement of a person's liberty and that asking questions particularly in relation to sexual orientation, ethnicity or religion will be misconstrued as a desire to use the information to discriminate.

The examples below examine different stages of the monitoring process. The first, the Migrant Worker Survey in Fife, focuses on the way that baseline data was gathered from the new community of Eastern European origin NHS Forth Valley has improved ethnic monitoring of its workforce and received 92 per cent return on a staff ethnicity survey by taking proactive steps to improve data collection. NHS Forth Valley has improved ethnic monitoring of its workforce and received 92 per cent return on a staff ethnicity survey by taking proactive steps to improve data collection.

Within the NHS there is a plan to make a training video to support staff to find ways to ask the questions that are necessary for monitoring. Another example from the City of Edinburgh Council shows how data from schools about bullying and harassment was used to identify appropriate interventions.

The two examples from NHS Lanarkshire describe targeted provision which developed in response to awareness that some sections of Lanarkshire's population were not accessing preventative care.

Fife migrant workers survey

A Fife multi-agency working group commissioned a survey to gather information about migrant workers living and working in Fife. It is part of a series of 'KnowFife Findings' produced on behalf of Fife Partnership.

Fife Partnership worked closely with the Fife Polish Association and recruited and trained 10 Polish interviewers. Using the snowball technique (i.e. asking everyone they interviewed for leads of other people to interview), they achieved 904 valid responses.

The survey's main objectives were to assist the main service-providing agencies in Fife with a better understanding of migrant workers' characteristics and needs. The survey concentrated on three main objectives:

- to quantify the demographic characteristics of migrant workers in Fife and, where possible, identify future trends
- to determine the key issues affecting migrant workers including employment, accommodation, health, education, qualifications, training, and integration within communities, and
- to understand the reasons for migrant workers coming to live and work in Fife, and their future aspirations.

Copies of the survey are available at: www.fifedirect.org.uk/migrantsurvey.

The findings will be used to ensure that policies and services are planned, designed and delivered to take account of the diversity of the Fife community.

As a result of the success of the methodology it is likely that it will now be replicated for the communities of Asian and Chinese origin, in order to inform service planning.

NHS Forth Valley: ethnicity monitoring

NHS Forth Valley received a 'minded' letter from the then Commission for Racial Equality with regards to their ethnicity monitoring. As a result Forth Valley put a project in place to improve the ethnic monitoring of staff which resulted in an increase in monitoring from 40 per cent to 91.3 per cent in one year.

The project to gather the data was overseen by the Human Resources department and they recognised that there was likely to be a better return if staff knew why they were being asked for the data, how the data would be used, and how their confidence would be respected.

The first stage involved all staff being sent a letter, enclosed with their payslip, from the Chief Executive stating why the project was taking place and reassuring staff about the way the data would be used.

The next stage was for members of the Workforce team to meet with senior staff in all seven of the directorates to plan ways to get the information across to all teams. As far as possible natural meetings – i.e. team or departmental staff meetings – were attended. Questionnaires were then sent to all staff. Departments that did not produce a very high return were revisited.

Each questionnaire was numbered and the data inputters were able to identify the individuals who had not responded, and in May 2008 the non-respondents were sent a postal questionnaire to their home address. The outcome was a 91.3 per cent return with only 3.5 per cent stating that they did not wish to disclose the information (the Board has approximately 8,500 staff).

This approach has provided NHS Forth Valley with a good model and they expect that as they gather data on other equality strands, the process will not be as onerous as the groundwork has already been done.

The NHS Forth Valley Workforce Modernisation Board, Staff Governance Committee and Fair for All groups will receive regular reports based on the data. The information is used to analyse trends, highlight areas requiring attention and assess the impact of appropriate actions. These actions may include:

- targeted training sessions
- review of advertising media, and
- involvement of key stakeholders in reviewing procedures.

