

# **PUBLIC POLICY, EQUALITY AND DIVERSITY IN THE CONTEXT OF DEVOLUTION**

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implications for policy and practice

## **The Scottish Executive and Equality**

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## **A Scottish Executive Gender Equality Strategy?**

### **Introduction**

Since devolution in Scotland in 1999, the Scottish Executive has committed itself to mainstreaming equality, has created Ministerial portfolios with responsibility for equality issues, has created an Equality Unit in the civil service, and has launched an equality strategy. Currently the Scottish Executive does not have a gender equality strategy *per se*, rather gender equality is one amongst a range of equalities covered by its equality strategy, including gender, race, disability, sexual orientation, religion, and age. The Scottish Executive has also introduced new policies in areas of key concern to women such as childcare and domestic violence.

This article sets out to examine whether these developments represent a strategic approach to gender equality in particular. The role of women in the new political institutions in Scotland, the development of new equality policy machinery, and key policy initiatives including the equality strategy itself, childcare, and domestic violence, will be outlined, and the challenges in developing a strategic approach to gender equality will be discussed.

### **Women MSPs and women's issues in the Scottish Parliament**

The new political institutions provide the wider context in which progress on gender equality policies in Scotland must be understood. In the first election to the Scottish Parliament in 1999 women made up 37.2% of Members of the Scottish Parliament (MSPs) (48 out of 129)<sup>1</sup>. At the second election in 2003 the proportion of women increased slightly to 39.5% (51 out of 129). Prior to this election there was some anxiety that the proportion of women would decrease. This was because women candidates in the Scottish National Party were placed lower down the party lists and were therefore less likely to win seats, and because neither the Liberal Democrats nor the Conservatives put into place any measures to increase the number of women candidates likely to win seats. However, the pattern of voting diverged sufficiently from the first election to produce representation of a wider range of parties, and several independent MSPs. The parties which increased their representation, the Scottish Socialist Party and the Greens, both include several women MSPs, and two of the independent MSPs are women.

Fiona Mackay has commented that 'gender concerns have been institutionalised in a number of ways' in the Scottish Parliament and the Scottish Executive

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<sup>1</sup> For details, see Breitenbach, E (2001) 'Les femmes ecosaises face au changement constitutionnel' in L'Autonomie Ecosaise: Essais critiques sur une nation britannique, ELLUG, Universite Stendhal, Grenoble, pp 53-73.

(Mackay, 2002). Equal opportunities is one of the key principles of the Parliament; the Parliament has family-friendly working hours; there is a standing Equal Opportunities Committee in the Parliament; an Equality Unit has been set up in the Scottish Executive; a mainstreaming approach has been adopted by the Scottish Executive; and mechanisms for consultation with women's organisations have been established. With respect to the operations of the Parliament itself, Mackay notes that 'there is a broad consensus that the presence of women has made at least some "difference" to political practices and the political agenda in the Parliament, although this impact is highly conditioned by political conditions and contexts' (Mackay, 2002: 282). Evidence of this 'difference' includes the high profile given to domestic abuse and violence against women both by the Parliament and the Executive, the priority given to issues relating to children and childcare, and the introduction of a gender perspective into areas such as rural development. Women parliamentarians have been prominent in their support for free personal care for older people, in abolishing section 2A of the Local Government Act, 1986 (which effectively prevented local education authorities dealing with issues of sexual orientation as part of the curriculum on sex and relationships education or developing anti-bullying strategies against homophobic bullying), and in supporting a sexual health education strategy for teenagers in face of opposition from the Catholic church. Women ministers have held the portfolios dealing with equality issues and have actively championed these.

### **Equality policy machinery**

Moves towards creating equality policy machinery began in the pre-devolution phase, focussing initially on women's issues. In 1997 a consultation was carried out with women's organisations, and a Women's Issues Research Consultant<sup>2</sup> post created and the Women in Scotland Consultative Forum set up in 1998. In early 1999 there was an increase in staffing on women's issues, and over the summer of 1999 an Equality Unit was put into place, being officially launched in September 1999 with the appointment of the Head of the Equality Unit, Yvonne Strachan.

