

Knowledge Exchange on Public Policy in Scotland

Promoting Best Practice on Equality and Human Rights in Scotland

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Policy Partners

Sue Warner, Head of Social Justice Analysis, Senior Principal Research Officer, Communities ASD, The Scottish Government.
Chris Oswald, Head of Strategy, Equality and Human Rights Commission.
Professor Alan Miller, Chair, Scottish Commission for Human Rights.

Policy areas addressed

Equality and human rights in the context of the devolved Scottish Government, the wider UK context and the European Union.

Key aims and objectives

- To exchange knowledge and understanding of the new equality and human rights agenda with key stakeholders in the public, private and voluntary sectors;
- To develop a particular Scottish focus on equality and human rights in partnership with key Scottish institutions;
- To stimulate research on the areas and topics identified in our recently completed SFC-funded study;
- To support best practice in implementing equality and human rights policies in Scotland

Project summary

Sheila Riddell and Nick Watson have recently completed an SFC-funded study on the development of research and knowledge exchange on equality and human rights in Scotland (report available at www.creid.ed.ac.uk and summary attached). Whilst there was broad support for the establishment of the Equality and Human Rights Commission, key questions remained with regard to understanding the key concepts and implementing policy effectively in key Scottish institutions. This knowledge exchange initiative will enable us to conduct the activities identified by stakeholders, drawing on the expertise of our already established network, which includes representatives from the

public, private and voluntary sectors. The Scottish Government has signalled strong support for this knowledge exchange project and a desire to provide additional financial resources. The newly-established Equality and Human Rights Commission is also keen to participate, since its central mission is to promote best practice in relation to equality and human rights in Scotland. The academic partnership between Edinburgh and Glasgow in this area is already well established, and in both universities the involvement of social scientists and lawyers will ensure an inter-disciplinary approach.

Proposed methods of knowledge exchange

We already have an established network of individuals involved in the field of equality and human rights representing the academic community and the public, voluntary and private sectors. Advice on the year's work plan will be sought in the following two ways: (a) e-mail consultation with wider network and (b) establishment of a small advisory group which will meet regularly throughout the year. During the course of the year, we intend to organise four think tanks and a conference, with a view to fostering knowledge exchange across sectors and between national and local levels. This knowledge exchange programme is based on the recognition that one of the main barriers to the effective implementation of national policy is the tendency to misunderstand or subvert it at local level. Similarly, national policy-makers may not fully understand the priorities, pre-conceptions and problems of local activists and 'street level bureaucrats'.

Think tanks involving academics, policy makers and practitioners

Four such events will take place and are likely to cover the topics specified below, although the agendas will be finalised following discussion with policy partners and the advisory group. Each event will include presentations by and debate between local and national policy-makers and practitioners, politicians and academics. The voluntary and private sectors will also be included, since increasingly private and voluntary sector organisations have a role in carrying out public sector functions, so that the boundary between the sectors is highly permeable. Participation in each event will be by invitation, and the audience will reflect the spectrum of interest groups in Scotland. For each event, papers will be prepared and circulated in advance and will be posted on the project website. A briefing document will be published and widely circulated after each event.

(1) Effective equality planning

In the light of existing equality legislation and the new public sector duties, public bodies are expected to be able to demonstrate that they are bringing about change within their organisation. Organisations are required to develop a single equality plan, or a series of plans addressing specific strands, each containing realistic targets and monitoring strategies. Early experience suggests that organisations have found the task extremely difficult, and there is a tendency to produce plans which are high in aspiration but low in measurable goals. In addition, it is evident that the quantitative data gathered within an organisation (e.g. human resource department information on the social characteristics of job applicants and appointees) is rarely applied in a

systematic way in institutional planning and review. The following areas have been particularly challenging:

- Ensuring participation and voice of marginalised groups;
- Creating change rather than creating paper and avoiding managerialist pitfalls;
- Addressing specific strands effectively within single equality schemes;
- Understanding the range of legal duties which apply.

