

Public Sector Equality Duty – Revised Draft Regulations

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Children in Scotland

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3. Permissions

I am responding as.....

Individual / Group/Organisation
Please tick as

- (a) Do you agree to your response being made available to the public (in Scottish Government library)
- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis
Please tick ONE of the following boxes
- Yes, make my response, name and address all available
- Yes, make my response available, but not my name and address
- Yes, make my response and name available, but not my address

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library)
Are you content for your **response** to be made available?

Please tick as appropriate
 Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
- Please tick as appropriate**
 No Yes

Consultation Questions

Question 1: Do you agree that if a public authority's equality outcomes do not cover all relevant protected characteristics, it should publish the reason(s) why?

Yes No Don't Know

It is important that public authorities' are explicitly required to gather and consider evidence relating to all protected characteristics in determining their equality outcomes. Transparency and accountability requires that the reasoning supporting these decisions is openly reported.

Question 2: Do you agree that a public authority should publish the results of equality impact assessment?

Yes No Don't Know

This is fundamental to transparency and accountability.

Question 3: Do you agree that a public authority's impact assessments should consider relevant evidence including any received from people with relevant protected characteristics in relation to the policy or practice in question?

Yes No Don't Know

This should include a duty to actively seek the evidence and views of people with protected characteristics.

Question 4: Do you agree that a public authority should make arrangements to review and where necessary change or revise existing policies and practices to ensure that these do not have a detrimental effect on its ability to fulfil the general duty?

Yes No Don't Know

Public authorities should be required to specify the processes they will use and anticipated timeframe in their 1st report, and to subsequently report on progress relating to reviewing and (where necessary) revising existing policy and practice.

Question 5: Do you agree that a public authority should not be required to undertake an impact assessment where the policy or practice in question has no bearing on its ability to fulfil or otherwise the general duty (eg, purely technical or scientific matters)?

Yes No Don't Know

Equality impact assessment needs to be mainstreamed and this will require that all policy and practice is assessed at some level. Rather than treating some areas as fully exempt, it would be more appropriate to incorporate an early filter in impact assessment to quickly and consistently identify the narrow areas where further assessment would be of no benefit.

Question 6: Do you agree that authorities subject to the specific duties should be required to take reasonable steps to gather information on the relevant protected characteristics of employees, including information on the recruitment, retention and development of employees?

Yes No Don't Know

Question 7: Do you agree that authorities subject to the specific duties should be required to use the employment information which they have gathered to assist progress on the general duty?

Yes No Don't Know

Gathering data must be clearly indicated as a means to an end (i.e. positive equality outcomes) and not as an end in itself.

Question 8: Do you agree that authorities subject to the specific duties should be required to report on progress on gathering and using employment information, including an annual breakdown of information gathered, within the mainstreaming report.

Yes No Don't Know

Question 9: Do you agree that authorities with more than 150 employees should publish an equal pay statement, the first covering gender and the second and subsequent statements covering gender, disability and race?

Yes No Don't Know

Question 10: Do you agree that where a listed authority is a contracting authority and proposes to enter into a relevant agreement on the basis of an offer which is the most economically advantageous it must have due regard to whether the award criteria should include considerations relevant to its performance of the general duty?

Yes No Don't Know

Question 11: Do you agree that where a listed authority is a contracting authority and proposes to stipulate conditions relating to the performance of a relevant agreement it must have due regard to whether the conditions should include considerations relevant to its performance of the general duty?

Yes No Don't Know

Question 12: Do you have any other comments on the proposed draft Regulations?

Children in Scotland broadly welcomes the increased emphasis on transparency, accountability and assessing impact in the revised draft regulations.

However, Children in Scotland believes that equality aims would be furthered by strengthening the following two key sections:

A) Equality outcomes – public authorities should be required to publish the steps they intend to take to achieve outcomes and to give an indication of how these will

be measured.

B) Duty on Scottish Ministers – an opportunity has been missed here for Scottish Ministers to take a lead role in monitoring and reporting on – not only progress relating to their own supporting activity – but also national level progress towards equality goals. This role is particularly important in the light of on-going reforms to the Equality and Human Rights Commission, and the likely restriction of its non-regulatory functions.

We are inviting responses by **25 November 2011**.

Please send this questionnaire with the completed Respondent Information Form to:

equalityduty@scotland.gsi.gov.uk

or by post to:

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