

ADDRESSING RACE INEQUALITY IN SCOTLAND: THE WAY FORWARD

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Kaliani Lyle
Independent
Race Equality
Adviser

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Introduction

In my first paper, I set out what in my view were the critical areas where I thought that progress could be made to tackle race inequality in Scotland. Concentrating on these areas would make a difference to the lives of people on the ground. This report is a follow on from that initial paper and builds on my discussions and engagement with a broad range of stakeholders and sources of evidence. These include experts and officials both within and external to government as well as recent research/review reports on race equality in Scotland. It also takes into account the recommendations by Naomi Eisenstadt, the former Independent Poverty Adviser and the commitments in the Fairer Scotland Action Plan.

As requested by the Cabinet Secretary for Communities, Social Security and Equalities, this report sets out a number of recommendations and actions for inclusion in a new Race Equality Delivery Plan 2017-2021. The Plan is the first strand of a 15 year Race Equality Framework with the overarching vision for a fairer Scotland for people of all ethnicities by 2030.

My views and recommendations are set out under the following key policy areas:

- A. General/Cross cutting issues
- B. Employment
- C. Poverty
- D. Housing
- E. Health
- F. Education
- G. Gypsy Travellers

I have not included Hate Crime in the list of priority areas because the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion report is wide-ranging and includes the action points set out in the Race Equality Framework. What is crucial, particularly in this febrile Brexit climate, is that the recommendations in the Hate Crime Report are implemented in full.

In making these recommendations and proposing these actions, I firmly believe that we can begin to make progress in tackling race inequality in Scotland. Whilst these actions in themselves will not address every aspect of race inequality, they will form a helpful and constructive basis on which further actions can be progressed.

KALIANI LYLE

Independent Race Equality Adviser to the Scottish Government
December 2017

A. GENERAL/CROSS CUTTING ISSUES

Terminology

1. In this report, I use the term 'Minority Ethnic' (ME) to refer to the 8% of the Scottish population whose self-defined ethnicity is not white Scottish/ British. I also use the term 'Black and Minority Ethnic' (BME) to refer to people from visible minorities. They represent 4% of Scotland's population. The word 'Black' is a recognition of a political identity. This does not imply that all those who face racial inequalities identify in this way.

2. However, I also wish to make clear that the implementation of actions in this report will have to be sensitive to the differences between and within, minority ethnic communities and across regions.

Policy Co-ordination

3. While there is a general acknowledgement about the importance of joined up working as well as a commitment to advance race equality and tackle racism, in my view, inclusive policy making is not yet embedded in the DNA of the Scottish Government or public bodies in Scotland. By that I mean that whilst there is an awareness of the need to address this issue, in some cases there is no sense of "ownership"; and advancing race equality is only a small part of a broad range of complex and demanding policy portfolios. As a result, it often gets overlooked or de-prioritised. We will not make the progress which we all want to see unless the key issues of greater co-ordination and accountability are addressed.

Action 1: The Scottish Government should put in place new governance arrangements across directorates at a sufficiently senior level to ensure greater co-ordination on equality with a particular focus on race equality and intersectionality.

Action 2: The Scottish Government's Executive Team should appoint one of their members to be the lead official on race equality matters; and review race equality issues on a regular basis as part of its general oversight arrangements.

Action 3: The Scottish Government should require all public bodies which are subject to Ministerial control to have in place similar arrangements at a senior level.

Action 4: The Scottish Government should engage with local authorities and the Convention of Scottish Local Authorities (COSLA) to secure a similar commitment of scrutiny and accountability from the wider public sector.

4. In addition, given the number of race equality initiatives, inquiries, research reports, and reviews there have been, I am convinced that we have a pretty good idea what the problems are and what the barriers are that people from minority ethnic communities face. What we need now is to find out what has worked, and

what hasn't worked; to identify the blockages that require shifting and to challenge officials to come up with new and innovative ways to tackle them.

Action 5: The Scottish Government should instruct Directors of Service to review previous race equality initiatives that are relevant to the delivery plan with a view to identifying blockages to implementation and learning the lessons from those initiatives.

Data Collection

5. A recurring theme in my conversations across all policy areas confirmed the findings in the Joseph Rowntree Foundation report, *'Poverty and Ethnicity: Key Messages For Scotland'*, that there is a lack of adequate data in key areas. This includes: incomplete recording of ethnicity; poor monitoring; a lack of information by public authorities on the take up of services; and gaps in the overall data landscape at a national level. Having a more coherent data structure would not only help identify where the problems lie but also increase our ability to tackle specific issues within the context of limited resources.

6. Last year the UK Government proposed the creation of a new Race Disparity Audit System. My view, from the information provided and within the context of a toxic UK immigration debate at that time, in particular with schools and landlords in England being asked to report on possible illegal immigrants, was that it would not be in Scotland's best interests to participate in this initiative. I was also concerned that it would further fragment the current structure and systems for data collection and auditing in Scotland where there is already a requirement on all public bodies to collate and use ethnicity data as part of the wider Public Sector Equality Duty.

7. Having spent the best part of 2 years in producing the race equality framework, it is time for us to move on from defining and redefining the problem and to focus on developing a race equality delivery plan: which is the central purpose of this report.

8. It remains my view that by developing and improving on the structures and systems which we already have in Scotland, we can have an integrated, and cohesive system that more adequately meets our data collection and auditing needs with respect to race equality. Taken together, the recommended actions in this report on data collection, and on monitoring the provision of services to and the employment of minority ethnic communities, should provide the basis of a system that combines analysis with a programme of action to advance race equality and tackle race discrimination in Scotland.

Action 6: The recently published Equality Evidence Strategy has usefully identified key data gaps on race equality. The Scottish Government, in partnership with the Equality and Human Rights Commission (EHRC) in Scotland and state delivery partners, must now (in the first year of the plan) take action to begin to address these gaps.

