The Public sector Equality Duty in Scotland –

Is it working?
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The Equality and Human Rights Commission

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What the words mean

Some words are in **bold**. There is a list of what they mean at the end of this report.
The Equality and Human Rights Commission in Scotland wrote this report.

We work to make sure people of different ages and from different groups are treated fairly and equally.

We work to stop discrimination.

Discrimination means treating someone worse than other people because of things like:

- having a disability
● being a man or a woman

● being from a different race or culture

● their age

● being straight, gay or lesbian.

What this report is about

Since May 2013 we have checked how public organisations keep to a law called the **Equality Act**.
Now we want to see what happened between 2013 and 2017, and if the changes have worked.

This report is about the public sector equality duty or equality duty.

This says public organisations like schools, hospitals and councils must think about how to make things better for people from different groups.

We wanted to know if the equality duty has changed things in Scotland:

- for public organisations
- for people who use them or work in them.
We looked at 3 things public organisations must do:

1. Report on whether their **outcomes** have changed things

2. Collect information about the people who work for them and use it to stop **discrimination**

3. Report if men and women get different pay for the same kind of work (**gender pay gap**).

**How we wrote this report**

Public organisations have to write **equality outcomes**.
The outcomes say what they will make better for different groups.

We looked at the reports public organisations write about:

- whether their equality outcomes have changed things
- how they understand what people from different groups need
- any changes in the different people who work for them
- any changes in gender pay gaps
● how they decided their outcomes about pay gaps and people who work for them

● how they used information about the different people who work for them

● whether people from different groups think things have changed.

What we found out

1. Have the outcomes changed things?

The reports from public organisations did not show much change in the last 4 years.
This could be because:

- they did not choose **outcomes** that make a real difference for people

- they did not plan how to check if changes work

- they wrote reports about what they did and not about how this affected people.

Many public organisations did not say which groups the changes would help. They did not explain how they would make things fairer for them.

Public organisations do not have to ask workers or people who use their services if things are better for them.
This makes it difficult to show if things have changed.

A few public organisations did things really well.

They could show how outcomes made things fairer for people from different groups.

They could say how many people from each group they had helped and what people thought about the changes.

2. Information about workers

Public organisations must collect information about the different people who work for them.
They must use this information to get rid of discrimination and treat all workers fairly.

Some public organisations do this better than others. Some do not understand how to collect information to show if things change.

In some areas public organisations have more people working for them from different groups. But we cannot tell if this is because of the changes they made.

Because organisations collect different information in different ways it is really difficult to see if things get better.

3. Gender pay gap

Most public organisations said the pay gap had got a little smaller. But some said it was worse.
Many organisations did not use our guide for writing information about pay gaps. This made it difficult to see what is happening.

Most organisations use this information to make things fairer when they get new staff and with people who work for them.

Some organisations are getting better at collecting information about pay gaps.

4. Involving people from different groups

Public organisations must involve people from different groups when they decide equality outcomes.
But they do not have to tell us how they did this. Or how they involve people in checking if things change.

Organisations do this in different ways. Many do not keep to our guide about involving people.

Many organisations find it easier to work with groups that speak for different people rather than with individuals because the groups already understand equality duty.

Have the changes worked?

Sometimes we can see that changes make things fairer for different groups.
But mostly we cannot see if the changes make a difference for people. This is because many organisations do not collect the right information about whether their outcomes have changed things.

Some things got better because of changes that were nothing to do with the public organisation.

Public organisations did what the law asked them to do but need to think more about how to:

- really change things
- show how the changes made things better for different groups.

Public organisation cannot just write down outcomes they want to happen.
They must work with people from different groups to make sure they make the changes they need.

And they must be able to show how the changes make things fairer for different people.

What public organisations need to do

1. Make sure outcomes really change things
   - say what they will change
   - say which groups this will change things for
• say how they will check what happens.

2. Use our guides and rules

We wrote 8 guides to help organisations keep to the Equality Act. Organisations should use them to:

• choose outcomes

• involve people and groups

• collect information

• see how the changes affect people.
3. Collect and use better information

When organisations collect information they should think about how they can use it to:

- find out where they need to make things better
- plan what to do
- see if things are changing for people
- see how well they are doing
- plan what else they need to do
Equality and Human Rights Commission

**Discrimination**
Treating someone worse than other people because of who they are.

**Equality outcomes**
Outcomes say what a public organisation will make better for different groups.

**Gay**
A man who is attracted to other men.

**Gender pay gap**
The difference between what men and women are paid for the same kind of work.

**Lesbian**
A woman who is attracted to other women.
Credits

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