

Consultation Response



Public Sector Equality Duty in Scotland

April 2022

Background

Voluntary Health Scotland (VHS) is the national intermediary and network for voluntary health organisations in Scotland. We work with our members and others to address health inequalities and to help people and communities live healthier and fairer lives.

We welcome the opportunity to contribute to this consultation on the effectiveness of the Public Sector Equality Duty (PSED). We welcome the potential move towards a more intersectional approach with regards to data collection and the proposal to extend pay gap reporting to include ethnicity and disability. However, we do not believe the current proposals go far enough in terms of considering socio-economic circumstance and caring responsibilities. Socio-economic circumstance is central to issues of inequality and it is not currently included in the PSED. Poverty is often the driving force behind inequality, and we need to consider how it intersects with the protected characteristics currently covered by the PSED. VHS welcomes the proposal for the Scottish Government to take on more of a leadership role in setting national equality outcomes while ensuring listed authorities have the flexibility and responsibility to address issues specific to their community.

We have responded to the elements of the consultation most relevant to us as an organisation which often works in collaboration with the public sector and in tackling inequalities.

Proposal 2: Embedding Inclusive Communications

What are your views on our proposal to place a duty on listed authorities to embed inclusive communication proportionately across their work?

VHS strongly supports placing a duty on listed authorities to embed inclusive communication proportionately across their work. During the pandemic we saw the importance of timely and accessible communications, especially with regards to public health resources. For example, VHS research on creating an inclusive vaccine programme highlighted the importance of clear information in different languages and formats as a key measure for encouraging uptake among BAME and traveller communities.¹ Inclusive communication is vital for informing and empowering people but also for building trusting relationships with services.

In terms of defining what “accessible” and “inclusive” communication means, VHS would support establishing a definition to ensure consistency, but this should be done in collaboration with stakeholders, communities and third sector organisations

¹ <https://vhscotland.org.uk/wp-content/uploads/2021/04/Research-Briefing-Reducing-Inequalities-One-Vaccine-at-a-Time-April-2021.pdf>

to ensure the definition is fit for purpose. Furthermore, to address the “insufficient understanding of the wide range of communication needs in communities” consultation and collaboration with communities, third sector and voluntary organisations is required.² These organisations have a unique and trusted insight and should be resourced to ascertain the communication requirements in their communities. A positive example of communities being empowered to create inclusive communications during the vaccine was through the government’s micro-grants, distributed by BEMIS, to create accessible information on the vaccine.³

Additionally, during the vaccine roll out we saw some people’s communication needs overlooked, especially among the deaf community. We learned of situations where deaf people were sent vaccination letters asking them to call a number to book their appointment, which they would not be able to do unassisted. There is a real failure at present to ensure that deaf and hearing-impaired people are able to enjoy the same standards of communication in health and care services as non-deaf people. Sometimes this will entail BSL, but the vast majority of people with hearing loss are elderly people who have lost hearing capacity as they age so they are not BSL users. There is not enough consideration at present within public services elderly people's diverse communication difficulties.

Embedding inclusive communications as a core part of budget plans would ensure it is built into organisations’ processes and avoids it being an afterthought. Listed authorities building this into their budgets would go some way towards tackling issues of capacity and affordability.

We welcome the Scottish Government’s intention to support this duty through its equality outcome on inclusive communication. Including working in partnership with other public bodies, stakeholders and people with lived experience, to co-produce a set of national standards and a robust monitoring system. We would urge for community and third sector organisations to be included in this partnership working as we often provide a unique insight into communities and can facilitate meaningful collaboration with people with lived experience.

Proposal 3: Extending pay gap reporting to include ethnicity and disability

What are your views on our proposal to require listed authorities to publish ethnicity and disability pay gap information?

VHS supports extending pay gap reporting to include ethnicity and disability. Collecting data is key to our understanding of inequalities and without reporting it is more likely people will fall through the gaps. Reporting on ethnicity and disability also allows for a more intersectional approach to be taken.

Proposal 4: Assessing and reviewing policies and practices

What are your views on the proposal outlined above?

The consultation document recognises that equality impact assessments are currently not always being carried out successfully. VHS agrees there is a need for a

² <https://www.gov.scot/publications/public-sector-equality-duty-scotland-consultation/pages/5/>

³ <https://bemis.org.uk/vif/>

cultural shift in terms of how equality impact assessments are viewed across government and public sector, especially to engrain equality considerations at the start of the policy development process. If the views of people with lived experience and expertise are not sought at the beginning of the process then engagement can appear incredibly tokenistic. Moreover, if the relevant accessible information is not provided at the beginning of a scoping process or consultation it immediately creates an inequality in access. We have experienced this with delays in the provision of easy read consultation documents from government. The Scottish Government should be setting the gold standard in terms of inclusive engagement, so it is disappointing this continues to be a problem. Assessments must be timely and engagement with lived experience must be meaningful.