Action 7: The Scottish Government must show leadership across the public sector to improve ethnicity data in a more proactive way. The aim here must

be to move Public Bodies from being passive collectors of data to active agents using the data to tackle racial discrimination and inequality and enable the effective measurement and monitoring of policy implementation and impact.

Action 8: The Scottish Government needs to update its Equality Evidence Finder Web Resource on a more frequent basis to avoid users accessing out-of-date information. Survey managers and research staff across the Scottish Government analyst group should ensure that updating the Evidence Finder is part of the routine processes undertaken when publishing new data and other evidence.

B. EMPLOYMENT

9. This section sets out my recommendations for actions to be included in the 4 year delivery plan with the aim of working towards achieving the goal of parity in employment for minority ethnic communities. These have been drawn from conversations with a range of stakeholders and build on the actions in the Fair Work Framework.

10. The aim is that at the end of 4 years, access to employment by individuals from minority ethnic communities will be increased; career pathways will be enhanced and expanded; and the employment disparity gap between White and BME communities will be significantly narrowed from 16.4%.

Action 9: As a key immediate action, the Scottish Government should work with stakeholders to agree challenging targets with associated monitoring and evaluation measures, to track progress towards the achievement of parity in employment for minority ethnic communities.

11. A list of my other proposed actions are grouped under the following headings:

- An Employment/ Race Equality Eco-system
- Public Sector
- Skills Development, Employability and Careers Guidance (supply side)
- Employer Engagement (demand side)
- Public Investment Programmes.

An Employment / Race Equality Eco-System

12. Evidence cited in '*How fair is Scotland*' shows that despite having the highest levels of educational attainment, people from BME communities are twice as likely to be unemployed compared to those from white communities.

13. At present, race equality employment initiatives designed to address this disparity are scattered across a number of Directorates in the Scottish Government and its delivery agents. Outside of the Government's *Youth Employment Strategy – Developing the Young Workforce*, there appears to be no co-ordinated approach to what is happening where and by whom, on race equality. The labour market strategy and its framework does not on its own deliver the interconnections between the economy, business, social justice and equalities.

14. So much policy delivery in this area is devolved to different agencies, with their own mechanisms, systems and processes. It is unclear to me just what levers and support structures are available to address barriers and to take advantage of any opportunities there may be for minority ethnic individuals to fulfil their potential.

15. It is my view that without a simplified and unified structure within the Scottish Government, the opportunities to tackle discriminatory employment practices, and to support the development of minority ethnic talent are missed. Efforts are being duplicated and resources are not being deployed to maximum effect. The

development of such a system has become more urgent given the projected negative impact on the labour market in Scotland as a result of Brexit.

Action 10: The Scottish Government should review how employment support structures are currently delivered to people from minority ethnic communities.

Action 11: The Scottish Government, as soon as is feasible, should designate the Fair Work Directorate as the overarching body to develop strategic thinking and a co-ordinated approach to delivering equality in general and race equality in particular.

Action 12: The Scottish Government should task the Fair Work Directorate with developing;

- A simplified and unified structure that joins up the Directorate around issues of equality,
- A mechanism to capture synergies by engaging with agencies such as Skills Development Scotland (SDS), Scottish Enterprise, Local Authorities and the third sector around the collective goal of narrowing the employment disparity gap between white and BME communities,
- A proportionate and coherent system to provide direction, a strategic approach and accountability on equality in general as it relates to the Fair Work agenda and on race equality in particular. This should include two strands:
 - An overall strategy on access to jobs and the underemployment of individuals from minority ethnic communities that works across Modern Apprenticeships, and the variety of employability schemes offered by a range of public bodies, and
 - A system which monitors, evaluates and disseminates the learning particularly from what hasn't worked and why - from various equality initiatives
- A programme of action to embed equality in programmes and policies, the aim of which would be to deliver improvement in processes such as equality impact assessments and to promote equal participation and opportunities for all, including those from minority ethnic communities who are at a particular disadvantage in the labour market.

Public Sector

16. It is generally accepted that for public services to be effective and relevant for all communities in Scotland, the public sector workforce should reflect the community it serves. The Scottish Government is committed to ensuring that by 2025 its own workforce will reflect at every level the minority ethnic share of the population. According to the 2017 staff diversity data published in the Scottish Government's Equality Outcomes and Mainstreaming Report, BME staff currently comprise 1.6 % of the civil service in Scotland, an increase of 0.2 % since 2013.

17. The position set out in the CRER report of March 2014 is that just 0.8% of staff in all Scotland's Local Authorities are from BME backgrounds despite making up 4% of the general population in Scotland. In Glasgow City Council the proportion of

the workforce from a BME background is less than 2% although the BME population is 12%.

18. Given that the Public Sector employs 20.7% of the workforce in Scotland, accelerating action to tackle the diversity deficit in the Scottish Public Sector and meet the Scottish Government's equality outcomes is, I suggest, a matter of some urgency.

Action 13: The Scottish Government should look to use the Workplace Equality Fund to increase employment opportunities for people from minority ethnic backgrounds using the positive action powers permitted under the Equality Act 2010.

Action 14: The Scottish Government should undertake an evaluation of the current minority ethnic employment landscape in the light of the new data from the public bodies equality reporting round on the pay and occupational segregation of minority ethnic individuals in the public sector.

Action 15: Based on the findings of the evaluation, and in partnership with COSLA the Scottish Government should undertake the following:

- a. Seek public sector and professional bodies' commitment to parity of minority ethnic employment in the public sector. This commitment should be backed up by a time limited programme of action as set out in the Equal Opportunities Committee Report, '*Removing Barriers: Race, Ethnicity and Employment*' including:
 - Improved capacity to tackle discrimination in recruitment, selection and career progression,
 - The promotion of 'inclusive working to learn cultures'
 - Robust and standardised job application processes including the use of open recruitment and name-blind job applications, and
 - A range of impact measures to test progress in attracting and developing individuals from minority ethnic communities.
- b. Establish a policy and practice forum focused on increasing the number of minority ethnic employees at all levels in the public sector in Scotland. This should include the identification of blockages in recruitment, retention and career progression, and the testing of new ideas to determine which are sensible, achievable or need to be recast, in order to make a difference.

