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Equal Opportunities Committee
Scottish Parliament

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Dear Margaret,

**EQUAL OPPORTUNITY COMMITTEE'S INQUIRY INTO REMOVING BARRIERS:
RACE, ETHNICITY AND EMPLOYMENT: SCOTTISH GOVERNMENT RESPONSE**

I would like to thank the Equal Opportunities Committee for its careful consideration of issues relating to race, ethnicity and employment, and for the very helpful recommendations set out in its inquiry report.

I enclose the Scottish Government's response to the report, which addresses each of the recommendations.

The Scottish Government is determined that Scotland should be doing all that it can to advance race equality, tackle racism and address the barriers that prevent people from minority ethnic communities from realising their potential particularly in employment. We are clear about the centrality of equality and human rights to Scotland's future and the importance of inclusive growth, fair work and social justice to our economic success and social wellbeing. Tackling the inequalities in employment is a key part of this agenda. We therefore welcome the Committee's report and its focus on improving the employment opportunities and experiences for minority ethnic communities.

Whilst there has been progress over recent years, the evidence indicates that unemployment rates in Scotland are still significantly higher for non-white minority ethnic groups compared to white ethnic groups, including the majority white Scottish population. There are also significant issues for some communities around occupational segregation, pay and discrimination at work. The Scottish Government is committed to taking what action it can to tackle labour market and workplace inequalities in Scotland. Recent publications including the Joseph Rowntree Foundation report on Poverty and Ethnicity have highlighted the value of closer

linkages in the work to promote equality and to tackle poverty. We will be looking at how we might ensure that in the period ahead.

The Equal Opportunities Inquiry is timely. Over the past 12 months thousands of people have been engaged in the Fairer Scotland consultation helping to shape how we secure greater social justice and equality in Scotland. In addition we have asked hundreds of people in minority ethnic communities across Scotland the following questions: 'what matters to you?', 'what is your vision of a fairer Scotland?' and 'what do we need to do get there?'. Access to employment and training, and fairness in recruitment and promotion, were recurrent themes emerging through our consultation work. We heard that racism is complex and affects men differently to women and interacts with social background to produce different forms. We also know that some people from minority ethnic backgrounds are doing well and are at the top of their professions, but often it has been at a personal cost and with many experiencing racism along the way. The findings of the Committee's report resonate with the messages we were hearing during our consultations. The learning from the widespread engagement undertaken and indeed, the findings of the Committee, will be reflected in the Race Equality Framework for Scotland which will provide a context for our work from 2016 to 2030.

The Committee has highlighted the need for the Scottish Government to demonstrate leadership by showing a longer-term commitment to addressing the issues outlined in the report. We agree that this is important and we will be taking, just such an approach in the race equality framework. We are taking this longer term strategic approach so that we can better address the race equality issues facing us today and secure firm foundations for advancing race equality in the future.

We will ensure that the issues raised in the Committee's report are fed into our broader work specifically in relation to the promotion of fair work responding to the devolution of new employability powers and in responding to the recent report by the Independent Advisor on Poverty and Inequality, "[Shifting the Curve](#)". This will be relevant in considering recruitment, retention, career progression, occupational segregation and in work poverty. We will also want to ensure that we address the issues for minority ethnic women and recognise that the intersection of race and gender can create additional barriers.

The public sector equality duty provides a robust framework for improving equality employment practice in the public sector and we will continue to work with our public sector partners to encourage good practice and to improve performance. Furthermore, the Fair Work Convention are due to publish their Framework later this month. The Scottish Government will respond to that in the summer and this will provide an opportunity to identify opportunities to engage employers in this agenda.

I hope that this information is helpful to the Committee. I would of course be happy to meet with the Committee at a future date.



ALEX NEIL

Equal Opportunities Committee Removing Barriers: race, ethnicity and employment, 1st Report, 2016 (Session 4)

Scottish Government response to recommendations.