The Equality Unit is a cross-cutting unit dealing with all equality issues that might be addressed under Schedule 5 of the Scotland Act (see Appendix I for details of this clause). The scope of this is potentially very wide, though in practice the focus has been on the same range of equality issues being addressed by Westminster, which is in turn driven partly by EU directives. These issues are gender, race, disability, sexual orientation, age and religion. The remit of the Equality Unit is to co-ordinate the delivery and implementation of the Equality Strategy, to promote and extend ownership of the equality agenda in departments, and to work with partners across the public sector and in communities. The unit thus has a remit to work across government on equality issues, and can initiate, develop and fund projects, but is not itself responsible for policy implementation in areas of significant expenditure such as education, health, economic development, etc.

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<sup>2</sup> The author of this article held this post from April 1998 till January 2001.

## **The Equality Strategy**

The Scottish Executive Equality Strategy, 'Working Together for Equality' was launched in November 2000. This followed a consultation process that began in January 2000, with wide circulation of a consultation document, publication of a report analysing responses in June 2000, and meetings with various groups often excluded from such consultations over the summer of 2000. The strategy document outlined: equality legislation; the principles of the Consultative Steering Group on which the Scottish Parliament was founded, which include equal opportunities; and commitments to equal opportunities made by the Scottish Parliament and the Scottish Executive. It also listed the key themes from the consultation, which indicated that there was support for a strategic approach and for the principles of mainstreaming. The strategy consequently made a commitment to a mainstreaming approach, defined thus:

'Mainstreaming equality is the systematic integration of an equality perspective into the everyday work of government, involving policy makers across all government departments, as well as equality specialists and external partners.'

(Scottish Executive, 2000a: 14)

The consultation also made clear the desire for clear objectives to be stated within realistic timescales, and for there to be proper recognition of the different experiences and circumstances of different groups. Other aspects of the strategy that were emphasised were the need for clarity about conceptions and meanings of 'equal opportunities', for training, awareness raising, improvements in data and research, monitoring and evaluation, and effective consultation and communication. The strategy recognised that there was a need for a phased approach to work on equality, declaring the Executive's intention to build on work on gender, race and disability, and the intention to publish action plans. In the event the approach of the Executive has not been as systematic as this would imply, nor have strategic action plans as such been published, though the Race Equality Advisory Forum convened by the Scottish Executive has published a series of recommendations, race equality plans by departments across the Scottish Executive have been published, and an action plan on refugees and asylum seekers has also been published.

The strategy focussed on three objectives: making better policy and producing better services; promoting equal opportunities and tackling discrimination; and being a good employer. These were followed by the listing of a series of specific objectives. Many of these were about getting appropriate procedures and systems in place to pursue equality mainstreaming across a range of areas, including: equal opportunities training; production of guidance; development of mechanisms for equality impact assessment of budgets and spending plans; departmental equality audits and incorporation of equal opportunities objectives into departmental business plans; comparative research on equality proofing legislation; and mainstreaming pilot projects in specific policy areas. There was

also a commitment to develop and to renew consultation mechanisms, and to make improvements in research and data on equality issues. Specific commitments were also made about the composition of public appointees to government sponsored bodies, and about the composition of the Senior Civil Service. In general objectives were stated as generic equality objectives. However some specific commitments on gender equality were given: the production of a collection of gender disaggregated statistics; a review of the role and remit of the Women in Scotland Consultative Forum; and targets for women in the Senior Civil Service.

In general, the Equality Strategy provided a clear statement of principles and intent, generic in character and inclusive across a range of equalities. This can be seen as a necessary starting point. At the stage at which the strategy was launched it was much harder to be specific about objectives and how these would be achieved for several reasons: the challenge of attempting to take forward work on a range of equalities, which in themselves exhibit uneven development, in terms of the legislative framework, conceptual clarity and sophistication, and relevant expertise in analysis and policy development; reaction to political pressures, from politicians, from lobbying, from legislative imperatives such as the Race Relations(Amendment) Act 2000, again driving progress unevenly; the need to consult and build relationships with different constituencies, also leading to a differential pace of progress; and the need to negotiate across government with departments and policy divisions, whose responsiveness to or interest in equality issue varies, again leading to a differential pace of development of equality objectives.

