



EQUAL OPPORTUNITIES COMMITTEE

AGENDA

11th Meeting, 2014 (Session 4)

Thursday 5 June 2014

The Committee will meet at 9.00 am in the James Clerk Maxwell Room (CR4).

1. **Equality and Human Rights Commission:** The Committee will consider a response from the Equality and Human Rights Commission.
2. **Female Genital Mutilation:** The Committee will take evidence from—

Anna Boni, Lead Officer Safeguarding, Education Scotland;

Dr Kate Darlow, Specialist Registrar in Obstetrics and Gynaecology, Royal Infirmary of Edinburgh, NHS Lothian;

Jim Doyle, Quality Improvement Officer, Glasgow City Council Education Services;

Gillian Smith, Director, Royal College of Midwives.
3. **Draft Budget Scrutiny 2015-16 (in private):** The Committee will consider its approach to the scrutiny of the Scottish Government's Draft Budget 2015-16.

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The papers for this meeting are as follows—

Agenda item 1

Equality and Human Rights Commission update

EO/S4/14/11/1

Agenda item 2

PRIVATE PAPER

EO/S4/14/11/2 (P)

Submission from Education Scotland

EO/S4/14/11/3

Agenda item 3

PRIVATE PAPER

EO/S4/14/11/4 (P)

EQUAL OPPORTUNITIES COMMITTEE

**EQUALITY AND HUMAN RIGHTS COMMISSION (EHRC)
REFORMS AND WORK PROGRAMME**

9 May 2014 – Correspondence from Convener to EHRC

Following on from the evidence the Committee took from you last year on EHRC reforms the Committee are keen to receive a written update. We are interested in further information on—

- An update on the outcome of the EHRC reforms.
- Your work in monitoring compliance with the PSED.
- Your business plan for 2014-15, and how this may complement the Committee's work programme.

It would be useful if you could provide a response by **2 June**, which would allow us time to discuss your response and consider next steps prior to the summer recess period **EHRC Reforms and Work Programme**

29 May 2014 – Correspondence from EHRC to Convener

Many thanks for your letter of 9 May, requesting an update on -

- The outcome of the EHRC reforms
- Our work in monitoring compliance with the PSED.
- Our business plan for 2014-15, and how this may complement the Committee's work programme.

EHRC Reform: The Commission's reform programme is now complete, and our efforts are now focused on the delivery of our 2014/15 business plan. Figures on budget and staffing are provided below.

Finance: The Commission's 2013/14 year-end out-turn spend is within all financial control totals, with a total resource spend of £19.2m (including £16.3m on steady state core functions and £2.5m on transition). Efficiency savings of around £2.8m have been delivered for 2013/14, mainly due to a reduction in the reliance on interim staff (£1.4m). Since 2010/11 we have delivered £9.8m of savings on discretionary expenditure.

2014/15 and 2015/16 budget allocation is set out in the table below:

	2014/15	2015/16
Resource budget (£000s)	16,927	16,747
Capital budget (£000s)	150	387
Total budget (£000s)	17,077	17,134

(NB: The 2015/16 figures are provisional and subject to change. These figures include staffing, estate and operational costs.)

In addition the Commission has access to a discretionary programme budget allocation of £8,073k in 2014/15 and £6,570k in 2015/16. This funding will be in response to bids submitted to the UK Government's Equality Office (GEO) for approval by Ministers. Most of these bids are for GB work, which will include Scotland, for example raising awareness of pregnancy and maternity rights in the workplace. The Commission's statutory Scotland Committee will receive £90,000 in 2014/15 to help it discharge its duties in Scotland¹.

People: at 31 March 2014, there were 193.9 FTE staff on the GB payroll (an increase of 1.4 FTE on last period). Annualised turnover for the year has decreased to 7.75%, compared to 8.1% last period, and 8.02% at the end 2012/13. This is within the historical average for the Commission (range 7-11%). In Scotland, we currently have a headcount of 17 (14.98 FTE) and a small number of vacancies which we hope to progress to recruitment in the near future.

PSED Monitoring & Compliance: As you are aware, under the Equality Act 2006, the Equality and Human Rights Commission has a statutory remit to protect, enforce and promote equality across nine protected characteristics which are set out in the Equality Act 2010. This includes regulating the Public Sector Equality Duty (PSED).

During 2013 the Commission undertook a three-stage evaluation of listed public authorities' performance. EHRC staff monitored listed public authorities against the requirements to publish information as required by the following duties:

- Duty to report progress on mainstreaming the equality duty;
- Duty to publish equality outcomes and report progress;
- Duty to gather and use employee information;
- Duty to publish gender pay gap information;
- Duty to publish statements on equal pay including occupational segregation information.

Our works shows a high level of compliance with the requirement to publish equality outcomes, and in publishing some information on the protected characteristics of their staff.

¹ See Schedule 1, Equality Act 2006: "The Scotland Committee shall advise the Commission about the exercise of the Commission's functions in so far as they affect Scotland."

The most significant challenge lies with public bodies producing good quality, clear and measurable equality outcomes, with only a third of listed bodies able to do this. The Commission believes that if the planned outcomes are poor quality then they will make little difference to those they were designed for.

We have now agreed a national improvement approach with Scottish Government and other stakeholders to improve the quality of the poorest performers in relation to equality outcomes. This will include good practice research, targeted support and opportunities to share the learning more widely later in the year.

This activity is designed to complement Scottish Government activity, in particular relating to the Scottish Ministers' Duty proposals to enable better public authority performance against the duties, and reflects the recommendations we made in our 2013 'Measuring Up?' reports on, among other areas:

- the need for more detailed information on the composition of public bodies' workforces
- better information of individuals' development and progress during their time with a public body
- developing better quality, robust and measurable outcomes.