Furthermore, there needs to be a much greater understanding by listed authorities that asking people to share their lived experience is sometimes asking them to relive deep trauma. A public duty that pre-supposes a commitment to communicate and engage with lived experience must go hand in hand with a commitment to provide resources and assistance to enable and support people not only to share but to cope with any issues that sharing entails for them. Organisations who support people with lived experience need to be confident listed authorities understand what is required to support that person during and after sharing their experience. At present providing this support often falls to the third sector who are struggling to meet demand with stretched resources.

VHS also recognises the limitations of equality impact assessments. We frequently advocate for the wider use of Health Inequality Impact Assessments (HIAs) in our work as these go much further than the Equality Act 2010.⁴ HIAs assess the impact of a proposed or new policy on health inequalities, people with protected characteristics, human rights and socioeconomic circumstances. Marginalised groups fall through the cracks when only characteristics from the Equality Act 2010 are considered during policy making. Inequality goes far beyond the nine protected characteristics in the Equality Act 2010. Equality impact assessments would be strengthened considerably if they included human rights and socio-economic circumstance.

Proposal 5: A new equality outcome setting process

What are your views on our proposal for the Scottish Government to set national equality outcomes, which listed authorities could adopt to meet their own equality outcome setting duty?

VHS welcomes the proposal for the Scottish Government to take on more of a leadership role in setting national equality outcomes. However, we have concerns this could lessen the consideration of listed authorities to their own equality outcomes. Organisations need to have the flexibility and responsibility to address issues specific to their sector or community. There is an important leadership role for the government to play but this must be coupled with flexibility for authorities to tailor outcomes to the communities they serve.

⁴ <http://www.healthscotland.scot/tools-and-resources/health-inequalities-impact-assessment-hiia/what-is-an-hiia>

We note that in the “potential solutions” from the government’s initial engagement exercise it was suggested “the third sector could have an opportunity to submit suggestions for equality outcomes to the Scottish Government for consideration.” It is disappointing this was not explicitly mentioned in the government’s proposal. The third sector provides a unique perspective of the communities we support and would be a valuable asset in proposing equality outcomes for consideration.

We welcome the commitment to involve people with lived experience and the organisations that represent them when developing national equality outcomes. This engagement must be early in the process and meaningful.

Proposal 7: Procurement

What are your views on our proposal and call for views in relation to procurement?

VHS supports the proposal to require listed authorities to published information in relation to their procurement duty as this would improve transparency and accountability. However, it is vital that this does not place a disproportionate burden on suppliers as this could deter smaller and third sector organisations from bidding. Any additional requirements and administrative costs for providers to meet reporting duties needs to be met with additional resources. We agree that procurement is an effective lever to influence change, but the third sector must be resourced if it is to meet additional demands.

Proposal 8: Intersectional and disaggregated data analysis

The First Minister’s National Advisory Council on Women and Girls called for the Scottish Government to place an additional duty on listed authorities to “gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women”?

(a) What are your views on this?

(b) How could listed authorities be supported to meet this requirement?

VHS supports the calls from the National Advisory Council on Women & Girls for the Scottish Government to place an additional duty on listed authorities to “gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women.” Taking an intersectional approach to equality issues reduces the risk of people falling through the cracks. Human beings are complex, with multiple identities and issues which often overlap. For example, an older person who is gay and has a long-term condition may experience different kinds of inequalities, exclusion and/or discrimination.

It is disappointing that socio-economic disadvantage is considered to be outwith the competence of the Scotland Specific Duties, even if it is being covered in the Fairer Scotland Duty. The protected characteristics outlined in the Equality Act have their limitations and do not consider groups such as people experiencing poverty, living on low income, people with caring responsibilities, care experienced people or people experiencing homelessness. Measuring household income or SIMD would go some way to taking a more robust approach to data collection. Without data it is impossible to know how policies could impact some of these groups who are often the most marginalised in society.

VHS strongly advocated for the inclusion of robust data gathering by local and national public bodies, disaggregated by all protected characteristics, as well as other relevant socio-economic information.

For further information please contact: kimberley.somerside@vhscotland.org.uk



18 York Place, Edinburgh, EH1 3EP

0131 474 6189 mail@vhscotland.org.uk www.vhscotland.org.uk @VHSComms

Registered Scottish Charity SC035482. A company limited by guarantee SC267315