COSLA has indicated that many local authorities and other public sector bodies are keen to obtain more explicit guidance in this area. In addition to discussing the issues highlighted above, examples of good practice from organisations in different sectors will be shared.

(2) Developing the human rights agenda in Scotland: The intersection of European, UK and Scottish policy and legislation on equality and human rights

To date, much work on human rights in Scotland has focused on the protection of human rights of refugees and asylum seekers and prisoners. However, human rights legislation has many other applications across the public sector in Scotland, for example, the treatment of older and disabled people may have a human rights dimension. There are also ongoing legal uncertainties about whether private sector organisations carrying out public sector functions (e.g. providing residential care on behalf of local authorities) are bound by the same equality and human rights legislation which apply to the public sector. The newly-established Scottish Commission for Human Rights will have a major input to this think-tank, and, in addition to discussions of the legal and policy aspects of this topic, illustrations of good practice from a range of sectors will be provided.

(3) Dimensions of persistent inequality in Scotland and public sector action for change

The *Equalities Review*, published by the Cabinet Office in 2007, was regarded as helpful in delineating some of the features of persistent inequality in Britain, and in considering what an 'equality scorecard' for monitoring change might look like. However, it was criticised in Scotland for relying too much on English data and in failing to appreciate the different dimensions of inequality north of the Border. For example, the composition of minority ethnic groups in Scotland and England is very different, and sectarianism appears to be far more of a problem in Scotland. Furthermore, the definitions and categories which apply to particular equality strands may differ north and south of the Border. The Scottish Government has an important role to play in identifying patterns of persistent inequality in Scotland and the part which public sector organisations may play in interrupting the transmission of inequality across generations. In the *High Level Review of Equality Statistics* (Scottish Executive, 2007), Scottish government statisticians have undertaken an important task in synthesising evidence from a range of sources on equality and inequality in Scotland. However, it is evident that in relation to some categories (e.g. religion/belief and sexual orientation) data are lacking and there is a need for harmonisation of categories and definitions in other areas

(e.g. disability and ethnicity). Furthermore, there is a major problem in communicating patterns revealed in high level statistics to public sector stakeholders, so that organisations' equality plans can take account of the bigger picture. This think-tank will include presentations from Government statisticians on enduring inequalities, inputs from local policy-makers and practitioners on local patterns of inequality and examples of local and national initiatives intended to reduce inequality. There will also be discussion of the dimensions of a Scottish equality scorecard.

(4) Multi-culturalism and community cohesion

This topic has been selected because it provides the opportunity to discuss the types of tensions which may arise between different equality strands and interest groups, and because it exemplifies tensions between the need to respect diversity on the one hand and build community cohesion on the other. Drawing on the perspectives of policy-makers and practitioners in different sectors and operating at different levels, this session will reflect on aspects of recent equality and human rights legislation which have proved to be most controversial, and the measures which have been used to ensure their acceptance amongst local communities. An example of an issue which might be discussed is the requirement on adoption agencies to avoid discrimination against same-sex couples, which has proved challenging for some religious groups. Trevor Phillips, head of the Equality and Human Rights Commission and Peter Tatchell, a prominent gay activist, have questioned the extent to which certain cultural practices should be ignored or endorsed if they contravene equality legislation or the rights of significant sections of the community. The Scottish Government believes that an awareness of the equality and human rights agenda should permeate all aspects of Scottish culture, hence its support for this project.

Conference

Towards the end of the project, a conference will be organised on national and local policy and practice in relation to equality and human rights. The conference will be aimed at the academic, policy and practitioner communities, reflected in the choice of speakers and workshops. The aim will be to present key findings from the think-tanks described above to a wide audience, focusing on the debates and on disseminating innovative practice. There will be ample opportunity for input from participants as well as presenters, and papers and presentations will be further disseminated via the web.