2014/15 Scotland Business Plan: The Scotland Committee is responsible for ensuring that the overall work of the Commission reflects the needs and priorities of Scotland. In the coming year, the Scotland Committee members will gather evidence and see for themselves the emerging equalities issues in Scotland, hearing first-hand the concerns and hopes of individuals and organisations as they travel around Scotland in a programme of stakeholder engagement.

The Commission in Scotland will work across the public, private and third sectors to secure improvements in the promotion and protection of equality and human rights. In addition to our core, statutory work and our contribution to Britain-wide projects, the Commission in Scotland will also:

- Prepare for the referendum on independence: We will ensure that proper thought is given to equality and human rights, and effective post-referendum structures are in place during any transfer of powers to full independence or further devolution.
- Transfer our expertise: We will deliver training and interactive workshops to advisors, third sector and public sector organisations to improve their knowledge of discrimination and human rights law
- Engage directly with businesses in Scotland: We will promote our Employer Guidance and our work on rights in pregnancy and maternity; and we will transfer the recommendations from the Commission's Inquiry into the meat processing sector to the fisheries industry in Scotland.
- Improve public sector employment practice and service delivery: We will strive to improve practice and service delivery across the 259 public bodies subject to the Scottish specific duties, by building on the findings of our 2013/14 Public Sector Equality Duty monitoring to promote improvements in equality impact assessment

and workplace equality monitoring and support public authorities in delivering their equality outcomes.

- Undertake a detailed Census 2011 analysis: We will produce information on migration, housing and economic participation to inform public policy and service delivery.
- Work to reduce the incidence of identity-based harassment in Scottish schools: We will develop resources and new approaches to help tackle bullying based on protected characteristics.
- Audit and scrutiny: We will work to ensure that the equality implications of the Audit Scotland national performance audit on court efficiency are fully considered and appropriately reflected within the performance audit.
- Gypsy/travellers accommodation: we will publish research on good practice in gypsy/traveller site provision.

I hope this information is of use to the Committee and look forward to exploring in particular those areas of our business plan which may complement the Committee's work programme. The Commission's Annual Report and Accounts for 2013/14 will be published later in the summer: these will provide the Committee with more detail on issues, such as the results of our staff survey, finance, as well as more detail on our business plan.

I would be happy to meet in the near future if you think that would be helpful to discuss any of these issues further.

SUBMISSION FROM EDUCATION SCOTLAND

Cabinet Secretary for Education and Lifelong Learning
Michael Russell MSP

Minister for Commonwealth Games and Sport
Shona Robison MSP

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28 February 2014

Dear Headteacher

Female Genital Mutilation

As you will know, keeping all children safe depends on the knowledge, skills and confidence of those who work with children and families. Staff must be able to manage risk and deal with the complex and highly uncertain environments that face our most vulnerable children and families. Professionalism, commitment and courage are needed to address the most challenging of circumstances. The child protection landscape in Scotland has developed considerably over the last few years. New legislation, new areas of practice and new approaches continue to shape activity at both national and local level putting the interests of the child at the centre of every process and decision, building up from universal services: the *Getting it right for every child* approach has been instrumental in this.

Female genital mutilation (FGM) is illegal in Scotland and in the UK – it is considered a form child abuse and is a violation of the child's right to life, their bodily integrity as well as their right to health. It is illegal for anyone in the UK to circumcise or assist in the circumcision of a girl. It is also illegal for any UK national or any UK permanent resident to circumcise or assist in the circumcision of a girl outside of the UK.

In order to support the children and young women who are affected and to counteract the continued practice of FGM, the Scottish Government uses a multi-agency approach involving relevant agencies, professionals and communities and a variety of interventions based on the GIRFEC principles. As FGM is often carried out on minors, it is also a violation of the rights of children and is, therefore, a child protection issue.

We firmly believe that schools have a key role to play in collaboration with social work and health colleagues in eradicating the practice from Scotland entirely. Staff in schools share a responsibility for identifying and responding to the care and wellbeing needs of children and young people. Schools can help raise awareness by educating staff, parents and pupils about the practice to prevent it happening in the future. It is important that parents, teachers and other adults working with children know how to respond. If headteachers or other staff have any concerns they should follow their local authority's child protection procedures.

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The National Guidance for Child Protection, which is used by all children's services such as education, includes a section on FGM. If there are concerns that a school pupil may have been subject to, or may be at risk from, FGM, this becomes a child protection matter and the National Guidance provides advice at Part 4, paragraphs 469-474:

www.scotland.gov.uk/Topics/People/Young-People/protecting/child-protection. This section will be updated with the next edition, which will be published later in the spring. Schools may wish to highlight the revised guidance in their next round of child protection training in August.

There are a number of existing resources which schools may find helpful to raise awareness of and respond to potential cases of FGM. The UK Home Office has produced a leaflet 'Female Genital Mutilation – The Facts' which may provide a helpful introduction to the issue. It is available here:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/261326/FGM_leaflet.pdf.

The Scottish Government funds the Women's Support Project to develop resources for use in training and education – these are available at

www.womenssupportproject.co.uk/vawtraining/content/femalegenitalmutilation/277,234.

Education Scotland will work with partner agencies to develop guidance for staff, which will be available for use at the annual safeguarding update in August for all staff in all schools.

Thank you very much for your co-operation and willingness to help in this very important matter.

Yours sincerely



MICHAEL RUSSELL



SHONA ROBISON

Cc: Directors of Education
Directors of Children's Services
Chairs of Child Protection Committees
Directors of Public Health
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