NHS National Services Scotland: information gathering

NHS National Services Scotland Information Services Division has undertaken a number of initiatives to improve data collection within the NHS including an Ethnic Monitoring Toolkit. The Toolkit incorporates guidelines and training resources to support the planning and implementation of ethnicity monitoring of patients within NHS Scotland. It includes policy and legal background plus guidance on project management and ethnicity classifications. A substantial part of the Toolkit is a communication guidelines section which includes suggestions for communications approaches and some draft communications materials.

A training DVD is currently being developed for staff who will be involved in asking service users to give more personal information across all diversity strands (age, disability, ethnic group, faith/belief, gender, sexual orientation, transgender).

City of Edinburgh Council: anti-bullying and anti-discrimination work in schools

The City of Edinburgh Council requires all schools to record incidents of bullying and discrimination and to report on these annually. In 2007, they established a short-term working group to establish the extent to which the procedures were followed and to consider the effectiveness of the procedures for gathering and interpreting data. They assessed which strategies and interventions had proved most successful.

In primary schools, the school ethos, circle time and the involvement of parents/carers were found to be the most effective intervention.

Secondary schools cited the ethos, curriculum, building resilience and self-esteem, befriending schemes, counselling and parent/carer involvement as being the most effective. Pupils in one cluster group placed a high value on special events like anti-bullying week or assemblies.

As a result of this work the City of Edinburgh Council established a number of initiatives in schools that will contribute to preventative work. Some of these have been developed within a particular school. Others have been developed externally for use in schools.

For example:

- Leith Walk Primary School has developed a pack called *The World United* which is designed to welcome new arrivals, including refugees and asylum seekers.
- The staff of Forthview Primary School have developed programmes on both bullying and equalities as part of the 'Creating Confident Kids' resource. Staff training will accompany the resource.
- The Council together with Lothian and Borders Police piloted the Stonewall play *Fit* in six Edinburgh schools in the autumn of 2008.

NHS Lanarkshire: targeted service delivery

NHS Lanarkshire have developed a number of targeted health initiatives, two of which are detailed below.

Cervical screening programme

There is national evidence that the uptake of cervical screening services is low amongst certain communities, and further evidence that early screening and treatment can prevent 75 per cent of cancers developing.

NHS Lanarkshire trained lay members of the community to become Community Health Educators (CHEs) to improve the uptake of screening services in vulnerable communities. In Lanarkshire the communities targeted were the ethnic minority communities and the communities in regeneration areas, both of which had low take-up rates.

The intervention was a participatory action research method and was facilitated by CHEs in each community. The CHEs worked with the community using questionnaires, focus groups and interview methods to identify the problems and to generate ideas for solutions to those problems. They then worked with the community to implement the intervention.

The outcome has gone beyond greater uptake of screening services. It has also generated a stronger sense of community and a sense of empowerment in terms of health choices for those who had been involved with the CHEs.

Improving heart health

The Braveheart project is part of NHS Lanarkshire's strategy to improve heart health in Lanarkshire. There is evidence from elsewhere that early intervention leads to changes in behaviour and lifestyle that lead to improved mortality rates from heart disease. The main focus of the initiative was the distribution of information on coronary heart disease. The project also has two nurses who tour Lanarkshire carrying out heart health screening to detect undiagnosed hypertension, diabetes and other related diseases that contribute to Lanarkshire's bad heart health record. The team wanted to be sure that the ethnic minority communities were also able to access their services, so after training in cultural awareness and working with interpreters, they targeted their roadshow to places where they knew the ethnic minority community was likely to be: for example, drop-in centres for the elderly, a range of different women's groups, the mosque, and Gypsy and Travellers' community sites.

A major outcome was that there is now better communication between NHS Lanarkshire and ethnic minority groups and community groups.

4.5 Action to improve organisational diversity

In order to meet the requirements of the equality duties, many public bodies have taken measures to ensure that they recruit and retain staff who are as diverse as the populations they serve and so promote fairness across the organisation.

The Scottish Parliament has taken steps to ease the transition back to work for those returning from maternity leave. Strathclyde Police, aware of the benefits of recruiting more women to the service, have put in place a number of initiatives and have increased the number of female recruits. In 2005, the Scottish Legal Aid Board received an award from Lloyds TSB as Employer of the Year for its flexible working scheme.