The following response is a combined response that covers recommendations at Para 28, 31, 42, 53 and 140)

1. [para 28] *We urge the Scottish Government to work with the public sector to realign their policies and direct their resources at tackling underrepresentation of ethnic minorities, primarily by developing best practice, including developing projects such as those at PATH (Scotland) and NHS Lothian in response to their duties under the Public Sector Equality Duty (PSED).*

2. [para 31] *We recommend that the Scottish Government works with public bodies to undertake their own review of equality and diversity training which is offered to employees and to use the specific duty of assessing and reviewing practice in the Equality Act 2010 to drive this work forward.*

3. [para 42] *We recommend that the Scottish Government undertakes work on the extent to which racial discrimination is an issue in recruitment processes in the public sector.*

4. [para 53] *We recommend that any work undertaken by the Scottish Government to raise public bodies' awareness on racial equality issues in the workplace should promote:*

- *"Working to learn cultures" where opportunities to access training, mentoring and shadowing opportunities are open to all and are promoted to all.*
- *The use of open recruitment, where jobs are advertised and potential candidates are given reasonable access to information on the role and its requirements and the selection process.*
- *The use of diverse interview panels.*
- *The use of equality-related questions in interviews.*
- *The provision of consistent, high quality post-interview feedback for all job applicants.*

5. [para 140] *We recommend that the Scottish Government works with the EHRC to promote the use of positive action measures such as PATH (Scotland) and NHS Lothian's 'Leading Better Care, Leading Across Difference' within public authorities across Scotland as part of its on-going work in relation to the Public Sector Equality Duty extent to which racial discrimination is an issue in recruitment processes in the public sector.*

Scottish Government guidance for public bodies and sponsors already emphasises that recruitment should be by fair and open competition. SG will continue to raise awareness of equality issues through our engagement with public bodies and sponsors and look to share best practice across the public sector looking for example at the use of diverse interview panels and the use of equality-related questions in interviews amongst other things. We will engage race equality stakeholders in this work.

There is a Public Bodies HR Network, which provides a forum at which equality issues can be raised. The Network is chaired by Barbara Allison, SG Director of People, Communication and Ministerial Support. The last meeting of the network took place earlier in February and the next is scheduled for the end of August and would provide an opportunity to raise the Committee's report and seek improvements to current practice.

Additionally, the Scottish Government is working together with the Equality and Human Rights Commission (EHRC) and Close the Gap as part of SNEIP (Scottish National Equality Improvement Project) partnership which has been set up to help Scottish public authorities improve their performance on the public sector equality duty. One of the areas that SNEIP is focusing on is "Practice Sharing and Knowledge Transfer", as it is recognised that it is important to work collaboratively across organisational and sector boundaries and share knowledge about what works. During 2015 SNEIP held a series of collaborative events during which best practice was shared.

Increasing staff diversity declaration rates is one of the key challenges for public bodies subject to the Scottish specific equality duties. That is why we delivered a learning event for public bodies in September 2015 that specifically focussed on improving public sector's performance in relation to gathering and using employee diversity information to inform employment practices, including on recruitment, retention and development.

Phase 2 of SNEIP is currently being developed, including a programme of further learning events and planned engagement with equality stakeholders. As part of this:

- We will consider raising awareness of PATH and NHS Lothian's "Leading Better Care, Leading Across Difference" as part of this learning programme.
- We will also explore equality and diversity training being a focus of one of such events. Public bodies are subject to the public sector equality duties, and are responsible for the equality and diversity training of their employees. We are aware that some public bodies are undertaking a review of their equality and diversity training to ensure that their employees are well equipped to meet the requirements of the public sector equality duty. For example, Police Scotland is looking at enhancing the existing training available to Police staff to ensure that they are better equipped to tackle racism and promote equality and community cohesion in the delivery of police services. The Scottish Government is reviewing its own training offer on equality and diversity, as part of the delivery of its equality outcome "Equality and Diversity Matters".
- Public bodies are responsible for ensuring that their recruitment processes are not discriminatory and the EHRC is the enforcement body. The PSED expects public authorities to collate and publish its employee data including on recruitment and to use it to inform its policies and address any issues.

(We will explore with EHRC the extent to which racial discrimination is an issue in recruitment processes in the public sector.)