Action 16: The Scottish Government should build into the New Scots Framework a range of actions to promote access to work for refugees, and improve skills, education (including ESOL and skills recognition), training and volunteering opportunities for asylum seekers and refugees.

Skills Development, Employability Schemes and Careers Guidance

19. The analysis of the 2011 census by the Scottish Government found significant differences in the employment rates of different ethnic groups, with people of Polish ethnicity most likely to be working (81% were either employed or self-employed);

and the lowest employment rates for Pakistani and Bangladeshi people (42.9%) with very low rates of economic activity for Pakistani and Bangladeshi women in particular.

20. With respect to BME, those who are employed, broadly speaking, are mostly in professions or in the SME sector. What needs to be unpicked is the recruitment challenge, career progression and jobs in the missing middle. Skills Development Scotland and the Scottish Government's Employability Services both have a key role to play in this. To date, the Modern Apprenticeship Programme stands at a national BME participation rate of 1.7%. This falls far short of the target of at least 4%. To address this:

Action 17: The Scottish Government should require SDS to increase the number of people from BME backgrounds who (a) start and complete modern apprenticeships and (b) who having completed Modern Apprenticeships, achieve career progression including improved levels of pay over a sustained period. There should also be a requirement for regular reporting on the progress made towards this.

Action 18: To achieve these objectives the Scottish Government should support SDS:

- By facilitating a joined up approach between addressing employability skills issues and the recruitment and progression opportunities that procurement in public investment programmes could offer people from minority ethnic communities (see Public Investment Programmes and Action 48 below)
- Extend the reach of the proposed regional strategies in the Modern Apprenticeships Action Plan into:
 - BME businesses: to ensure that BME business owners have an equal opportunity to make the most of the Apprenticeship system - to grow their businesses by filling any skill gaps required to develop their business models and objectives.
 - Unemployed BME women: to provide opportunity for entry to jobs in growth sectors, leading to good quality employment.
 - New migrants and refugees: by providing a skills acquisition programme with placements tailored to their particular needs.
 - BME graduates: by establishing positive action training / apprenticeship schemes as routes into employment in sectors where they are under-represented.

Action 19: With respect to Employability Services, the Scottish Government should:

- Monitor and evaluate participation in employability interventions by people with protected characteristics under the Equality Act 2010 (including people from minority ethnic backgrounds). This should capture examples of good practice in encouraging and sustaining participation and the extent to which services deliver comparatively successful outcomes. It should also identify and learn the lessons from what didn't work and why;

- Have policies and practice in place to tackle low wage traps which affect some minority ethnic groups disproportionately;
- Tailor services to address the specific barriers faced by asylum seekers and refugees; and
- Focus on the need to provide support for minority ethnic graduates transitioning into the workplace.

Action 20: The Scottish Government should ensure that current and future plans to enhance career information advice and guidance services are aligned and focused on the needs of young people of all ethnicities. This will require the following:

- A partnership task group set up to work with BME communities directly to identify the nature of all barriers and, working collaboratively, develop solutions to overcome them;
- Mechanisms put in place that ensure all partners who deliver career advice services;
 - Proactively challenge stereotypes, and equip BME young people to challenge assumptions about their chosen paths;
 - Give BME young people a sound understanding of the full breadth of future learning and career opportunities; and
 - Support BME young people into rewarding and fulfilling training and jobs that best fit their skills, interests and aspirations and offer pay and prospects in line with their abilities. This should include both vocational and academic learning, training opportunities, and progression prospects associated with different career prospects.

Employer Engagement

21. There is extensive research evidence which suggests the need for policy and practice which both challenges discrimination in recruitment, retention and career progression as well as supports BME individuals to develop their employability skills. My sense is that in Scotland, efforts to increase BME employment have largely focused on developing their employability. There appears to be a reluctance and/or an inability to tackle issues relating to race discrimination in employment.

22. Overall, I propose a 4 year plan which engages employers in a different way; one which points out the moral necessity as well as the business opportunities in diversifying their workforce.

23. The proportion of the working age population in the UK that comes from BME population is increasing and the potential benefit from full representation of BME individuals across the labour market through improved participation and progression is estimated in Baroness Smiths Review '*Race in the Workplace*' to be in the region of £24 billion a year in the UK. This represents 1.3% of GDP. Every employer, she suggests, should be seeking to obtain their share by making the changes which tackle organisational culture and behaviours that hold BME back from making a full contribution.

Action 21: The Scottish Government should fund studies to identify those sectors in which people from minority ethnic backgrounds are underrepresented and the reasons for the underrepresentation.

Action 22: The Scottish Government should establish an Employer Engagement Programme for business leaders delivered on a sectoral basis and in partnership with the private sector and the Chartered Management Institute and/or the British Academy of Management. This programme should be modelled on the newly established 'CMI Race' network and its 7 point action plan to mainstream the attitudes and behaviours required to build inclusive workplaces including setting targets for progression of minority ethnic individuals.

Action 23: The Scottish Government should launch a *#maketheshift* campaign, led by a senior private sector company, to create a momentum behind minority ethnic employment across the private sector with a particular focus on workplace experience. An outcome of the campaign would be a programme of sustained, accessible and relevant support, networking, mentoring, and coaching opportunities for minority ethnic youth and graduates.

24. Case Study examples of current mentoring schemes in Scotland include:

- Mosaic Mentoring Programme (Princes Trust) - a small scale workplace mentoring scheme in building sites that recruit small groups and show how they can relate to each other. The Scottish Government should consider investigating the feasibility of scaling this up;
- Joseph Rowntree Foundation demonstration projects, the Wheatley Group and Standard Life;
- Edinburgh Guarantee Scheme – Developing the young workforce programme. Some thought should be given to helping them to think about job design, and recruitment processes to ensure minority ethnic young people are not discriminated against and have a fair chance in the work place.