It is not the intention here to give an account of progress across equality areas, since the focus of this article is gender. Suffice it to say that a considerable amount has been achieved in developing links with a range of equality constituencies, in identifying objectives, and improving knowledge and understanding of equality issues, though much still remains to be done. Worth noting in particular are the abolition of section 2A of the Local Government Act 1986, the establishment of working relationships between the Scottish Executive and Lesbian Gay Bi-sexual and Transgender (LGBT) groups, and innovative research exploring how best to gather data about the needs of LGBT people (McManus, 2003; McLean and O'Connor, 2003)) and identifying priority policy areas for action; the Race Equality Advisory Forum and its recommendations for action; ongoing research into minority ethnic communities in Scotland; and the Scottish Executive campaign against racism. The Local Government Act contains an equal opportunities clause that will apply to the provision of services. Various duties have been imposed on public services in respect of provision for disabled people, and a statutory committee to advise on their transport needs has been established. Religious sectarianism between Catholics and Protestants, an historic problem on which public discussion in Scotland has often been avoided, is being explicitly challenged by the Scottish Executive, through researching attitudes, campaigning and awareness raising, and a cross-party working group

has been set up to consider the case for new legislation and other measures to counter sectarianism and religious bigotry.

### **Progress on gender equality**

Despite this progress and the higher profile given to equality issues generally, amongst women's organisations there is a perception that gender equality has not had sufficient attention paid to it in the first session of the Scottish Parliament. Is this perception accurate? In order to answer this question I will briefly examine the place of gender within the Equality Strategy as such, and policy developments in two areas of particular concern to women, childcare and violence against women.

There have been two reports on the equality strategy to date (Scottish Executive, 2001,2003a). Between them they cover a range of areas of action and policy development on equality issues. These include putting into place many of what may be called the 'building blocks' of mainstreaming: the development of better communication with equality groups; the introduction of mechanisms such as equality impact assessment of budgets; improvements in research and data; development of evaluation mechanisms such as equality performance indicators; and consultation with a range of groups. They also include mechanisms for generic equal opportunities duties imposed through legislation; duties specific to particular groups e.g. duty imposed on local authorities to offer eligible disabled people direct payments (i.e. benefits to be given directly to disabled people, not to their carers, so that they may choose how to organise their care); and policy initiatives likely to benefit people on low incomes, and women in particular, such as childcare provision, the free installation of central heating for pensioners, and free personal care for older people.

Specific actions relating to a range of equality issues and groups are also listed. Among initiatives mentioned that affect women are childcare, the 'Close the Gap' campaign on the gender pay gap, support to women entrepreneurs, targets relating to specific health needs of women, research on women and transport and the development of policy guidance, the domestic abuse strategy and new legislation to strengthen protection for victims of domestic abuse, a seminar on women's issues in rural areas, and the promotion of participation in sport of women and girls. The action affecting women given most prominence in the second report is 'Consultation with Women'. This gives an account of the Women In Scotland Consultative Forum, set up in 1998, and lists Scottish Executive support for several local consultative events. It also notes Scottish Executive support to women's organisations and the development of good working relationships with them.

The primary thrust of the equality strategy is the development of a mainstreaming approach, and much of the reporting reflects the steps judged necessary to put this in place: procedural mechanisms, training, improvements in research and data, consultation, and so on. On the one hand there is no doubt that progress

has been made on all these fronts. On the other hand it can be hard to discern evidence of their impact on policy making. For example, the mainstreaming pilots, designed with the intention of providing case studies of the application of a mainstreaming approach to policy making, have as yet yielded little detailed evidence of the impact of the approach. The pilot on housing is regarded as a success, as the legislation on housing eventually to emerge placed a duty on Scottish Ministers and local authorities to encourage equal opportunities in their housing functions (see Scottish Executive, 2003a). The Equality Strategy report acknowledges that equality bodies and MSPs played a role in achieving this as the legislation passed through parliament, but no detailed account of the respective roles of civil servants, Ministers, MSPs and equality organisations is given, or evaluation of lessons for civil servants who are required to implement mainstreaming. The pilot on schools education is still reported as being at an early stage, two years after the commitment to carry this out was given.

A further mechanism often seen as integral to mainstreaming and emphasised by a number of women's organisations has been that of engendering, or equality proofing, budgets. Together with mainstreaming, this has become a fashionable cause amongst feminist organisations and academics. Considerable effort has been put into this in Scotland, including regular meetings with women's organisations and finance officials, seminars, and research, yet it remains unclear what impact such mechanisms may have in reducing inequalities (see Scottish Executive, 2002).

