

Public Sector Equality Duty (PSED) Review Consultation

Easy Read

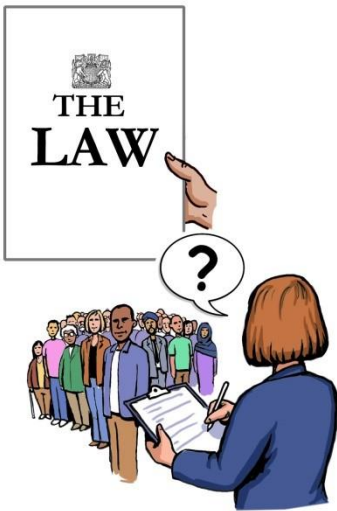
February 2022

Public Sector Equality Duty (PSED) Review Consultation



Easy Read Version

What is a Consultation?

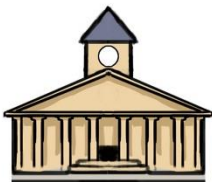


The law says that the Scottish Government has to ask people their views before important changes are made.

When the Scottish Government asks people for their views it is called a Consultation.

The Scottish Government would like your views on 7th of March 2022?

Background



The Public Sector Equality Duty (PSED) is a duty on public bodies, and those carrying out public functions.

Public bodies include organisations that deliver public or government services.



The Public Sector Equality Duty means public bodies have to think to:



- End discrimination
- Promote equality
- Encourage good relationships between everyone.



The Scottish Government introduced Scottish Specific Duties (SSDs) to support public bodies to think about these duties.

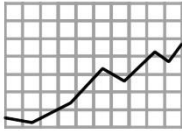


It is against the law to discriminate against someone because of protected characteristics. These include age, race, sex, religion, and sexuality.

What is this consultation about?

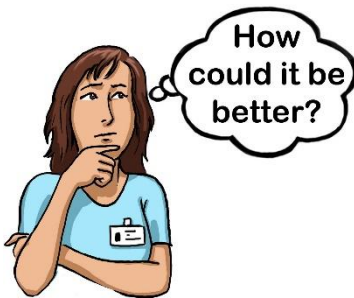


The Scottish Government want to review The Public Sector Equality Duty in Scotland. They want to see how it is working.



We have done research and have gathered evidence from those we work with. But this consultation asks about proposals we are making.

We have split this paper into 3 parts:

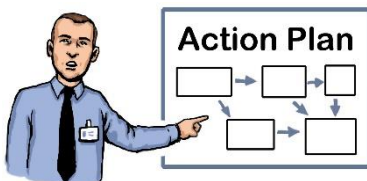


- Part 1: Asking for views on proposals that we think will make improvements. We have based these on evidence from those we work with.
- Part 2: Asking for views from those we work with and build evidence.
- Part 3: Ask for further information and thoughts about the consultation.

After the consultation



The responses will help us make things better. We will continue to engage with partners and any changes will be made in 2025.



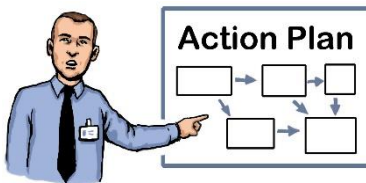
We know that change needs a good plan. We will develop this with public bodies and partners. These include the Equality and Human Rights Commission and equality advocacy organisations.

Part 1: Proposals to improve the Scottish Specific Duty



We are asking your views on proposals that we think will make improvements.

Proposal 1: Duties need to be clearer and should all connect with one another.



The Scottish Government wants to make public bodies have a plan which tells people how they will meet all of the duties.



The Scottish Government wants public bodies to show how they have listened to those with lived experience. They will include this when they make their report.

QUESTION 1: Do you think public bodies should make a plan and show how they have listened to those with lived experience?

Proposal 2: Inclusive Communications



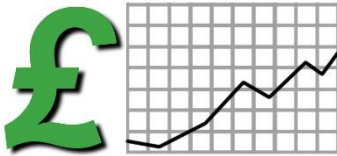
Inclusive communication means everyone can understand public information, no matter how they choose to communicate. The Scottish Government wants to improve inclusive communication in Government and the public sector.



The Scottish Government wants to create a new duty that means public bodies must use inclusive communication as much as possible.