Public Investment Programmes

25. I strongly agree with the principle articulated by a range of stakeholders that any organisation/company that is publicly funded should set and publish targets to ensure that they are representative of the taxpayers they deliver for. I also agree that the public sector should use its purchasing power to make this happen.

26. In Scotland at the very least this should apply to Social Care and Transport, and to a number of high profile economic regeneration and infrastructure projects that are in the pipeline such as City Deals, Glasgow Trams and the House-building Programme, all of which incur considerable sums of public investment.

Action 24: The Scottish Government should make public investment conditional upon employers, demonstrating that they are taking action to improve recruitment and career progression for people from minority ethnic communities with the relevant skills. This should include working with the

agencies and wider public sector to explore the adoption of stretching equality targets. This should be carefully monitored to ensure that the outcomes are being delivered on the ground.

Action 25: The Scottish Government should review its procurement guidance¹ with a view to maximising its equality provisions. For example: it currently conflates fair work and equality which raises the question – fair work for whom? It should also give clear signals to contractors about what is being sought with respect to equality targets, with examples of what this would look like.

Action 26: The Scottish Government should consider engaging an external agency to provide an advice service to help organisations tendering for contracts meet procurement guidance, including the requirements to evidence that the organisation is an equal opportunities employer when writing their bids.

Action 27: With respect to improving the capacity of the public sector to use procurement as a lever to deliver equality in general and specifically to increase minority ethnic employment and development opportunities, the Scottish Government should:

- Provide guidance and support to the contracting authority to identify opportunities to advance equality of opportunity in designing their procurements so that these requirements will then flow into the contracts. This would help them assess and monitor the credibility of the contractor's equality plan/provisions so that those that meet the targets are rewarded and those that don't are penalised;
- Engage with the professional body/training agency that oversees and trains contracting and procurement staff to capacity build and assure the competence of their members and trainees to deliver fair work and equality proof contracts;
- Within the law, stretch the provisions relating to procurement to do what it would take to shift inequality; building on experience gained from, for instance, inserting community benefit clauses into contracts and from experience elsewhere.

¹ I understand that Pamela Smith, Chair of [Scottish Local Authority Economic Development](#) group has done good work on guidance for procurement & purchasing with Falkirk Council.

C. POVERTY

27. Clustered in low paid work, poverty in the BME communities is twice that of white communities². BME women³ are paying the highest price for austerity, and BME communities have lower rates of benefit take up⁴.

28. The aim of the actions and recommendations in this section is to ensure that minority ethnic communities are not left behind in the significant efforts currently underway by the Scottish Government to reduce poverty in Scotland. At the end of 4 years, what we should see is a significant drop in the disparity in the poverty rates between BME and White communities.

29. The recommended actions are drawn from work undertaken by CRER on Race and Anti-Poverty, Naomi Eisenstadt's report '*Shifting the Curve*', and the Joseph Rowntree Foundation's report on '*Poverty and Ethnicity: Key Messages for Scotland*'.

30. The suggested actions cover 4 areas:

- Employment
- Policy and Strategy
- Increasing Income
- Childcare

Employment

31. Recommended actions to increase BME access to employment and career progression are detailed in Section B of this report.

Policy and Strategy

32. The Scottish Government has introduced a range of strategic and legislative policy approaches over recent years, including the *Fairer Scotland Action Plan* and the Child Poverty Bill. There have also been changes to advisory structures, such as the new Poverty and Inequality Commission and new Fairness Commissions at local level. However, to date there has been a significant lack of joined-up working between anti-poverty and race equality agendas. Naomi Eisenstadt, former Independent Adviser on Poverty and Inequality, makes it clear that the recommendations in her report '*Shifting the Curve*' 'will not be successful unless due attention is paid to the specific barriers that some groups face'. My suggestions for addressing this weakness are as follows:

Action 28: The Scottish Government launched a new national Poverty and Inequality Commission in July 2017. The Commission's workplan should include a specific race and poverty theme. The Scottish Government needs

² EHRC 'Is Scotland Fairer'

³ Report by Women's Budget Group and Race Equality Think Tank Runnymede Trust

⁴ Joseph Rowntree Foundation

to be prepared to listen to the expert advice provided by the Commission and take action thereafter.

Action 29: The Child Poverty Delivery Plan to be published after the passage of the Child Poverty Bill, should ensure that ethnicity is a key consideration and that actions are specifically set out to ensure minority ethnic children are not left further behind by any improvements in the circumstances of the majority population.

Action 30: The Child Poverty Measurement Framework, which is currently being revised in consultation with stakeholder groups, should reflect the different realities, experiences and challenges faced by minority ethnic groups living in poverty, recognising that improvements for the majority do not serve as a proxy for improvements for everyone.

Action 31: The Scottish Government should ensure that equality issues are taken into consideration in terms of reporting on progress against the targets in the Child Poverty Bill.

Action 32: The Scottish Government has recently consulted on the introduction of a new socio-economic duty on public bodies. The Government should focus, in its guidance for public bodies, on how the public sector could usefully integrate considerations relating to equality and low income generally and how different duties can usefully complement one another. But the Government's guidance should also go deeper and encourage a focus on intersectionality. The different duties need to encourage public bodies to think, and act, in more coherent ways about issues faced by, for example, low income minority ethnic women and minority ethnic disabled people. It is not sufficient to act on poverty and equality in silos, as this simply will not work.

Action 33: The Scottish Government should consider and respond to recommendations from Fairness Commissions across Scotland. In particular, it should consider the race equality dimension of their processes, reports and actions with a view to capturing and spreading the learning across all Local Authorities.

Increasing Income

33. There are a number of things that could be done to increase the incomes of people from minority ethnic communities who are living in poverty. These include:

- Diversifying the income base of Pakistani and Bangladeshi families to offset the low worker to dependents ratio;
- Increasing benefit take up;
- Providing financial support to refugee families who are in hardship e.g. during transition from asylum seeking process to refugee status; and
- Investing in the development of minority ethnic businesses and social enterprise.