Main innovative features

This proposal has two main innovative features:

(1) It will foster exchange of knowledge and attitudes relating to equality and human rights across sectors and levels by bringing together key players and encouraging lively debate, leading, it is hoped, to the development of better grounded policy and practice. Whilst much lip service is paid to this type of exchange, in reality there are limited opportunities for it to occur, partly because individuals are often under considerable pressure to get a job done, rather than reflect on what will make things run more smoothly in the longer

term. The use of the web will allow outputs to be very widely disseminated, and there will be a focus on disseminating awareness of innovative practice.

(2)The equality and human rights agenda is evolving at a very rapid pace in Scotland, the UK and Europe. In November 2007, the Equality and Human Rights Commission was launched with a GB remit and in early 2008, the Scottish Commission for Human Rights will be launched. The establishment of a single equality body covering six equality strands, a separate human rights commission in Scotland and discussion around single equality legislation represents a transformation of the equality and human rights landscape. Arrangements in Scotland differ from those in the rest of the UK with regard to human rights and, under the Scotland Act, a wider range of equality strands is recognised compared with England and Wales. Widening public sector duties north and south of the Border have challenged public sector organisations, and there have been concerns about the dominance of the audit culture. This knowledge exchange programme will provide an opportunity for actors at all levels to play a role in shaping the equality and human rights landscape over coming decades.

Identification of policy partners' needs

Dialogue with the Scottish Government has been on-going for the past 12 months, and they have played a very active role in the advisory group informing the previous SFC project. We have also had discussions with Chris Oswald, soon to take up post as Director of Strategy for the Equality and Human Rights Commission, and Alan Miller, the newly-appointed Chair of the Scottish Human Rights Commission. They would like this project to:

- Contribute to the development of a distinctively Scottish understanding of the concepts of equality and human rights;
- Reflect on what Scotland must do to develop its own policy priorities in this area, whilst fulfilling its responsibilities under GB, UK and European legislation;
- Clarify what information is needed to produce a Scottish 'equality scorecard' charting progress towards a more equal society over the next decade;
- Identify which equality issues are particularly pertinent to Scotland;
- Promote the emergence of a distinctively Scottish approach to the human rights agenda, its relationship to the equality agenda and its permeation throughout the Scottish public sphere.

The Scottish Government, the Scottish Commission for Human Rights and the Equality and Human Rights Commission, as well as representatives from a range of public sector bodies, will all play a key role in our advisory committee, and ongoing discussion will ensure that the events and briefings reflect emerging policy priorities.

Project management and evaluation

This project will be co-ordinated by Professor Sheila Riddell, who has a track record in managing a wide range of research projects involving collaboration across institutions and sectors. Sheila will liaise closely with Professor Jo Shaw and Rowena Arshad, who are project partners at Edinburgh University. She will take final responsibility for adherence to deadlines and quality control

of outputs. The project resources and workload will be divided evenly between the Universities of Edinburgh and Glasgow. Professor Nick Watson will take responsibility for project management within Glasgow, and will liaise closely with Professor Jim Murdoch, project partner at Glasgow University. Sheila Riddell will be the main point of contact with Sue Warner, Senior Principal Research Officer at the Scottish Government and Chris Oswald, Equality and Human Rights Commission in Scotland. The small advisory committee will meet about four times during the duration of the project, and the wider network will be involved in discussion.

Each event will be evaluated by participants. As stated above, the advisory group will have an ongoing steering and evaluation role, as will the wider network. The ultimate evaluation will rest with the Scottish Government, which has indicated its desire to support this project with ongoing additional resources (although given the tight timescale, no firm agreement has been drawn up at this point).

Dissemination and sustainability strategy

In addition to the think-tanks and the conference, briefings and working papers aimed at a variety of interest groups will be produced and published on the project website. The support of the Scottish Government will be essential to ensure sustainability. Sheila Riddell and Nick Watson already have a range of funded projects in the broad field of equality and human rights, and this project will contribute to further dissemination and exchange of knowledge.