It can be concluded then that gender equality is an integral part of the Equality Strategy of the Scottish Executive, that some specific actions and policies have focussed on women's concerns, that there is evidence of more gender awareness in policy making, and that improvements have been made in information and research. Overall, however, development of a gender perspective in policy making is uneven across government and momentum has not always been sustained.

### **Key policy areas for women – childcare and domestic violence**

Though the equality strategy provides an overarching approach to equality policy making, not all policies which are of key concern to women derive directly from the Equality Strategy as such, nor are they the responsibility of the Equality Unit, though it may keep a watching brief on developments, and work collaboratively on these issues from time to time. Two examples of policies of this kind are those on childcare and domestic abuse.

#### Childcare

Since 1997 there has been a major shift in government policy on childcare throughout the UK. During the years of Conservative government state funded childcare in the UK had declined to very low levels, with Britain comparing very unfavourably to most EU countries. In Scotland, levels of provision were even lower than in England and Wales. However, the new Labour government was

committed to increasing childcare provision, and has emphasised the importance of this in increasing women's participation in the labour market. As in England and Wales, a new childcare strategy was launched in Scotland. This took place in 1998, prior to devolution.

The key objectives of the Childcare Strategy are to raise the quality of care, to make childcare more affordable and more available, and to make childcare more accessible by increasing places and improving information. This strategy is reliant on a combination of UK government policies and Scottish Executive policies to work e.g. it utilises provisions such as the Childcare Tax Credit attached to Working Families Tax Credit (now replaced with Child Tax Credits) and New Deal programmes for unemployed people. There are a number of strands to the strategy: the increase of pre-school nursery education services; increase of out-of-school care for school age children; and special measures as part of the anti-poverty strategy aimed at particular groups such as lone parents, or at disadvantaged areas. Policies are put into operation in Scotland somewhat differently from in England and Wales, though the basic thrust and shape of the strategy is the same. The main difference in Scotland is the relationship between central and local government. The Scottish Executive does not impose targets on local authorities, but rather encourages them to act through local childcare partnerships to identify and meet need in their area. A consequence of this, however, is that centralised information is hard to come by, and that, while it is known that provision has increased, it is hard to judge how effectively the strategy is meeting need.

Currently, various steps are being taken to improve information gathering, including research on parents' demand for childcare, systems for collecting information on out-of-school care, and on staffing and qualifications. However, it is not yet possible to provide an evaluation of the success or otherwise of the National Childcare Strategy in Scotland in meeting the needs of parents, or of mothers in particular, and the extent to which it is enabling women to take up education, training and employment opportunities. Arguably, such evaluations should be an integral part of a gender equality strategy.

Though childcare provision has increased, there continue to be criticisms of lack of availability and affordability of childcare, or of sufficiently flexible forms of provision to fit in with parents' needs. The widespread availability of pre-school nursery education may be welcome and of great benefit to children, but its part-time nature continues to restrict women's opportunities. A childcare strategy that extends provision for children, but keeps women out of the labour market or confined to low paid jobs, still fails to fully address child poverty or utilise women's labour market potential. It is open to question, therefore, whether the childcare strategy is sufficiently informed by a gender equality strategy.



### Domestic Violence

The women's issue that has had the greatest prominence in the Scottish Parliament to date has been domestic violence. It is also in this area that there has been the most significant action by the Scottish Executive. As in the case of childcare, moves were underway to take action on domestic violence prior to devolution. Devolution, however, provided the capacity to focus more systematically on the issue, and has enabled strong political leadership from women ministers to be demonstrated.

The Scottish Executive has outlined its commitments to tackling violence against women in Scotland in its strategy and policy documents (Scottish Executive, 2000b, 2000c). The main principle underlying the plan on preventing violence is 'the right to personal safety', and proposed actions range across a variety of policy areas and services. These include: improvements in recording the incidence of domestic violence; preventative measures, such as education and awareness raising campaigns, and guidance on service provision; protection of victims of violence, including changes to legislation, work with perpetrators, and protection of children's interests; improvements in provision of services, including police, victim support, health and housing services. 'Domestic Abuse' is defined as a particular aspect of violence against women requiring special consideration. The National Strategy on Domestic Abuse has three key aims: Prevention, Protection, and Provision; and sets out a series of actions over a three year period under the headings of Policy and Legislation, Access to Services, Education and Training, and Data Collection and Information. The strategy document also outlines evaluation measures to be reported on, and provides guidelines for service providers.