6. [para 41] *In order to affect positive change there must be buy-in and a long-term commitment at a senior leadership level. We urge the Scottish Government's Fair Work Convention to work with senior figures across the public sector and, where possible, the private sector to tackle the problem and engage with stakeholders to share and promote best recruitment practices.*

The Fair Work Convention has been established to be independent of Government and its remit over its first year is to drive forward this agenda by producing a Fair Work Framework by the end of March 2016. The Convention has considered the Committee's report and it has taken its own evidence from equality groups. They will reflect what they have heard in their Framework, which will be published later in March. We intend to set out our response to the Convention's Framework in the summer.

7. [para 54] *Good management is vital in cultivating equality in the workplace and we consider that, in line with PSED requirements, a commitment is required at senior management level in the public sector to ensure that a culture of inclusiveness and diversity is promoted. We recommend that the Scottish Government leads and works closely with public sector leaders to drive this forward.*

We recognise that our public bodies have a key role in developing the full diversity of talent that we have in Scotland, nurturing and growing leaders at all levels, both in our communities and in our organisations. To that end, the Scottish Government agrees to take forward this commitment and will engage with senior public body leaders to promote equality and diversity issues through their senior management forums, equality and HR networks and with SG sponsors.

8. [para 68] *We recommend that the Scottish Government continues to work with the Equality and Human Rights Commission (EHRC) to promote the importance of the collection of equality data and to encourage public bodies to share best practice on the collection and analysis of data via the Scottish Government's Scottish National Equality Improvement Project (SNEIP) initiative. As part of this, we recommend that urgent consideration should be given to issues relating to ethnicity disclosure as part of public authorities' duties under the PSED.*

Increasing staff diversity declaration rates is one of the key challenges for public bodies subject to the Scottish specific equality duties. That is why, as part of our support work to public authorities via SNEIP, Scottish Government, together with the EHRC and Close the Gap, delivered a learning event for public bodies in September 2015 that specifically focussed on improving public sector's performance in relation to gathering and using employee diversity information. Further work to continue with practice sharing and knowledge transfer is underway, including looking into a feasibility of developing a web portal for the public sector.

9. [para 85] *We recommend that the risk of an “ethnic penalty” for Scotland’s young people is considered within the Scottish Government’s racial equality framework.*

We recognise that not all minority ethnic young people are receiving the advantages which should be expected from their positive educational outcomes. Ensuring that further and higher educational attainment leads to labour market benefits and opportunities is essential to address racial inequality.

As well as ensuring that careers guidance meets the needs of minority ethnic young people, we must ensure that they have equal access in practice to different post-school destinations, including Modern Apprenticeships which have historically had low levels of participation from minority ethnic groups.

Scottish Government aims to ensure these barriers are removed as far as possible and to that end we will consider relevant goals and associated actions within the Race Equality Framework which focus on measures for young minority ethnic people.

10. [para 86] *We recommend that the Scottish Government works with public bodies to ensure that policies on careers advice, work experience, work placements and internships are equality assessed and that the Scottish Government considers setting equality targets for such schemes. In addition, we recommend that the Scottish Government works with local authorities to improve the provision of careers advice in schools with particular reference to young people from ethnic minorities.*

The Scottish Government recognises the importance of working collaboratively in terms of effecting good policy outcomes and in ensuring the best support and advice for young people from minority ethnic communities.

We are looking at areas where we can drive forward change:

- SG will consider what further information is needed to better understand why minority ethnic students are more likely not to complete their further and higher education studies in order to help reduce drop-out rates.
- SG will explore with Skills Development Scotland how to increase the access to effective careers guidance and employability support for people from minority ethnic communities who are in work, seeking work or in learning.
- SG will continue to work with delivery partners to ensure the Education Maintenance Allowance (EMA) programme is promoted to minority ethnic communities as a means to help 16-19 year olds overcome financial barriers to access and remain in learning.

