

Scotland Business Plan 2009/10



Equality and
Human Rights
Commission

Scotland

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Introduction

from Morag Alexander

I am very pleased to present the Commission's Scotland Business Plan. The Commission works to break down inequality, build opportunity, and support a society underpinned by fairness, respect and dignity. Tackling injustice and standing up for people who have experienced discrimination is central to what we do.

We know it's not enough for us to treat the symptoms of discrimination, so we work to get rid of the causes of injustice. Making things fairer for people, changing the systems that allow inequality to continue to blight our lives – this is what our Business Plan will work to achieve.

We will ensure the equality bill, which aims to streamline and modernise equality law in Great Britain, takes Scottish issues into account. We will work with our Scottish stakeholders, consulting with them and highlighting the implications of the new legislation to them.

We are examining how the Scottish government is including equality issues in three key policy areas – housing, health and drugs policy development – ensuring that better policy leads to better lives.

We will continue to support the Independent Living in Scotland project which aims to strengthen the independent living movement and to support the

involvement of disabled people in shaping the Scottish government's approach.

We will lead the way in changing the inflexible way we work that makes life for working parents, carers and older people a daily struggle and challenging the power gap that exists in our boardrooms, court benches, town halls and national parliaments. We will advise businesses too, helping them to act fairly in these tough economic times.

The Commission is using its enforcement powers to investigate Glasgow city council pay practices for pupil support assistants, who are predominantly female, and we will continue to work with the Close the Gap partnership – which includes the Commission, Scottish government, Scottish Enterprise and Scottish Trades Union Congress – to promote awareness of and compliance with equal pay legislation and to provide guidance to the public, education and finance sectors in Scotland.

We will work hard to win hearts and minds on lesbian, gay, bisexual and transgender issues, tackling discrimination in public policy, homophobia in our schools and ensuring the new hate crime laws are implemented effectively through Scotland's criminal justice system.

As a Commission we recognise that Scotland's Gypsy Traveller communities face some of the most stark discrimination and prejudice and we will launch a plan which will make recommendations for resolving current issues.

None of this will be possible without the support, work and guidance we are privileged to receive from our friends and colleagues across the country. We look forward to working with you all in combining our energies and resources to deliver real change for Scotland.

Our strategic priorities

Through our strategic priorities we aim to:

1. secure and implement an effective legislative and regulatory framework for equality and human rights
2. create a fairer Britain, with equal life chances and access to services for all
3. build a society based on good relations and foster a vibrant equality and human rights culture
4. promote understanding and awareness of rights and duties, and deliver timely and accurate advice and guidance to individuals and employers, and
5. build an authoritative, responsive organisation.

Strategic priority 1: Secure and implement an effective legislative and regulatory framework

In 2009/10:

- We will ensure the equality bill, which aims to streamline and modernise equality law in Great Britain, takes Scottish issues into account. We will hold three consultation events with Scottish stakeholders ensuring they are aware of the new legislation and its implications, and produce statutory codes of practice and practical, accessible non-statutory guidance to achieve this.
- Following the publication of the draft **specific duties** by the Scottish government, we will consult public bodies, equality stakeholders and others to ensure that the new duties both help the bodies covered to make real change to people's lives and are widely understood and relevant to those they seek to benefit. Following these consultations we will work closely with the Scottish government to ensure their comments are reflected in the final duties.

- We will fulfil the Commission’s responsibilities as an accredited National Human Rights Institution by monitoring the UK government’s performance in respect of its UN treaty obligations. We will also engage with the UN’s treaty monitoring system and work with the Scottish Human Rights Commission to ensure the position in Scotland is properly reflected. We will be focusing on the Convention Against Torture, and the Convention on the Elimination of Racial Discrimination.
- Along with the Northern Ireland Human Rights Commission, Northern Ireland Equality Commission and Scottish Human Rights Commission (SHRC), we are a named body for the enforcement and implementation of the **UN Convention on the Rights of Persons with Disabilities**. We are working jointly with the SHRC to develop our statutory monitoring and promotion role in Scotland.
- We will extend the rights of individuals experiencing unequal treatment across all the areas covered by our mandate, and influence the development of legislation through our legal, casework and enforcement action
- We will seek to **influence legislation** in the Scottish parliament, including the forthcoming housing bill, criminal justice bill and public sector reform bill to reflect the Commission’s priorities.

Strategic priority 2: Create a fairer Britain, with equal life chances and access to services for all

In 2009/10:

We will promote, monitor, report and enforce the implementation of the three existing **public sector equality duties** on **disability, gender and age**.

Each month, a panel of legal and policy staff considers new information brought to our attention regarding potential breaches of the public sector duties and considers how the Commission in Scotland should react. All relevant information we receive is recorded and scheduled for discussion by the panel, enabling us to take a consistent, strategic, accountable and balanced approach to monitoring and enforcement of the duties.

Better policy for better lives

- We are examining how the Scottish government is including equality issues in three key policy areas: **housing, health and drugs policy development**.
- The assessment – agreed under Section 31 of the Equality Act 2006 and which gives the Commission power to assess the extent to which a public authority has complied with one or any of its public sector duties – is being carried out with the full cooperation of the Scottish government. It will look at the likely effect of its policies and practices on equality for different groups of people.