To date, significant resources have been committed to developing refuge accommodation and services, and to supporting multi-agency work at local level. There have been TV and print advertising campaigns, and a national helpline has been established. Legal changes providing better protection for victims of domestic violence have been enacted, and more are promised. The strategy on domestic abuse has been taken forward through an overall national multi-agency group, through specific issue-based working groups, and through local multi-agency groups. The strategy clearly indicates the bodies responsible for particular actions, and outlines measures, both quantitative and qualitative, to be reported on in three-yearly reviews, with the first report on the implementation of the strategy being published in March 2003 (Scottish Executive, 2003c).

This work can then be deemed to be well established, and likely to witness further developments in a range of areas as the recommendations of working groups are implemented e.g. on legislation, on refuge provision, on prevention, and on training. While the focus on domestic abuse is likely to continue to predominate, it is notable that in the parliamentary debate in November 2002, the Minister, Margaret Curran, stated that there would be a widening of focus 'to look at the links with other forms of violence against women'. Potentially this could

mean addressing the declining rate of convictions for rape, an issue which has been of concern to women's organisations for a number of years. In this respect the funding of a national office for the Rape Crisis Network by the Scottish Executive is a positive signal.

Both in terms of its profile in the Scottish Parliament and in terms of the stage of development of policy, domestic violence has been the most prominent women's issue since devolution, and the one in which most progress has been made. The approach to domestic violence has been strategic and cross-cutting, bringing together a range of government departments and public sector bodies, as well as taking action to change legislation, to both increase service provision and change the manner of its delivery, and to change attitudes. Factors that have contributed to this success include the committed action of Women's Aid groups since the early 1970s, the support of local government for campaigns such as Zero Tolerance, the experience of practitioners working with women suffering domestic violence across a range of services, and the articulation of a clear analysis of the causes of domestic violence through feminist research and scholarship (see Breitenbach and Mackay, 2001, for accounts of feminist campaigns on violence against women in Scotland).

### **A strategy on gender equality?**

The first four years of the Scottish Parliament and Scottish Executive's existence have seen policy developments likely to improve women's position. This includes an overarching equality strategy encompassing gender equality, and the key policy areas of childcare and domestic violence in which progress has been most visible, if not fully measurable. This does not mean that gender issues are not considered elsewhere. For example, there is some recognition of the needs of women in public transport provision, though it is not clear as yet to what extent guidelines are being applied to policy making. The issue of equal pay is being highlighted through the 'Close the Gap' campaign though economic development strategies overall have not yet incorporated a gender perspective; the social justice strategy includes support for childcare for lone parents, and support to projects working with women such as the 'Routes Out of Prostitution' project, though overall it has not yet proved possible to include systematically a gender perspective in anti-poverty measures despite the best efforts of the Equal Opportunities Commission and other organisations who have participated in the Scottish Executive's Social Inclusion Network.

These changes do not yet amount to a strategic approach to gender equality, since major policy areas remain inadequately informed by a gender perspective. There are several barriers to the development of a strategic approach. Firstly, there is not a consistent focus either on women's issues or on gender equality. The definition of these has not been explicitly debated, and indeed the two are often conflated. While in many areas of policy there may not be much divergence in these perspectives, in some areas they may lead to disagreements. The Minister, Margaret Curran, recently stated that: 'We've got

to back to the women's agenda because the equality of women is a critical part of any kind of modern Scotland'<sup>3</sup>. Yet the logic of a mainstreaming approach would seem to dictate that inequalities experienced by men and boys merit equal consideration. This is perhaps not so much an issue for women's organisations, who have a clear mandate to focus on women's issues. It is, however, an issue for governments, who inevitably have to respond to the concerns of groups across the population.

Secondly, a number of areas of policy affecting women are reserved to the UK government or rely on a combination of reserved and devolved powers, such as those affecting economic development, business regulation and employment rights, benefits and pensions. Childcare is another area of policy which is reliant on initiatives at both UK and Scottish level, as are anti-poverty strategies. Arguably, this has hindered action, as in the case of the promotion of better work-life balance practices, for example, where there has been a lack of clarity as to the roles of different parts of government and as to who should take the lead. Prior to the recent reorganisation of responsibility for constitutional matters and for Scotland and Wales within the UK government, the Scotland Office was the vehicle for work on these issues in Scotland. This seems to have meant that there was something of a policy vacuum.