11. [para 97] *We recommend that, in conjunction with the Scottish Government, Skills Development Scotland continues to work with stakeholder organisations in order to promote the Modern Apprenticeship programme to ethnic minority groups. We recommend that the Scottish Government regularly reports to the Scottish Parliament on the progress of this work.*

The implementation plans set out in the Developing the Young Workforce-Scotland's Youth Employment Strategy in response to the report of the Commission for Developing Scotland's Young Workforce, set some stretching targets and recommendations in relation to under-representation within the Modern Apprenticeship (MA) programme, this included minority ethnic groups. There are three recommendations and one KPI that directly relate:

- Promotion and communication of career options should actively target equalities groups to promote diverse participation across gender, Minority Ethnic groups, young people with disabilities and care leavers. The promotion of Modern Apprenticeships opportunities should be to the fore of this activity.
- A targeted campaign to promote the full range of Modern Apprenticeships to young people and parents from the BME community should be developed and launched to present the benefits of work based learning as a respected career option and alternative to university.
- SDS should set a realistic but stretching improvement target to increase the number of young people from minority ethnic groups starting Modern Apprenticeships. Progress against this should be reported on annually.
- Increase the number of MA starts from minority ethnic communities to equal the population share by 2021.

In response, SG is working with Skills Development Scotland (SDS) in their delivery of the Equality Action Plan for Modern Apprenticeships in Scotland, to ensure that the number of individuals from minority ethnic backgrounds, who are apprentices, increase to equal the population share by 2021. This is an iterative plan, which will be updated annually, as further approaches are identified through partnership working and experience. The progress of this work will be reported on to the Scottish Parliament.

SG values the diverse communities who enrich Scotland socially, culturally and economically. It is completely unacceptable that anyone should face barriers to training or employment as a result of their race or religion and we are committed to eradicating this. This is why other SG funded programmes such as Community Jobs Scotland are targeted to support vulnerable young people, including those from ethnic minority groups, who consistently suffer disproportionately in the labour market.

Since 2011 SG has invested over £40 million to support the Community Jobs Scotland (CJS) programme, to create job training opportunities in the third sector for disadvantaged young people aged 16-29.

12. [para 98] *We recommend that the Scottish Government works with Skills Development Scotland to obtain as full a picture as possible relating to the ethnicity of modern apprentices by gathering and publishing data on applications, success rates, drop-out rates and post-modern apprenticeship destinations by ethnicity and undertaking work to capture the experiences of ethnic minority young people taking part in Modern Apprenticeships.*

SDS is already gathering and publishing MA starts by ethnicity. This is shared with Scottish Government in advance of publication and, throughout the year, SDS produce quarterly statistics on the uptake of MAs by ethnicity. This is also broken down by level, gender and age and a complete capture of the data is reported at year end.

The overall rate of MAs achievement/success is also published in the SDS quarterly statistics, but this is not broken down further for any group. SDS record the success rates of MAs by ethnicity, and although they do not currently publish this data, both SDS and SG use it to analyse and inform our strategy/policy to improve representation of ethnic minority young people within the MA programme. Similarly, SDS is currently gathering data on leavers and their reasons for leaving their MA and are using this data to inform interventions and strategy to improve representation.

SDS is now considering how they can further enhance their published information to support more detailed monitoring of the uptake of MAs.

13. [para 106] *We recommend that the Scottish Government works with employment services to develop gender specific employability schemes aimed at ensuring the appropriate resources, such as targeted support, information and training, are available for ethnic minority women seeking employment support and advice.*

Support to vulnerable groups is a fundamental aspect of a number of programmes and activities operated by SG, however, there are no current programmes specifically aimed at or targeted at minority ethnic women.

That said, in developing devolved employment services, we are adopting a Scottish approach which builds on existing services and provides personalised, flexible support to meet the needs of unemployed Scots who face specific barriers to employment.

The Scottish Government awarded £110,496 funding towards a joint delivery and knowledge exchange venture between Bridges Programmes, Glasgow City College and the Dundee International Women's Centre to develop a year-long vocational English for Speakers of Other Languages (ESOL) employability programme. This project aimed to enhance the active participation of minority ethnic women in the labour market. The project began on 1 October 2014 and ended on 30 September 2015 and has supported up to 105 women. We are working with partners to disseminate the learning from this sector-specific approach to practitioners and stakeholders in order that it becomes a feature of future ESOL delivery in Scotland.

As part of Phase 4 (2014/15) of CJS SG supported a pilot programme which offered 20 opportunities specifically aimed at supporting ethnic minority women aged up to 29. CJS is not taking forward any specific provision for this target group due to a low uptake in numbers for the pilot. However they are still eligible to take up a CJS opportunity through the usual SDS or Jobcentre Plus referral routes.

