



# Measuring Up? 2013-2017

Scotland specific equality duties: February 2017

# Measuring Up?: plans

- **MU7**
  - 250-plus public authorities
  - final reports of the 4-year cycle
  - review performance
  - recommendations for Scottish Ministers
- **Research into effectiveness of specific equality duties**
  - in delivering change
  - where change has not been delivered, what are the reasons for this?
  - compare approaches in Scotland, England and Wales?
- from April 2017
- advised by external group

## Specific Equality Duties

- Support better performance of the General Equality Duty
- Different specific equality duties apply in England, Scotland and Wales
- Scotland – initial 4 year cycle from 2013-17
- The Commission in Scotland has monitored cycle as ‘Measuring Up?’

## Publishing requirements: April 2017

- No later than 30<sup>th</sup> April 2017 most listed public authorities must publish information in a manner accessible to the public, as required by the following duties:
  - Duty to report progress on mainstreaming the equality duty;
  - Duty to publish equality outcomes and report progress;
  - Duty to gather and use employee information;
  - Duty to publish gender pay gap information;
  - Duty to publish statements on equal pay including occupational segregation information
- Certain listed public authorities must also publish information as required by the duty on Board Diversity
- Our [guide](#) 'Who is covered by the Specific Duties?' names all the public authorities and the relevant duties and schedule of timescales

## Developing Equality Outcomes for April 2017

- In developing Equality Outcomes for April 2017, listed authorities should refer to:
  - Our non-statutory [guidance](#), particularly Equality Outcomes and the public sector equality duty
  - Our Improving Equality Outcomes [Project](#), particularly Improving Equality Outcomes Toolkit
  - Good practice case studies in Measuring Up? 4 [Practice](#)
  - Our public sector equality duty [FAQs](#)
- If developing joint/shared equality outcomes with partners

Public authorities may choose to seek the same outcome, but each must clearly express **how** the work **they** are doing will contribute towards that outcome

# Measuring Up?: approach

- This is a key component of the Commission's work in Scotland
- Follows the latter three stages of our [regulatory approach](#)
  - Information – providing information and guidance
  - Promotion – promoting compliance, including through case studies
  - Monitoring – gathering and analysing evidence about implementation
  - Pre-enforcement/enforcement – taking pre-enforcement action or, as a last resort, formal enforcement action using our legal powers
  - Evaluation – assessing the effectiveness of the duty legislation

## Measuring Up?: timing

- **MU1** June, **MU2** September, **MU3** November 2013
  - Improving Equality Outcomes June 2014 - March 2015
- **MU4** September 2015
- **MU5** August 2016
- **MU6** November 2016
  
- Other assessments of performance are available e.g. Close the Gap: Making Progress? November 2015

## Measuring Up?: focus

- **MU1** publishing requirements
- **MU2** employment duties
- **MU3** equality outcomes
- (Scottish Ministers proposals December 2013)
  - Improving Equality Outcomes work June - December 2014
  - Improving Equality Outcomes report March 2015
- **MU4** key data, progress on equality outcomes
- **MU5** Scottish Ministers progress
- **MU6** newly listed bodies

## Measuring Up? 1 – 3: findings

- **MU1** 83% of public authorities met top level publishing duties
- **MU2** 93% met top level employment publishing duties
- However;
  - Methodology – any of the protected characteristics
  - Quality and use of data very variable and often poor
    - data on protected characteristics uneven
    - recruitment, retention, development of staff
- **MU3** widespread misunderstanding in setting equality outcomes
  - 31% rated as ‘good’, 40% ‘mixed’, 29% ‘poor’

## Measuring Up? 2 & 3: recommendations

- **MU3** featured several examples of good practice across sectors
- ‘Urgent improvement’ needed:
  - information on recruitment, retention and development of staff
  - basic information on employees’ equality characteristics
  - significant failures in setting equality outcomes
- Scottish Government, with professional and improvement agencies should investigate why this has been the case, identify the best practice that is evident, and seek to transfer this knowledge across and between sectors

# Improving Equality Outcomes

- The Commission provided a programme of direct one-to-one support to 46 public authorities who had rated as 'poor' in **MU3**
- The programme was subject to [External evaluation](#)
- Legacy resource: [self-assessment toolkit](#) designed to:
  - Support public authorities to evaluate their methods for setting equality outcomes and the quality of the outcomes themselves
  - Identify areas where public authorities need to improve
  - Support public authorities to create their own improvement plan.

## Measuring Up? 4: findings

- **Performance**
  - 96% published a mainstreaming report;
  - 96% reported on progress made to achieve their equality outcomes;
  - 95% published gender pay gap information;
  - 89% published some employee information.
- There are improvements to be made in collecting information on all protected characteristics and in all areas of employment monitoring.
- **Practice**
  - Good practice summary for each area – clarifies how good practice is defined
  - Plus common areas for improvement in each area

## Measuring Up? 5 & 6: findings

- **MU5:** Scottish Ministers Duty
- If the Scottish Ministers' Duty is to be successful there is a need to establish a clearer measurable plan of action and to secure the resources required to deliver against it.
- **MU6:** Newly listed bodies (34)
  - Customary high publication rates
  - 88% published a mainstreaming report
  - 88% published a set of equality outcomes
- Many bodies must revise their equality outcomes

## Measuring Up?: conclusions

- Improving Equality Outcomes tools can help to assure or improve equality outcomes for April 2017
- Good practice exists - Practice Reports in **MU3** and **MU4**
- Data must be improved on
  - protected characteristics
  - employee monitoring
- and decisions must be based on better use of data
- if public authorities are to ‘measure up’ to the expectations set for them by the Scottish Government