Gender equality policies or strategies that exist at UK level are important for women in Scotland, and in theory the strategies at different levels should complement each other. In practice effective co-ordination of policies has often been lacking. However, both issues of complementarity of policies and their effective articulation, or of divergence and disagreement over policy directions are likely to be important factors in enabling or preventing change. To date there is a very close mirroring of approaches towards women's issues and key policies of concern to women at UK and Scottish level, for example the adoption of a mainstreaming approach, development of childcare policies, and policies on domestic violence, anti-poverty measures, and campaigning on equal pay. What varies is emphasis and effectiveness, and the inter-relationship between different levels of government have played their part in this. In the areas where policy divergence of Scotland from the UK has been most evident – abolition of tuition fees for university students, and free personal care for older people - gender equality has not been an engine of change, though of course these policies will have a gender dimension in terms of who the beneficiaries are most likely to be.

The division of powers between Westminster and the Scottish Executive will continue to condition the development of gender and other equality strategies as the legal and structural framework for this becomes more complex. Commitments to extend equality legislation under the Treaty of Amsterdam mean that new legislation will be in force in the UK by December 2003 outlawing discrimination in employment on the grounds of sexual orientation and religion, and on the grounds of age by December 2006. This will apply within the

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<sup>3</sup> Quoted in the Herald, 20 July 2003, 'Executive to put feminist ideals at core'.

devolved administrations. Because of the new legislation the UK government has also been considering the creation of a single equality body to replace the existing Equal Opportunities, Race Equality, and Disability Rights Commissions, and to take on responsibility for the new areas. Consultations on this have taken place and an announcement is imminent at the time of writing, but it is widely anticipated that this will be the route that is taken<sup>4</sup>. This has implications for the organisation of the work currently carried out by the commissions in Scotland and Wales. Within Scotland there is strong support for a well-resourced devolved, or even autonomous, structure.

Thirdly, structural arrangements internal to government are also complex. Within the Scottish Executive, responsibilities for developing and implementing policies on gender equality or of key concern to women are dispersed across departments and policy divisions. If on the one hand the equality unit has a co-ordinating role and is responsible for the implementation of an overarching mainstreaming equality strategy, it must negotiate with departments and divisions over any active input into specific policy measures. This division of responsibilities also results in a problem of getting an overview of all developments relevant to gender or other equality issues, and makes it hard to discern whether initiatives for any specific equality groups are linked together in a strategic way.

Fourthly, understanding the way in which the civil service functions in Scotland is important. The point is often made in relation to the successful development of mainstreaming strategies that a knowledge of the administration is required by those who wish to implement such strategies (see Mackay and Bilton, 2000). The civil service in Scotland is part of what is known throughout Britain as the 'home' civil service. With devolution the Scottish Office was renamed as the Scottish Executive, and civil servants were transferred wholesale, with some limited expansion to deal with the increased demands of devolution. Recent comment on the impact of devolution on the civil service in Scotland suggests that it is undergoing a process of 'modernisation' that is likely to result in more openness and accountability and a different recruitment base (see Parry, 2001, Ford and Casebow, 2002), but that this process is relatively slow, with the civil service remaining close to the Whitehall model and sharing its outlook and characteristics (see Paterson, 2002; Parry, 2001).

For equalities work in particular, the 'siege mentality' of the civil service during the years of Conservative government (see Ford and Casebow, 2002) meant that there was little connection with the equality policy community that had developed in Scotland over this period (see e.g. Breitenbach and Mackay, 2001, for an account of the development of gender equality networks in the 1990s), and little expertise developed on equality issues within the civil service, a problem compounded by the frequency with which civil servants typically move posts.

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<sup>4</sup> Northern Ireland already has a single equality commission, separate from the structures in the rest of the UK.