14. [para 109] *We recommend that the Scottish Government reflects on the links between disability, poverty and ethnicity as part of its race equality framework.*

The Scottish Government is determined to advance race equality and tackle racism.

Tackling poverty is a priority for Scottish Government across all communities. However, with minority ethnic groups twice as likely to experience poverty as the majority ethnic population, there is a clear link between race and poverty which must be examined if racial inequalities are to be tackled. In particular, minority ethnic communities must have access to effective support and advice, including financial advice and maximising take up of welfare benefits for those who are eligible.

Intersectionality issues were raised throughout the engagement process and these issues will be reflected across the Race Equality Framework actions and implementation plans.

Measures to address issues of individuals with one or more protected characteristic will be reflected in the goals and associated actions and picked up in the implementation phase for the Race Equality Framework.

15. [para 120] *We recommend that the Scottish Government works with employment services to provide targeted support and advice to new migrants including giving consideration to increasing the provision of English for Speakers of Other Languages (ESOL) training.*

The Scottish Government is committed to enhancing the employability skills of new migrants. The New Scots strategy aims to ensure that new migrants ‘fully understand their rights to welfare support, the labour market and volunteering and employability opportunities and as a result are increasingly able to access these opportunities’. Employment services work in partnership with the Scottish Government and other stakeholders to achieve this objective. The Department for Work and Pensions is currently working with Education Scotland to discuss options for a new approach to teaching English to migrants seeking employment.

The Scottish Government (SG) is committed to ensuring that all residents in Scotland whose first language is not English can contribute to Scottish society and the economy. Having English language skills is key to enabling full participation in Scottish life, supporting integration, and giving people a democratic voice. Welcoming Our Learners, Scotland’s ESOL Strategy 2015 – 2020, provides the strategic direction to ensure we continue to support high quality learning and teaching of English language in Scotland. The Scottish Government are currently in discussions with the Scottish Funding Council and Education Scotland in regards to finalising budgets for ESOL in 2016-17.

Contracted employability support for long-term unemployed people will be devolved to Scotland from April 2017. We are developing a long-term 2020 and beyond vision to identify specific needs of clients and develop a fully integrated and aligned service that helps people move into good quality, sustainable work. Using the information submitted to our consultation exercise from organisations such as the Scottish Refugee Council, we will continue to examine the inclusion of ESOL provision, work experience and mock interviews for minority ethnic clients

16. [para 121] *We welcome the work which is to be undertaken by the Scottish Government on the recognition of overseas qualifications and ask that the Committee is kept informed of the progress of this work.*

We appreciate the support of the Committee regarding this dimension to our work. The Scottish Government is exploring what more we can do on the recognition of overseas qualifications through the Refugee Integration Forum and New Scots working groups and we are commissioning a short project to review and update the recommendations of the 2010 “Scoping Study on Support Mechanisms for the Recognition of Skills, Learning and Qualifications of Migrant Workers and Refugees” within the current context. We will keep the Committee updated on progress.

17. [para 126] *We recommend that the Scottish Government encourages the use of public sector procurement contracts as a way of opening up jobs to ethnic minority groups who are underrepresented in certain industries and works further with the EHRC to develop what more can be done to ensure companies with public contracts have high quality equality and diversity policies in place.*

SG promotes compliance with public sector equality duties through:

- Policy setting out how procurement can be used to promote equality- SG has worked with EHRC to produce guidance in this area (information on both of these pieces of work is available from:
<http://www.gov.scot/Topics/Government/Procurement/policy/corporate-responsibility/CSR/SSPAP/Equalities>;
- More recently SG Procurement has worked with EHRC to support equality considerations in various projects from across the public sector;
- SG Procurement has published statutory guidance on fair work and procurement
(<http://www.gov.scot/Topics/Government/Procurement/policy/ProcurementReform/ProcReformAct/statutoryguidance>);
- SG Procurement will be encouraging public bodies to use procurement as a means of promoting training and recruitment of priority groups in forthcoming guidance relating to the Procurement Reform (Scotland) Act 2014, recognising that individual public bodies are best placed to identify the priority groups in their area. The guidance is due to be published this month (February 2016).'