Action 34: The Scottish Government should commission research to explore the feasibility of micro finance funding for certain BME groups particularly women, to develop work programmes/businesses. Any specific proposals should be looked at as one that sits alongside other credit availability schemes provided by the Big Lottery WEvolution Self Reliant Groups, the Joseph Rowntree Foundation, Carnegie Scotland, Credit Unions and Scotcash.

Action 35: Following research findings, the Scottish Government should work in partnership with appropriate bodies to develop a micro finance and business training programme for BME women's groups.

Action 36: The Scottish Government should actively promote the benefit of paying the Living Wage amongst minority ethnic employers.

Action 37: The Scottish Government should establish a Family Reunion Crisis Grant Fund.

Action 38: The Scottish Government should ensure that future funding and procurement arrangements for advice services' grant recipients include data collection and monitoring how far their services meets the needs of people from all ethnicities, particularly in the field of income maximisation and benefits advice.

Action 39: The Scottish Government should invest in a specific programme of support for minority ethnic small businesses and social enterprise:

- Gather data on minority ethnic businesses to inform the Enterprise Skills Review and ensure that there is alignment and co-ordination between business development, skills acquisition and inclusive growth;
- Provide HR support to all small businesses;
- Support female minority ethnic entrepreneurship in particular BME women by developing a National Mentor and Networking Data Bank through the Women's Business Council. Consideration should also be given to the provision of alternative finance models (see Action 33 above), and sign posting services for access to knowledge and resources to help female entrepreneurs better manage labour market changes;
- Host a summit with Entrepreneurial Scotland and other relevant agencies on minority ethnic employment and enterprise; and
- Implement the Action Plan relating in particular to Strategic Priority 1 in Scotland's Social Enterprise strategy.

Childcare

34. A recent report by Women's Budget Group and Race Equality Think Tank Runnymede Trust, points out that the people hardest hit by austerity, and the tax and benefit changes, are BME women. By 2020 they would have lost double the amount of money that poor white men would have lost. This is exacerbated by the problems women from low income families across all ethnicities have of balancing caring responsibilities and work given the lack of affordable childcare.

Action 40: The Scottish Government should set out a timetable to deliver greater provision of affordable and inclusive childcare for parents and children from all ethnicities; require childcare providers to take measures to increase the diversity of their staff and to make their services welcoming and accessible to all, including taking account of cultural and religious needs where relevant.

Action 41: The Scottish Government, in partnership with Local Authorities and childcare providers, should provide targeted advice about the availability of childcare which includes information about the educational benefits of childcare for under-fives, to groups where there is low take up.

D. HOUSING

35. The housing status of people from BME communities has remained static for some considerable time. Concentrated in poor quality housing in the private sector, as the EHRC's report *Is Scotland Fairer?* noted, they are four times as likely to live in overcrowded homes.

36. The four interrelated areas of concern in relation to housing are:

- Access to social housing;
- Housing quality improvements in the low value owner occupier and private rented sector;
- Housing advice services; and
- Employment of minority ethnic people in housing services.

37. The aim of the housing section actions in this report is twofold; to reduce the level of overcrowding by maximising the availability of decent, affordable housing across all tenures for minority ethnic communities; and to increase the number of people from minority ethnic communities working in housing services in 4 years.

Access to Social Housing

38. While evidence from the Scottish Household Survey 2015 mainly points to the fact that people from minority ethnic communities are disproportionately likely to live in the private rented sector, we know little as to why this is the case. To address this, my recommendations are as follows:

Action 42: The Scottish Government Housing and Social Justice Directorate should commission two pieces of research within the next year to explore the gap between what minority ethnic communities need, what they have and why. This research should be conducted with a view to identifying the barriers which prevent housing needs being met.

- Firstly, there should be a review and assessment of both the Housing Need and Demand Assessments (HNDAs) which are required to be produced by Local Authorities and their associated Local Housing Strategies. This review should test the rigour of long term housing planning processes to check whether HNDAs and their associated investment plans reflect and implement housing needs of minority ethnic communities; and
- Qualitative research should be commissioned with a specific focus on those local authority areas with smaller minority ethnic populations. This should be conducted with a view to evidencing the specific housing needs of minority ethnic groups including an intersectional analysis to identify whether the housing needs of disabled and older minority ethnic people are also being met.

Action 43: Where the evidence indicates that there are housing needs and issues for minority ethnic households that are not being met, the Scottish Government should put in place mechanisms for addressing these in partnership with local authorities, reporting regularly on progress.

Action 44: The Scottish Government should consider setting aside a proportion of the affordable Housing Investment Fund to allow for the provision of larger properties required to meet the specific housing needs of minority ethnic communities in those local authority areas which are failing to do this.

39. Evidence from the thematic inquiry on the use of equality and diversity information by social landlords undertaken by the Scottish Housing Regulator shows that at the Scottish aggregate level, social landlords do not know the ethnicity of a third of their tenants. Without good data, social landlords are unable to determine whether they are providing fair access to housing and housing services to minority ethnic communities in line with the standards set out in the Housing Charter or to take action where equality is absent.

Action 45: To ensure that minority ethnic communities are benefitting equally from the social housing system, the Scottish Government should ask the Scottish Housing Regulator to consider the creation of a time-limited action plan for Housing Associations to meet the equality standard in the Housing Charter with respect to race equality. The Regulator should publish the results of this exercise.

Action 46: The Scottish Government should review the extent to which the Joint Housing Delivery Plan for Scotland addresses the specific needs of minority ethnic communities alongside the more general commitments to improve the quality, quantity and accessibility of housing in Scotland.

Housing Quality Improvement in low value Owner Occupier and Private Rented Sectors

40. The Minister for Local Government and Housing is driving forward an extensive programme to improve standards in the private rented sector: Govanhill is a case in point. We have the legislation required to target housing quality improvement in those sectors where minority ethnic communities predominate. What is now needed is better enforcement of that legislation.