SEMPERscotland, though not a public body, is a staff association supported by public bodies and its existence enables ethnic minority staff within the police service in Scotland to contribute to the development of their organisation's race equality objectives – both in relation to staffing issues and community relations.

Although there is no current requirement to promote LGBT equality under the Public Sector Duties the example from Stevenson College shows a proactive approach to promoting an equalities ethos in a public body.

Scottish Parliament: maternity mentors

In response to the Work and Families Act and the Gender Equality Duty, the Scottish Parliament Corporate Body undertook an exercise in February 2007 to find out about the experiences of staff returning to work after maternity leave and to invite them to consider whether they would have benefited from additional support. The exercise highlighted a number of key issues that led to the implementation of a maternity mentoring programme.

Pregnant staff are informed of the project and offered the opportunity to have a mentor. Mentors are recruited, trained and supported. Their role is to support women before, during and after their maternity leave. They meet with the mentee approximately once a month; maintaining contact while they are on maternity leave and attend the maternity staff network.

Mentors as well as mentees gain from this process as mentoring is recognised as a valuable personal and professional development strategy.

Strathclyde Police: gender agenda

Within Strathclyde Police 24 per cent of police officers and 66 per cent of police staff are female. At 30 June 2008, 34.5 per cent of probationary constables were female. Historical gender imbalance in the police force and the requirements of the Gender Equality Duty has led Strathclyde Police to develop a number of strategies to improve recruitment and retention of female officers.

Promotion and career development of female officers: identifying barriers

Strathclyde Police Women's Association was formed early in 2008. It aimed to work with the force to promote the profile of women and to identify barriers to the recruitment, retention and development of female officers and police staff.

The representation of female officers in particular specialist roles is low when compared to the gender profile of the force. A questionnaire was sent out to a random sample of female officers to uncover if there are any barriers in recruiting female officers to the firearms unit and to allow any identified barriers or perceptions to be addressed.

Monitoring

Promotion statistics are regularly monitored by gender. At 30 June 2006, 12.3 per cent of promotions which had been made during the preceding three month period were to female officers, the first increase since March 2005. For the reporting period ending 30 June 2008, 29 per cent of promotions applied to female police officers.

New and expectant mothers

A group was set up to look at issues surrounding new and expectant mothers based on feedback from a survey and focus groups carried out with new mothers. The policy and process has been reviewed and a new maternity information pack has been developed in consultation with new mothers.

Childcare research

A pilot survey was carried out in A Division (Glasgow city centre) to identify any childcare-related problems that officers and staff members faced. Based on the feedback from the research, additional information has been included in the maternity and paternity pack regarding childcare. Parents' information is posted on the Force intranet.

Carers support

A number of initiatives have been put in place to help officers and staff members who are carers. A carers information pack has been developed, and relevant information is also available on the equalities unit area of the Force intranet. In addition a carers register has been collated and carers are provided with regular updates on carers matters. Promotional work has been carried out to ensure that line managers and staff are aware that caring is not just a female issue and to encourage male officers to access the support they require. At 5 June 2008 the carers register recorded 120 female carers and 111 male carers.

Scottish Legal Aid Board: working flexibly

The Scottish Legal Aid Board has developed a team-based approach to flexible working, involving employee consultation and measurement-gathering by employees throughout the piloting of this approach, to achieve significant results.

The initiative came at a time of unprecedented change in the Board's work, where retaining staff and becoming an 'employer of choice' in a competitive

employment market was important. In a sector and organisation that cannot always compete on salary and career opportunities, flexible working – in particular the introduction of flexi-time with no core hours – was seen as being key both to helping the organisation reduce staff turnover and to making services more accessible.

Crucially, staff were involved throughout the development of the scheme. There were focus groups and workshops for all line managers to introduce the concept of flexible working. The initiative was heavily publicised via internal newsletters with every team invited to take part in pilots. The Executive Team wrote to their own managers to encourage them to support participating teams. After the initial pilot, workshops were held to review lessons learned, with pilot participant teams sharing learning with non-participants.