- For example, we are looking at guidance on **local housing strategies**, developed and published jointly by the Scottish government and Convention of Scottish Local Authorities. Recent research suggests both ethnic minority and disabled people's needs were poorly represented in the first round of housing strategies, while single men are known to attract the lowest priority in public housing.

Equalities in scrutiny

The Commission continues to work with audit and inspection bodies, such as Audit Scotland, HM Inspectorate of Education and Her Majesty's Inspectorate of Constabulary, along with the Scottish government, to ensure their scrutiny of public bodies reflects best practice in equalities work and to enable them to identify both positive practice for replication by others and practices which need revision.

Improving equality in local service provision

The concordat, the major recent innovation in the relationship between central and local government in Scotland, removed ring-fencing from local authority spending. We will research how these changes have affected budgets for specific services for **women, ethnic minorities and disabled people** and how public sector equality duties are applied in these areas.

Promoting economic inclusion

We will follow up on two seminars and in-depth interviews with key organisations, including the Scottish and Westminster governments, and academic experts, which looked at equality and poverty issues. We will use this evidence to determine potential action by the Commission in relation to poverty and equality.

Health, social care and independent living

We will continue to support the Independent Living in Scotland project which aims to strengthen the independent living movement in Scotland and to support the involvement of **disabled people** in shaping the Scottish government's approach. We will also carry out a cost benefit analysis into the implementation of independent living policies in Scotland.

Education

We are working with key partners in the education system, at school level, to support the delivery of equality and good relations outcomes through the forthcoming Curriculum for Excellence. We will continue to engage with the college and university sector to influence progress on equality outcomes for both staff and students.

Criminal justice

We will ensure Scottish police forces implement the outstanding recommendations of the Commission for Racial Equality's Law at Work (Scotland) 2005 report into police employment practices and support greater use of informal grievance procedures and mediation to resolve complaints.

Advice and advocacy

We have launched a new **strategic funding programme** for community and voluntary sector organisations in Scotland. We will provide a range of funding options to support and promote the Commission's aims, and respond to society and community need, including funding for guidance, advice and advocacy services.

Working Better – promoting fairness at work through modern ways of working.

Promoting flexible working practices

- We are building on our Working Better initiative to promote the benefits of flexible working practice and produce good practice guidance for employers.
- We are promoting our Working Better 50+ project in Scotland, which aims to gain a better understanding of what over 50s want from work, what barriers they encounter and the policy and practice interventions that can create better employment opportunities.

Accelerating improvements in the workplace

- We will work together with businesses to embed equality and diversity and promote good practice in the private sector, focusing on the six priority industries identified by the Scottish government: renewable energy, food and drink production, life sciences, creative industries, tourism and finance.

Narrow the pay gaps

- We will continue to work with the **Close the Gap** partnership – which includes the Commission, Scottish government, Scottish Enterprise and Scottish Trade Union Congress – to promote awareness of and compliance with **equal pay** legislation and to provide guidance to the public, education and finance sectors in Scotland.
- The Commission is using its enforcement powers for the first time to investigate Glasgow city council pay practices for pupil support assistants, who are predominantly female. The Commission is concerned that the council's pay structures may discriminate against **women** workers.
- We are also following up work undertaken by the Equal Opportunities Commission into the pay and status of classroom assistants in Scotland, looking into concerns that they may be undervalued compared with other workers
- The Commission in Scotland is also contributing to two Great Britain-wide inquiries – **gender** discrimination in the **finance sector** and **race** discrimination in the **construction industry** – to ensure that specific Scottish issues are considered.

Strategic priority 3: Build a society based on good relations and foster a vibrant equality and human rights culture

The Commission aims to promote a culture of equality, human rights and good relations in Britain and support a fairer society.

In 2009/10:

Promoting good relations

- We are conducting research into the Scottish public's understanding of **equality, fairness and good relations** and the key factors that influence public attitudes about these issues. The research will develop survey questions that can be used to measure and track public attitudes to equality, fairness and good relations. It will also help us understand how we can shift public attitudes and better communicate the importance of equality.
- We will work with the Scottish government to develop questions for the 2010 Scottish Social Attitudes survey to explore public attitudes to **discrimination** and the factors influencing discriminatory attitudes.
- We are participating in YouthLink Scotland's **Being Young in Scotland** survey of around 3,000 young people aged 11–25, finding out how they feel about fairness and what equality issues matter to them.

- We are working with young people and young people's organisations in Scotland, such as **Young Scot**, to promote equality and human rights. Our partnership work with Young Scot will raise awareness of equality, human rights and citizenship issues with a large new audience and link young people with decision-makers. This will provide a forum to seek solutions to issues of concern to **young people** in Scotland.
- We will hold our annual Young Brits at Art competition, which explores issues of equality, identity and human rights, encouraging young people in Scotland to participate in art workshops and submit entries to the national competition.
- We will provide funding to community and voluntary organisations for good relations and address equality issues in rural networks through our strategic funding programme.