Action 47: The Scottish Government should conduct an assessment of the enforcement of private rented sector regulations and report on the findings of that assessment. Responsibility for enforcing this legislation is spread across Scottish Government, Local Government, the Housing and Property Chamber of the First-tier Tribunal, Police Scotland and the Crown Office and Procurator Fiscal Service. To fix the problem of poor enforcement requires joint working across the various bodies responsible and the assessment should look to identify ways in which joint working ought to be enhanced.

Housing Advice Services

41. Research by the Joseph Rowntree Foundation shows that people from BME communities have a lower rate of housing benefit take up. Some do not know their rights, or how systems and structures work. This puts them at a distinct disadvantage with respect to access to housing and housing services.

Action 48: To ensure adequate housing advice provision to BME communities, the Scottish Government should make it a conditional requirement of any housing agency or organisation which they fund, to ensure the provision of housing advice to BME communities. Each agency/organisation should be required to report on the scope, volume and take up of advice provided.

Employment of minority ethnic people in Housing

42. Given the positive impact which diversity has on organisational success, an organisation's workforce should, at a minimum, proportionately reflect the community in which it operates. The number of minority ethnic individuals working in all aspects of housing from construction to housing management is very low⁵.

43. To address this disparity, in addition to the action outlined in the employment section of this report, I suggest the following:

Action 49: The employability/equality links with the housing construction sector, in particular the recruitment of minority ethnic individuals, should be pursued as a matter of priority through Scottish Government/Skills Development Scotland engagement with organisations such as Homes for Scotland, Barretts, Wimpy and other significant housing developers. In addition, the Scottish Government should require procurers for public investment contracts to set binding targets to increase their proportion of minority ethnic staff.

Action 50: The Scottish Government should use existing sponsorship and funding arrangements to require Local Authorities and Housing Associations to sponsor housing internships/traineeships facilitated by PATH as a positive action measure to increase the number of minority ethnic individuals in housing management roles.

Action 51: The Scottish Government through its employability teams and working in partnership with the Scottish Housing Regulator, should develop a training programme for Housing Associations on the need for positive action

⁵ Housing Management: The Scottish Housing Regulator report 'Use of Equality and Diversity Information by Scottish Social Landlords- A thematic inquiry – June 2016 ' finds that of 14,700 RSL staff only 290 self- identified as BME which equates to 1.9% of the total staff: although this could be offset by the 11.56% of staff whose ethnicity is not known. Many organisations with the same or higher non-declaration rate -including the Scottish Government itself with an 18% non -declaration rate (the Equality Outcomes and Mainstreaming Report 2017) - - have publicly stated commitments to closing the staff employment gap between the white majority and minority ethnic staff within a prescribed period.

Construction: Most up to date data on the ethnic breakdown of people working in the construction industry is for the UK as a whole. In the Gleingen/CITB 2016 UK Industry Performance Report the mean percentage of people from BME background in the construction industry over the past 4 years has remained static at between 3 and 4 % compared to 14% BME in the UK population.

According to Scottish Funding Council the number of BME individuals on construction courses is 0.7%.

measures to correct staffing imbalances where there is an underrepresentation of a particular group.

E. HEALTH

44. The actions to tackle health inequalities are drawn from the Scottish Health and Ethnicity Linkage Study (SHELS) of '4.65 million people exploring ethnic variations in disease in Scotland'.

45. The findings of the recent SHELS study show that the health of minority ethnic communities is in some respects better than that of the majority white Scottish population. However, it also points to significant health inequalities that are evident in the high rates of coronary artery disease and diabetes in South Asians, the low uptake of breast and bowel cancer screening, the disparate patterns of psychiatric hospitalisation by ethnic group in Scotland and the late diagnosis of HIV.

46. The aim of the actions set out below is by the end of 4 years, to significantly reduce the health disparities identified by SHELS. My recommendations for the actions/deliverables to be addressed cover the following:

- Data Collection
- Breast Screening
- Cardiovascular Diseases
- Mental Health
- HIV

Data Collection

47. The incomplete recording of ethnicity in routine health data remains an issue. The recording of ethnicity in health service data needs to be comprehensive to effectively promote and protect the health and well-being of minority ethnic communities in Scotland. Without a clear baseline it would be impossible to measure any change in relation to ethnicity and health. The creation of a system that ensures consistent ethnic coding within Scotland's health information systems has to be a key priority for the Scottish Government.

Action 52: The Scottish Government should, as part of its data strategy, create a system that ensures consistent ethnic coding within Scotland's health information systems.

Screening

48. SHELS data demonstrate that 23 years after the introduction of the UK's national breast screening programme, the uptake at first invite is substantially lower for almost every BME group in Scotland particularly for Pakistani and African women. This matters because research shows that women who attend breast screening at first invitation are more likely to attend for subsequent screens. The consequent ethnic inequity in the extent of preventable cancer mortality may be marked, especially for Pakistani and African women.

Action 53: The Scottish Government, in partnership with the Scottish Screening Committee should:

- Commission research to fully understand the reasons for the low service use by minority ethnic groups, in particular how informed they are about breast screening in order to make an informed choice, and simultaneously
- Trial interventions/modifications that have been successful elsewhere⁶ using community link workers, with the aim of achieving ethnic parity in the uptake of breast screening services.

Cardiovascular diseases

49. SHELS research shows that the South Asian ethnic groups in Scotland, comprising mostly people of Pakistani and Indian origins, have substantially higher rates of CVDDM (3-4 times higher for diabetes) compared to the White Scottish population. By 2020 the Scottish Government should aim to substantially reduce the incidence of cardiovascular disease and diabetes mellitus in BME communities.

Action 54: The Scottish Government should fund the implementation of a low cost community intervention project that has already been developed by a Taskforce coordinated by SHELS, with the aim of bringing about lifestyle changes that would a) prevent and b) improve management, of these diseases.