While it is true, as Ford and Casebow note, that some equalities posts have been externally recruited, this does not in any way replicate the phenomenon of the growth of 'femocrats' in Australia as described by Eisenstein (1991). Thus, a very small number of women with a track record of feminist politics and experience of the women's movement have so far worked in the Scottish Executive. At best they have enjoyed support from a comparably small number of insiders with feminist or equal opportunities experience, but on the whole work has to be carried out with career civil servants for whom the need to grasp an equalities perspective has too often been both challenging and novel. This is a barrier to the effective implementation of a mainstreaming strategy, and in practice means that resistance to development of gender equality initiatives or to gender issues being properly taken on board is frequently encountered, though it is often not clear whether this is a result of lack of knowledge and understanding, of active hostility to gender equality, or of inter-departmental power relations. It is important to stress that none of the comments made here is intended as criticism of the individuals charged with taking equality strategies forward. Rather they are intended to indicate that as a system the civil service in Scotland remains relatively lacking in the expertise required for strategic development of equality policies, and that changes that will facilitate this are likely to be slow.

Mainstreaming, currently the dominant approach to equality policy making in the UK government and devolved administrations, and also supported at EU and UN level, is an ambitious and challenging approach. Support for it nationally and internationally implies that mainstreaming will continue to be favoured as a policy approach, will be strengthened by further legislative backing, and become wider in scope across a range of equality areas. However, there are some aspects of mainstreaming that remain problematic. It is still very hard to find specific case study examples of how this approach is successfully applied, and what difference it makes (see Mackay and Bilton, 2000), and it will be some time before there is any substantial evidence of impact in reducing inequalities. It is also very difficult for the bodies charged with developing this approach, such as equality units within government and the various equality commissions, given their relatively limited resources, to sustain momentum and progress across all equality issues. This can lead to disillusionment and frustration on the part both of politicians and equality organisations. The challenge for mainstreaming then is to deliver policy gains in key areas, rather than a motley collection of minor initiatives or projects, for a range of groups in the population. This implies that it has to go much further in developing strategic action plans for each group. In practice this is not straightforward or easy, because of the range of actors that need to be involved. The above discussion illustrates this within the Scottish context. Currently, there is a lack of consistency of focus on either women's issues or gender equality; relations between the Scottish Executive and Whitehall, between Holyrood and Westminster, can inhibit effective action; the legal framework and structural arrangements for the implementation of legislation and policy are complex; and the capacity of the administration to deliver mainstreaming effectively remains limited.

## **Conclusions and future prospects**

This article has attempted to describe the complex framework within which policies on gender equality in Scotland are developing. Overall, though progress is being made, there is still some way to go to develop a fully strategic approach to gender and other equalities, and to produce detailed action plans for change. However, the achievements of the first four years are by no means negligible. Broadly speaking, the opportunities that were anticipated would be created for women in the Scottish Parliament have been. The Scottish Executive has made a commitment to equality, and there are Ministers in the cabinet responsible for this; an Equality Unit has been created in the Scottish Executive, and an equality strategy consulted on and launched; women's groups have access to the Scottish Parliament, and some women MSPs have actively supported women's and other equality issues, as indeed, have some male MSPs; women's organisations have improved access to the civil service compared to the pre-devolution era; consultation with women's organisations has taken place; domestic violence, an issue of major concern to women has had a much higher profile and significant resources have been devoted to addressing this; childcare provision has increased; a mainstreaming equality approach is beginning to have some impact on policy making; and the existence of the Equal Opportunities Committee of the Scottish Parliament has made some impact on ensuring that equality clauses are incorporated into legislation; the equality policy community has improved its networking and works closely with the Scottish Executive; some improvements have been made in data and research.

Following the election in May 2003, the new Labour and Liberal Democrat coalition government in Scotland produced its plan for the second session of the Scottish Parliament (Scottish Executive, 2003b). Its main focus is on improving Scotland's economic performance, on delivering 'excellent' public services, and on 'supporting stronger safer communities', this latter being a mixture of law and order and social justice agendas. There is little reference to equality issues in general in this document, though tackling racist attacks, and improving the accessibility of public buildings are mentioned. Gender equality as such is nowhere highlighted and proposals which might be of particular benefit to women are few in number – further support for childcare, safety and public transport, the making of kerb crawling a criminal offence. The agreement does make a commitment to taking forward the National Strategy on Domestic Abuse, which is of course a significant area of policy affecting women. If on the one hand, the programme for government makes little mention of women, on the other hand there has been a recognition that action is needed to push the agenda on women's issues forward. Prior to the election the Minister, Margaret Curran, convened a group of women, charged with the task of identifying priority issues for the second session of the Scottish Parliament.<sup>5</sup> In addition, moves are afoot

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<sup>5</sup> At the time of writing this group had not yet reported to the Minister, but a report is anticipated in Autumn 2003.

to develop new consultation mechanisms with women's organisations, with the intention of providing a more focussed input into discussions on policy.