Migration, diversity and citizenship

We want to influence the public debate around migration and citizenship, increasing recognition of the complexity and benefits of a diverse society in Scotland.

The Commission will launch a report into the provision of accommodation by local authorities for **Scottish Gypsy Travellers** (SGTs) in late 2009, along with our assessment of what needs to change to resolve some of the current and seemingly intractable tensions.

Despite their long history in Scotland, SGTs face some of the most stark discrimination and prejudice of any community. We will make a series of recommendations for resolving current tensions and will look at the most effective use of the Commission's legal, casework and enforcement powers.

Promoting safety and security and reducing hate crime and harassment

The Offences (Aggravation by Prejudice) (Scotland) Act 2009 is expected to come into force in early 2010. The act requires police, prosecutors and courts to identify if prejudice against **lesbian, gay, bisexual and transsexual (LGBT) or disabled people** has contributed to an offence, and take this into account when sentencing. Central to the new act's success will be the guidance produced for police, prosecutors and the courts.

The Commission is holding a one-day conference bringing together police, lawyers and social workers, organisations representing victims of crime, **LGBT and disabled people**, and organisations from England and Wales, to learn from the 2003 implementation of similar legislation south of the border.

We are also leading on a Great Britain programme to review and evaluate current work on personal change programmes for the rehabilitation of offenders convicted of hate/targeted crimes. This is to identify good practice and produce recommendations for a national programme.

Map of Needs

We are carrying out follow-up work to the Map of Gaps reports, which highlighted the gaps in service provision for **women** who have experienced violence. The **Map of Needs** project will investigate what level and types of service are needed across local authority areas based, for example, on demographic data and crime levels. It will provide local authorities and strategic partnerships with a clearer picture of the level of service that they are likely to need based on the characteristics of their population.

We are also taking the lead on a Great Britain project to scope the potential service provision needs of **male** victims of domestic abuse. The research will examine existing data and make recommendations on how to design and deliver services which will meet men's needs.

We continue to work with our LGBT partners to win hearts and minds on lesbian, gay, bisexual and transgender issues, tackling discrimination in public policy, homophobia in our schools, ensuring the new hate crime laws are implemented effectively through Scotland's criminal justice system and to continue the dialogue between faith groups and the LGBT community through our chairing of roundtables.

Strategic priority 4: Promote understanding and awareness of rights and duties, and deliver timely and accurate advice and guidance to individuals and employers

The Commission wants to ensure that individuals are aware of their rights, and that every organisation does what is required of it in law, and that their duties are fulfilled in relation to equality legislation and Human Rights Act. Our role is to provide timely, accessible and authoritative guidance on the law, while encouraging the exchange and development of best practice.

In 2009/10:

Building capacity and capability in the advice sector

- We are creating partnerships between advice organisations and user organisations in Scotland, and raising their awareness of equality and human rights issues.
 - We aim to increase the provision and quality of casework support and expertise across Scotland by closely supporting Citizens Advice Bureaux, law centres and other advisors through our second tier advisory service.
 - We are continuing to build on our transfer of expertise work. We are organising a series of employment roadshows, legal roadshows, a Discrimination in Housing conference, and two conferences on the equality bill – one for unions and one for lawyers and advisers – which will be held early in 2010.
- We are delivering and monitoring a legal grant funding programme to fund other organisations to provide advice and representation across all equality strands in Scotland.
 - We will continue to raise the profile of our advice services through our helpline and website.

Strategic priority 5: Build an authoritative, responsive organisation

The Commission's first four strategic priorities require us to fulfil a complex remit amid a range of economic and political challenges. To do this effectively we will need the power of voice, argument and authoritative evidence to make our case.

In 2009/10:

- We will continue to build our **Equality Measurement Framework (EMF)**. We will use the framework to meet our duties under the Equality Act to report to the UK government every three years on society's progress on equality and human rights. We will also develop the EMF as a resource for the Scottish government and other public bodies to inform policy and priorities, and as a resource for journalists, the voluntary sector and academics to find out more about the state of equality and human rights.
- We will commission research to identify the most **significant inequalities in Scotland** for the Commission to consider, using the EMF to identify the priorities for action.
- During 2009/10 we will start to develop a **Good Relations Code of Practice** by identifying and assessing current work being carried out in Scotland by councils, police forces and others, which effectively challenges prejudices and reduces tensions in the community. This work could include examples of migrant reception programmes, anti-homophobia work, intergenerational projects and interfaith dialogue.
- We will commission a think piece on the extent to which Scotland can **take pride in a strong, fair and inclusive national identity**, and meet the Scottish government's aspirations in this area.
- We will aim to ensure that equality features in current debates on the **future Scottish devolution** by publishing three reports contributing to the Scottish government's National Conversation.
- We will continue to bring people together to debate the topical issues that affect people in Scotland and will host three Question Time style debates.
- We will conduct research to help the Commission consider its new **duty for religion and belief and identify priorities for further action**.
- We will build legal intelligence through legal enforcement monitoring via our helpline, website, **casework and contact** with Scottish lawyers to identify 'pockets of discrimination', focusing particularly on discrimination on grounds of **age, religion or belief**.

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