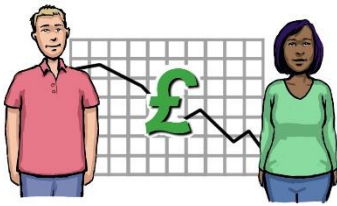
We want to work with public bodies and people with lived experience to create national standards and guidance. This will help organisations use inclusive communication.



We also want to find ways to help with the costs to have inclusive communication.

QUESTION 2: What are your views on a duty on inclusive communication?

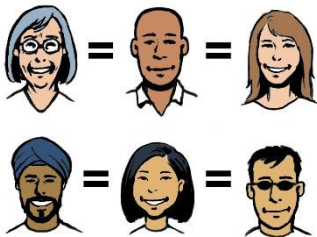
Proposal 3: Pay gap reporting to include ethnicity and disability



There is a duty to report on the gender pay gap every 2 years. This is the difference between men's pay and women's pay.



The information can then be used to improve gender equality in Scotland.



The Scottish government want to extend this duty. We want it to cover ethnicity and disability pay gap information.

QUESTION 3: What do you think about public bodies reporting on ethnicity and disability pay gap information?

Proposal 4: Reviewing policies and practices



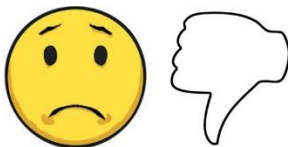
There is a duty to check that new rules look at the needs of the Public Sector Equality Duty.

Public bodies need to think about protected characteristics when they are making guidance or rules. This needs to be reported about in a reasonable time.

There are some issues with this duty:



- Some people believe this has become more about completing a form than a better policy.
- Checks are often carried out too late.
- Checks can use little evidence and do not engage with people with lived experience.
- The impact of plans made at a higher level are not always thought about.



The Scottish Government want to change this duty. Checks must be done as soon as possible. Ideas should be tested before decisions are made. It should be a rule that people with lived experience are involved.

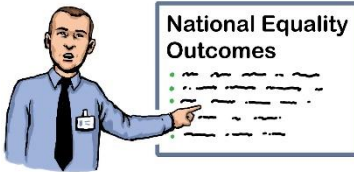
QUESTION 4

What do you think about this proposal? How else could improvements be made?

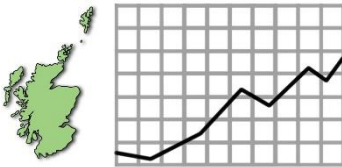
Proposal 5: A new equality outcome setting process



Public bodies must report on equality outcomes. This is a duty to report if they have equality among everyone including those with protected characteristics. Public bodies must try to have equality. They must report on their progress.



The Scottish Government will take on a leadership role. They will set national equality outcomes. Public bodies could then use these to help meet this duty.



The Scottish Government will:

- Set national equality outcomes
- Make sure these outcomes can be measured
- Involve people with lived experience, and work with the organisations who represent them, when developing outcomes.



Public bodies will still have their own equality outcomes. However they would have to involve people with lived experience and organisations that work with them.

QUESTION 5

What do you think about the Scottish Government setting National equality outcomes?

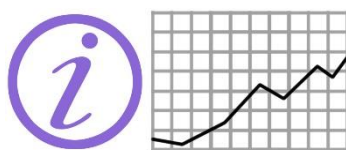
Proposal 6: Improving duties relating to Scottish Ministers



The Scottish Government must collect information on protected characteristics in public bodies. The reason for this is to increase diversity across the public sector.



There is a concern that individuals could be identified due to this.



The Scottish Government will require public bodies to gather information on the protected characteristics as part of their duties. Public bodies would then set out how they plan to use the information as part of their reporting.



Public bodies would not need to set out the breakdown of the board by protected characteristic. Unless they could do this without people knowing who people are.

QUESTION 6:

What are your views on this? Do you think the Scottish Government should be able to direct public bodies so that they can meet the Equality Duty?

Proposal 7: Buying services



There is a duty for public bodies to think about equality when they are buying services. Publishing information about this would make it clear and increase equality.



All services awarded contracts should meet the Public Sector Equality Duty.



Public bodies need to say how they meet all their duties. This should include when they are buying services.

QUESTION 7: What do you in think about public bodes buying services?