Measurement from the outset means it is possible to demonstrate a clear link between the project and business benefits; for example:

- overtime costs reducing over three years from 17.9 whole-time equivalents to 5.1
- absence from 4.4 days to 3.3
- recruitment costs from £124,970 to £28,727
- employee turnover from 16.4 per cent to 9.8 per cent
- the ability to attract part-time employees up from 13 per cent to 19.4 per cent, and
- the ability to attract employees over 40 up from 19 per cent to 29.2 per cent.

As a pilot project this was extremely successful, and it is now part of all employees' terms and conditions.

SEMPERscotland: ethnic minority staff association

This case study has been included in this report as, although SEMPERscotland is not a public body (it is a staff association), it is supported by all eight Scottish police forces, the British Transport Police and the Scottish Police Services Authority. Its existence contributes significantly to enabling all police forces in Scotland to meet their Public Sector Duties in relation to race equality.

Supporting Ethnic Minority Police staff for Equality in Race, SEMPERscotland, is a Scottish-wide organisation whose primary function is to provide a support network for ethnic minority employees of the Scottish Police Service.

The Scottish Police Service commissioned research into the experiences of ethnic minority police officers in Scotland. The research showed that an overwhelming number of ethnic minority police staff interviewed felt that they had been the victims of varying forms of racism and inequitable practices within the service. As a result SEMPERscotland was established, supported by the Association of Chief Police Officers in Scotland, the Lord Advocate, the Commission for Racial Equality and the Scottish Government.

SEMPERscotland's objectives are to actively oppose all forms of unlawful race discrimination and harassment, and work toward the promotion of equality of opportunity and good race relations by:

- providing information, advice and support to ethnic minority police officers and police staff, including Special Constables, working within the Scottish Police Service
- acting as an advisory body to the service on issues of race equality and anti-discriminatory practice
- driving forward social cohesion by promoting the importance of cultural and ethnic diversity
- assisting in strengthening relations between the Scottish Police Service and the ethnic minority communities in Scotland
- assisting in improving the recruitment, retention and progression of ethnic minority police officers and police staff, and
- promoting the service to the ethnic minority communities of Scotland as a first-choice career option.

The existence of SEMPERscotland benefits its members, the police service and wider society.

Members benefit from the opportunities to network and share experiences, and they are able to gain information, advice and support.

The police service benefits by being able to access the expertise of experienced staff who can advise on issues of race equality and anti-discriminatory practice.

SEMPER can also assist in strengthening relations between the service and the ethnic minority communities of Scotland by building trust and developing mutual respect. A stronger, more diverse and socially inclusive police service helps to restore confidence in the police and the wider criminal justice system.

Stevenson College: promoting LGBT equality

Stevenson College has undertaken a number of initiatives to promote LGBT equality. The college were awarded LGBT Youth Scotland's Charter Mark which highlighted the actions they had implemented to make LGBT young people at the college more visible and included. The college displayed an extensive range of books, leaflets and other resources in the college library and had positive images of LGBT people in posters. They also arranged awareness and training sessions for staff and students. In addition the college implemented a buddy system for LGBT students and produced a leaflet about homophobic bullying. The buddy system has been so successful that the college is considering extending it to student asylum seekers, international students and mature students. This activity has had a direct impact on staff and students, research by the college shows that 90 per cent of students felt they received enough information about equality and diversity issues and research with staff concluded that equality and inclusiveness are major strengths of the college ethos.

4.6 Action to deliver equal pay

The full-time gender pay gap in Scotland is 14 per cent. The part-time gender pay gap in Scotland is 33 per cent.¹ The Gender Equality Duty includes a requirement to have due regard to the need to eliminate discrimination under the Equal Pay Act. The specific duties require listed public authorities, when setting their overall objectives, to consider the need to have objectives that address unequal pay. There is an additional duty for listed authorities with 150 or more full-time equivalent staff to publish an equal pay policy. Many organisations have been working to address unequal pay: for example, the Agenda for Change within the NHS and the Single Status Agreements within local authorities. The case study below describes the equal pay review carried out by NHS 24.