- The programme should include the development of a certificated course to train people as community champions/ambassadors on diabetes and CVD prevention. The community champions/ambassadors could be one strand of the 250 community link workers recruited to support the most deprived communities who need additional support on health;
- The production of paper and web based health related resources; and
- Proposals for an evaluation of the effectiveness of the project.

Mental Health

50. The SHELS study concluded that disparate patterns of hospitalisation reflect unmet needs and persistent ethnic inequalities in mental health care. In line with the commitment to provide £150 million over 5 years for mental health services, the Scottish Government should take the following action:

Action 55: The Scottish Government should commission research to identify the barriers, and a plan put in place to address, the unmet need and persistent ethnic inequalities in mental health care.

⁶ see SHELS Research paper on effective interventions in Canada and London

HIV Prevention

51. From data analysed for 2001-2013, SHELS found that African men were over twofold higher risk of 'late' HIV diagnosis than white Scottish men. The implication is therefore of more advanced HIV disease in African men and reduced opportunity for treatment which affects the survival rate of African men who are HIV positive.

Action 56: To reduce the number of African men in Scotland with a late HIV diagnosis, the Scottish Government should require Health Care Providers and policy makers to explore with the African community in Scotland, the most effective ways of targeting the African population (particularly men) for improved testing and diagnosis to ensure early access to treatment and care.

F. EDUCATION

52. Statistically, with the exception of Gypsy/Traveller children, minority ethnic pupils in Scotland have higher levels of education attainment overall. However, there are a number of areas of concern in relation to education. These are that:

- Anecdotal evidence suggests that the confidence/competence of teachers to promote anti-racist education is low and Local Authorities lack the policies to support anti-racist education;
- According to the Staff Census, the ethnic diversity of the teaching profession has decreased with the proportion of teachers recorded as from a BME background falling from 1.9% in 2011 to 1.3% in 2016. It is not yet clear whether this is simply statistical variation or the start of a trend. I note that those whose ethnicity is unknown or who did not disclose their ethnicity rose from 3.1% to 4.9% in that period; however, the proportion of BME teachers is significantly below the actual proportions of minority ethnic people in the Scottish population (4%);
- EHRC research shows that racist behaviour and incidents remains a serious problem in some areas in Scotland.

53. My view is that what is needed to address these issues is a focus on ensuring that Scotland's education policy, education research, curriculum frameworks, initial teacher education and key education stakeholders, demonstrate an active engagement in the delivery of race equality.

54. The thinking behind my proposed actions comes from discussions with Education officials, the Education Institute of Scotland (EIS), Head of Moray House School of Education and Young Scot.

55. The aim of the actions described below are that at the end of 4 years there will be a fall in racist incidents in schools properly measured, an increase in number of BME teachers, an improvement in ethnic diversity across all levels in all educational institutions and an increase in the confidence and competence of teachers to deliver anti-racist education.

56. The actions cover the following areas:

- Anti-Racist Education – (a) staff development and (b) education resources
- Minority Ethnic Teachers in Scotland
- Leadership Roles
- Racist Incidents / Bullying

Anti-Racist Education

57. Two areas that are central to the provision of anti-racist education are staff development and continual professional learning and education resources. My recommended actions for the delivery plan are centred on what I understand are levers that the Scottish Government could use to ensure that race equality is embedded in policy and practice in the institutions responsible for teacher education and training and for producing education resources.

a) Staff development

Action 57: The Scottish Government should require the Scottish Funding Council to demonstrate that delivering race equality in education is included in the outcome agreements with Scottish HEIs responsible for Teacher Education Programmes.

Action 58: The Scottish Government should seek evidence from key organisations on how the National Improvement Plan considers and delivers race equality; in particular on the provision of career long anti-racist/intercultural staff development to support practitioners' competence and confidence.

Action 59: Given the importance of leadership to increase cultural understanding of all young people in schools and to get engagement/inclusion with the wider community right, the Scottish Government should make anti-racist and intercultural competence training a mandatory requirement in the programme '*Into Headship*' and other similar leadership programmes.

b) Education Resource

Action 60: The Scottish Government should require Education Scotland to convene a group of educators to examine how anti-racist education might permeate the Curriculum Framework and the additional resources that might be required to do this. The group should be convened by a leading academic in Multicultural and Anti-Racist Education, working with a selected group of teachers and representatives from organisations with a particular interest in anti-racist education such as the Centre for Education for Racial Equality in Scotland (CERES), the Scottish Association of Minority Ethnic Educators (SAMEE), and the Coalition for Race Equality and Rights (CRER).

Action 61: The Scottish Government should fund a series of high level staff development seminars for leaders of Scottish education services including Education Scotland, the General Teaching Council for Scotland (GTCS), Local Authority heads of Education, School Leaders Scotland, Association of Head Teachers and Deputies in Scotland and the Scottish Council of Deans of Education to develop knowledge and capacity to lead, manage and deliver race equality in their respective areas.

Action 62: As part of the rolling review the Scottish Government should monitor and assess the inclusion of issues relating to ethnicity and diversity, in all improvement initiatives including the Pupil Equity Fund, the STEM Strategy, the Induction Programme for Child Minders and the Parent Involvement Network, as well as in key approaches such as '*Getting It Right for Every Child*'; and make public the outcome of the assessment and the action that will be taken to address any disparity in outcomes.

Minority Ethnic Teachers in Scotland

58. There is a lack of information on the numbers of minority ethnic applicants to teacher training courses, those securing places in training courses, those securing teaching posts, students dropping out and teachers leaving the profession. What we do know is that the number of BME teachers is falling at a time when there is a shortage of teachers in Scottish schools. While there have been previous attempts at addressing the low number of minority ethnic teachers, the outcomes of and learning from these initiatives have not been published. I have set out below a recommendation on the composition and remit for a working party on increasing the number of minority ethnic teachers in Scotland.

Action 63: The Scottish Government, working with the Strategic Board for Teacher Education and the GTCS should establish a short term working party on increasing the number of teachers from under-represented groups at all levels in Scottish schools. This working party should be chaired by an education expert with expertise on race equality issues, and its membership drawn from education experts familiar with race related issues as well as organisations with an interest in promoting greater diversity in the workforce such as the Scottish Association of Minority Ethnic Educators (SAMEE).