Part 2: Exploring Further Areas

National Advisory Council on Women and Girls



The First Minister's National Advisory Council on Women and Girls asked for another duty for public bodies. This was to collect more information on subjects like employment. This was to promote equality.



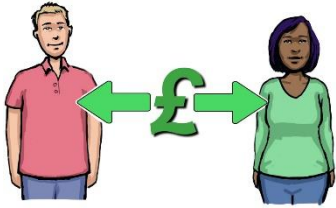
There are some concerns about public bodies being able to do this. They might not have enough staff or resources to do this quickly.



We do not have much feedback on this issue.

QUESTION 8: What are your views on this? How can public bodies be supported?

Gender budgeting



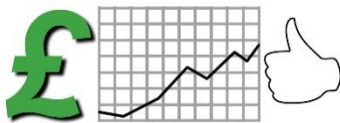
Gender budgeting is a way of looking at a budget for its effect on gender equality.



Gender budgeting does not mean that there should be separate budgets for women, or that money should be divided equally between women and men. It knows that spending can affect women and men differently.



This can include if they have paid and unpaid work, how they access education, and use services.



The First Minister's National Advisory Council on Women and Girls has recommended that gender budgeting be used.

QUESTION 9: What are your views on gender budgeting?

Who should follow the duties?



The Scottish Government introduced Scottish Specific Duties (SSDs) to support public bodies to think about these duties.

QUESTION 10: Should all public bodies follow these equality duties?

Equality officers



There has been lots of ideas when we have been engaging with people. These ideas have included better funding, budgeting, training, and sharing best practice.



It has been suggested public bodies should have a dedicated officer. They would provide advice and guidance.



The Scottish Government believes that these issues need looked at further.

QUESTION 11: Please give your thought about this area.

Guidance



The Equality and Human Rights Commission is responsible for promoting equality and enforcing laws against discrimination. They provide guidance to public bodies to help them meet their duties.



There will be updated guidance.

QUESTION 12: What can be improved in the updated guidance?

Positive action



Positive action is when people from under-represented groups are helped to overcome disadvantages when applying for jobs.



The Equality and Human Rights Commission wants public bodies to report on this.

QUESTION 13: What are your views on this?

Part 3: Your thoughts overall



QUESTION 14: What are you overall thoughts about these proposals?

QUESTION 15: Please leave any other comments or information.

Responding to this Consultation

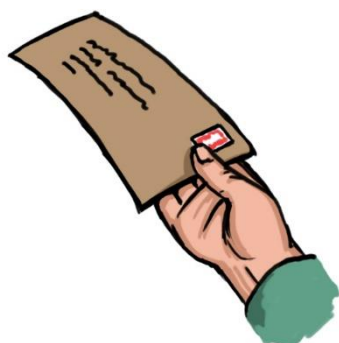


We would like you to give your answers to this consultation by 7 March 2022.



Please give your answers using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/mainstreaming-policy-team/public-sector-equality-duty-review/>

You can save and return to your responses while the consultation is still open. Please give your answers before the closing date of 7 March 2022.



If you are unable to use our consultation hub, please complete the Respondent Information Form and send it to:

Mainstreaming Policy Team
Scottish Government
Area 3H - NORTH
Victoria Quay
Edinburgh, EH6 6QQ

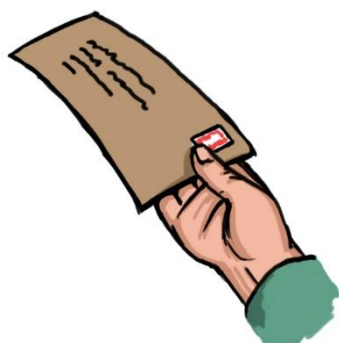
Handling your response



If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please tell us how you want your response to be handled and if you are happy for your response to be published. If you ask for your response not to be published, we will do what you want and treat it as confidential.



The Scottish Government has to follow the Freedom of Information (Scotland) Act 2002 and would have to consider any request made to it under the Act for information about the answers made to this consultation.



If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Next steps in the process



Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.



Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints



If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at joe.smith@gov.scot

Scottish Government consultation process



Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.



You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.



Responses will be looked at and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation.



RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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?

-

Yes



Scottish Government
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