NHS 24: equal pay review

To comply with the Gender Equality Duty, which requires public bodies to publish arrangements for delivering equal pay, NHS 24 carried out an equal pay review in late 2007/early 2008 (published in August 2008).

A small group was brought together, facilitated by the Equality and Diversity Manager, and made up of senior managers from HR with responsibility for, and knowledge of, information management. The Trades Unions were also kept informed.

The process was agreed, including practical issues such as timescale, as well as more complex issues such as how to accommodate an analysis of shift working patterns and their adjustment to allow accurate comparison with non-shift working earnings. There was also a need to examine whether or not the existing data collection systems would be able to provide the relevant information or whether changes needed to be made.

The evidence was that, overall, the pay differential was 0.87 per cent. There were differences within some pay bands but the analysis revealed that the difference was not attributable to issues relating to gender.

There is a commitment to update the review annually, and so monitor whether the current findings remain consistent and allow identification of any structural factors which could reintroduce differentials on the basis of gender. In addition, succeeding reviews will be used to analyse, in more depth, other patterns and trends which could lead to differentials, such as the placement of any new staff within any pay band.

The report *Delivering Equality, Embracing Diversity* profiled staff in relation to issues other than just gender. As a result, and because of the data system changes put in place, the next equal pay audits will contain additional analysis on equal pay using cross-referencing to ethnicity and age.

The review, the first of a series of annual reviews, will ensure that there is transparency in pay structures, enabling better and more informed understanding around long-term patterns and trends in pay across all the equality communities, and so benefiting all staff.

1 *Annual survey of hours and earnings 2008.*

4.7 Accessible and informative public reporting on progress

The public bodies mentioned in this report publish their equality schemes on their websites. Many public bodies have developed relationships with different equalities organisations and communities. The case study of Lothian and Borders Police Board's Diversity Lay Advisers Scheme is an example that goes beyond reporting on progress. The lay advisers are provided with the information they need to critically assess the Force's activity and performance in a range of areas.

The City of Edinburgh Council's strategy for older people, 'A City for All Ages', has been developed through extensive and ongoing consultation with older people. One of their latest initiatives has been the production of a freely available infomercial DVD that outlines their plan for ensuring that the appropriate services are delivered to older members of the ethnic minority communities. This is an example of a public body going beyond the requirements of the legislation and demonstrating practice developed in response to the needs of its citizens.

Lothian and Borders Police: Diversity Lay Advisers

One of the ways in which Lothian and Borders Police (LBP) responded to the race equality duty was to establish a Race Lay Advisers Scheme. In 2005 they built on this work and developed a Diversity Lay Advisers Scheme. Diversity Lay Advisers (DLA) are independent volunteers whose remit is to critically examine any element of the LBP's diversity performance, including community relations, the investigation of hate crime and any other diversity and equality issues. They report their findings directly to the Police Board.

Every reported hate crime and incident in the Lothian and Borders area is reviewed by the DLA. In a 2–3 month period this can be up to 80 cases. The process of case review goes beyond identifying whether or not the case was adequately dealt with. It also provides the DLA with information on the patterns of hate crimes and of LBP's responses to them.

The Advisers periodically select an area of the Force's business, which impacts in some way on diversity. They scrutinize activity and performance, and report their observations and findings to the Police Board.

The DLA are **not** the LBP mechanism for consultation with equalities communities. There are a number of separate structures for that – some operating at a divisional level. DLA report directly to the Police Board and they have access to the Chief Constable. They have a strategic input in relation to equality and diversity issues.

DLA posts are openly recruited to and are advertised widely throughout the Lothian and Borders area – including local and community newspapers. Job descriptions and person specifications are drawn up to identify the skills and experience required.

The initiative helps give confidence to the community that equality and diversity are a central concern of the LBP Force. There has been a rise in the number of reported incidents relating to hate crimes, and this is regarded as evidence that people are prepared to come forward and report crimes because they have confidence that they will be dealt with seriously and sensitively.