59. My suggested remit for this working group is outlined below.⁷

Leadership Roles

60. Currently there are few or no minority ethnic individuals working as head teachers or in a leadership role in any educational institution such as the inspectorate team and local authority education department in Scotland.

61. A recent Runnymede Trust poll of more than 1000 BME teachers across Britain found that BME teachers were most likely to be told to organise school events such as Black History Month or tasked with behaviour responsibilities, rather than tasked with more challenging teaching and leadership roles. Additionally, institutional racism was often manifested in subtle and covert 'micro-aggressions' by senior staff, and that played a key part in the barriers to career progression for BME teachers in many British primary and secondary schools.

⁷ Remit for working group on increasing Minority Ethnic teachers in Scotland

(a) Commission action research with minority ethnic teachers in Scotland about their experiences of accessing and working in the profession, to gather qualitative evidence about specific barriers or other issues facing minority ethnic teachers to inform future recruitment
(b) Assess the impact and lessons learnt from previous initiatives such as Gathered Together project,

(c) Review the effectiveness of processes such as Conditional Registration in enabling access to the profession by teachers from abroad in particular refugees,

(d) Ensure the systems for collecting and monitoring data tracking the recruitment, retention and career progression of minority ethnic applicants/teachers in Scotland is fit for purpose, and

(e) Produce as an integral part of the Education Delivery Plan, an action plan to increase the number of underrepresented groups in particular from minority ethnic communities into teaching learning from positive action schemes like PATH.

62. In addition to the convening of a working party to examine the experience of minority ethnic teachers in Scotland (action 63), I recommend the following action to kick start the process of tackling the under-employment and under-promotion of BME teachers in Scotland.

Action 64: The Scottish Government should require Education Scotland to convene a panel of educators with equality expertise including on race equality, to equality proof the existing/future professional learning and leadership opportunities programme. The Panel would ensure that the programmes are designed to prepare individuals/teachers from underrepresented groups targeting in particular BME teachers, for leadership roles in all pedagogical institutions including headship of schools, inspectorate teams and local authority education departments.

Racist Incidents / Bullying

63. In addition to implementing in full Recommendation 9 in the report of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion, I propose the following actions:

Action 65: The Scottish Government should publish and implement an anti-bullying strategy in schools which ensures first and foremost that young people feel empowered to raise problems of harassment including racist bullying. The strategy should fix the problems in the current data collection system regarding racist incidents and behaviour and make individual school performance on the prevention and response to bullying in particular to racist behaviour and incidents, a factor in the new equality indicator in '*How Good is Our School*'.

Action 66: The Scottish Government should make mandatory the reporting of racist incidents and impose an 'inspectable' duty on Education Scotland when conducting inspections to look at the school education authority's approach to managing and reducing racial incidents and to highlight good practice.

G. GYPSY/TRAVELLERS

64. Research evidence published in *'How Fair is Scotland'* and confirmed by Scottish Government's analysis of the 2011 Census shows that on every indicator of what is required to live a happy, productive and fulfilled life, Gypsy/Travellers are worse off than any other community in Scotland. The high levels of poverty experienced by Gypsy/Travellers is linked to poor health and the lack of employment and integral to all these issues is the provision of sites across the country. The Scottish Human Rights Commission in its evidence to the Equal Opportunities Committee in 2013 described the discrimination towards Gypsy/Travellers as 'the last bastion of respectable racism.'

65. Despite parliamentary enquiries and reviews of progress, various reports, strategies and initiatives, little has changed for Gypsy/Travellers in Scotland. They face much the same problems that have troubled them for decades. In their *'Gypsy/Travellers and Care'* Report, the 2012 Equal Opportunities Committee concluded that the evidence pointed to "repeated failures: recommendations that have not been implemented and initiatives too small scale or short term". A point repeated in the 2013 Equal Opportunities Committee Report *'Where Gypsy/Travellers Live'* which calls for strong leadership at all levels and the need for a powerful Ministerial Voice.

66. The Scottish Government has publicly stated its commitment to ensuring equality of opportunity for all Scotland's Gypsy/Travellers as a particularly marginalised group. To make good this commitment,

Action 67: I urge the Scottish Government to implement the recommendations in both enquiry reports in full. If all recommendations were met properly, with Gypsy/Travellers being involved as full partners in planning and delivery, this should deliver genuine improvements in life chances over a relatively short period.

Action 68: As the portfolio Minister with responsibility for Gypsy/Travellers, the Cabinet Secretary for Communities, Social Security & Equalities should oversee a renewed focus on their rights to health care, accommodation, education and employment.

67. And in addition the Scottish Government should;

Action 69: Develop, in conjunction with state delivery partners and representatives of the Gypsy/Traveller Community, a national strategy with an action plan; the impact of which must be reviewed against the baseline measures in the *"Gypsy/Travellers in Scotland – A Comprehensive Analysis of the 2011 Census"* and annually reported on to the Equality & Human Rights Committee.

Action 70: Adopt a 'zero tolerance' approach to discrimination which both Inquiries find is the biggest barrier to site development and to full access to health care, education, and employment for Gypsy/Travellers. For instance, the Government should investigate ways to mitigate against the disadvantage

of the plan led approach of the Scottish Planning System to Gypsy/Travellers ambitions for sites in new build areas.

Action 71: Establish robust mechanisms for addressing the housing, health, education and employment needs of Gypsy/Travellers where monitoring and reviews of service provision indicate that these are not being met; given that the current reliance of guidance and 'monitoring through dialogue' has not proved successful in achieving the positive outcomes for Gypsy/Travellers in Scotland.

Action 72: Make clear that the *status quo* is not an option, that any proposed action in the Action Plan must be able to answer the question what difference will this action/policy make to the circumstances of Gypsy/Traveller communities and what needs to be done differently.



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