Arguably, to build on progress so far, there is a need for a clear gender equality strategy to be articulated, identifying policy goals, policy actors, and measures for evaluating success. I have argued that action on domestic violence represents a strategic approach to change. There is of course a long history of action, campaigning, research and debate behind this success. Other areas where new policies are needed do not all have the same strengths to draw on. It provides a model, however, which can serve as an aspiration. A key feature of its success has been the harnessing of existing expertise and energy to develop and take forward strategic change. If this could be applied in other areas which women identify as their priorities, then the second session of the Scottish Parliament could see a significant advance for women in Scotland. Many of the enabling conditions for this are now in place. Women's place in the new political institutions gives them an influence greater than ever before, the building blocks of mainstreaming are being put into place, and advances in key policy areas have been initiated. Last but not least women's organisations and activists have a wealth of experience and expertise to contribute. This has begun to manifest itself in policy making on violence against women, but its full potential has yet to be realised.

## References

- Breitenbach, E (2001) 'Les femmes ecossaises face au changement constitutionnel' in *L'Autonomie Ecossaise:Essais critiques sur une nation britannique*, Grenoble: ELLUG, Universite Stendhal.
- Breitenbach, E and Mackay, F (2001) *Women and Contemporary Scottish Politics*, Edinburgh: Polygon.
- Eisenstein, H (1991) *Gender Shock: Practising Feminism on Two Continents*, Sydney: Allen and Unwin.
- Ford, M and Casebow, P (2002) 'The Civil Service' in Hassan G and Warhurst, C (eds) *Anatomy of the New Scotland*, Edinburgh: Mainstream.
- Mackay, F (2002) 'A Slow Revolution? Gender Relations in Contemporary Scotland' in Hassan G and Warhurst, C (eds) *Anatomy of the New Scotland*, Edinburgh: Mainstream.
- Mackay, F and Bilton, K (2000) *Learning from Experience: Lessons in Mainstreaming Equal Opportunities*, Edinburgh: Governance of Scotland Forum, University of Edinburgh.
- McLean, C and O'Connor (2003) *Sexual Orientation Research Phase 2: The Future of LGBT Research – Perspective of Community Organisations*, Scottish Executive Social Research.
- McManus, S (2003) *Sexual Orientation Research Phase 1: A Review of Methodological Approaches*, Scottish Executive Social Research.
- Parry, R (2001) 'Devolution, Integration and Modernisation in the United Kingdom Civil Service' in *Public Policy and Administration*, Vol. 16: No 3.

Paterson, L (2002) 'Civic Democracy' in Hassan G and Warhurst, C (eds) *Anatomy of the New Scotland*, Edinburgh: Mainstream.

Scottish Executive (2000a) *Equality Strategy: Working Together for Equality*.

Scottish Executive (2000b), *Preventing Violence Against Women: Action Across the Scottish Executive*.

Scottish Executive (2000c), *National Strategy to Address Domestic Abuse in Scotland*.

Scottish Executive (2001), *Preliminary Report on the Equality Strategy*.

Scottish Executive (2002), *Equality Proofing Budget Expert Seminar*.

Scottish Executive (2003a), *Making Progress: Equality Annual Report*.

Scottish Executive (2003b), *A Partnership for a Better Scotland*.

Scottish Executive (2003c), *Implementation of the National Strategy to Address Domestic Abuse in Scotland*.



## **Appendix I**

### The Scotland Act (1998)

The power to legislate on equal opportunities is reserved to the UK Parliament. There are two exceptions to the reservation listed under Schedule 5 of the Act. The following matters may be undertaken by the Scottish Executive:

- The encouragement (other than by prohibition or regulation) of equal opportunities;
- The imposition of duties on any office holder in the Scottish administration, or any public authority, to make arrangements with a view to ensuring that their functions are carried out with due regard to the need to meet the equal opportunities requirements.

The Scotland Act defines 'equal opportunities' as:

'the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions such as religious beliefs or political opinions'.