City of Edinburgh Council: older people's strategy

In 2000 the City of Edinburgh Council, in partnership with Lothian Health Board, agreed Edinburgh's Joint Plan for Older People. The plan, 'A City for All Ages', took a holistic approach to addressing the needs of older people. The 10-year plan was developed with the participation of relevant stakeholders from the voluntary, statutory and commercial sectors.

The second phase of the action plan from 2007–10 was developed from an extensive consultation with older people and partner organisations, and is in line with the local and national policy context for older people's issues in Edinburgh.

To enable monitoring of the plan's implementation, information and progress is gathered and published under each of the headings. Details can be found at: www.edinburgh.gov.uk/acfaa.

The City of Edinburgh Council undertook numerous activities to achieve the aims of the strategy, including:

Get up and go: The 'Get up and go' programme is an annual programme designed to promote activities and opportunities for the 50 plus age group to maintain a healthy, well-balanced lifestyle. 35,000 copies of the 'Get up and go' brochures were produced for 2007/08 and were made widely available throughout the city in libraries, community centres, GP surgeries and other outlets.

Today and Tomorrow: The 'Today and Tomorrow' task group developed an action plan for older people and their carers from the ethnic minority communities in Edinburgh. The task group includes representatives from community and voluntary groups and statutory agencies.

One of their recent pieces of work has been the production of an infomercial available on DVD. The infomercial includes:

- an outline of the Today and Tomorrow action plan
- information on the specialist services for ethnic minority older people
- experiences of some older people who use services provided directly or indirectly by the City of Edinburgh Council or NHS Lothian, and
- ways in which the voices of older people can be heard.

The infomercial is freely available and, although it is targeted at trainers and managers who are responsible for making sure services are accessible to people from ethnic minority communities, it is also available in public libraries in Edinburgh.

Conclusion

The past few years have seen a great deal of activity in the Scottish public sector in response to the duties for race, disability and gender. In some cases the duties provided a framework to consolidate and expand on the equalities work that public bodies had been pursuing for many years. In others it provided an impetus to start work on aspects of the equality agenda that had been neglected. The importance of baseline data collection, relating to staffing and employment issues as well as the uptake of services, has been recognised. Now that these processes are established, public bodies need to ensure that the data is used to inform policy and improve practice.

The public sector recognises the importance of consultation and engagement. The real measure of success will be the extent to which services change and improve as a result.

There is evidence too of special projects being developed to meet the needs of specific equalities groups. In the short term, many of these projects or initiatives are important because they meet needs that have historically been neglected. In the long term, they have to become part of the mainstream work of the organisation and be budgeted for and resourced appropriately.

In many of the larger public bodies there are Equalities or Diversity Officers or units. Very often they work at a strategic level, ensuring that the organisation is compliant with the legislation and that the equality schemes and action plans are in place. The challenge is to find ways of ensuring that all staff in public bodies are aware of their responsibilities in their individual roles under the legislation.

A further challenge for many public bodies is in the area of procurement. There is a need to ensure that, when public bodies are contracting out work or procuring services, they are explicit about the equalities requirements. They need to ensure there are measurements in place that will enable effective monitoring. Consequently, being able to demonstrate good performance against equalities requirements will increasingly become a driver for successful business.

There is a growing awareness of the importance of promoting equality and valuing diversity within all sectors. In many of the organisations that we came across there was a genuine wish to ensure that service delivery and employment opportunities were open to all. For most, the issue went beyond one of compliance with the duties: it stemmed from a desire to be inclusive and equitable. The challenge ahead lies in public bodies being able to show what difference their actions under the equalities duties are making to the lives of real people.

OSDC January 2009

Appendix

Brief description of the work being described, including the aims and objectives

Why was the initiative taken?

How was the need identified?

Who was involved and consulted and how?

How much planning was required?

What was the outcome?

How will progress be measured?

What lessons have been learnt?

What additional skills or resources were required?

Has it contributed to mainstreaming equality into the work of the organisation?

Has it made a difference – and if so, to whom?

Who to contact or where to find further information

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