

Discrimination

The prejudicial treatment or consideration of a person, racial group, minority, or based on category rather than individual, excluding or restricting members of on the grounds of race, sex, or age

RACE EQUALITY OUTCOMES

Equality Act 2010

Briefing 1:



The Council of Ethnic Minority Voluntary Sector Organisations (CEMVO) Scotland is a national intermediary organisation which was set up in 2003 with the aim of building the capacity and sustainability of the ethnic minority third sector and its communities in Scotland. With a network of over 600 EM voluntary organisations and community groups, this enables us to gather vital intelligence about the needs of and issues affecting the sector. We work strategically, with both the public sector and Scottish Government, to tackle a range of issues on securing race equality.

This briefing is aimed at public sector organisations who would value some initial advice from a community perspective on how to produce equality outcomes, in particular Race Equality Outcomes, as required by the Equality Act 2010 (Specific Duties) Scotland Regulations 2012.

The Equality and Human Rights Commission will also be producing guidance which will explain the whole process in greater depth.

What are public authorities required to do?

Listed public authorities need to publish equality outcomes that they think they should achieve in order to:

- **eliminate discrimination**, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- **advance equality of opportunity** between persons who share a relevant protected characteristic and persons who do not share it; and
- **foster good relations** between persons who share a relevant protected characteristic and persons who do not share it.



Outcomes need to be specific, measurable and evidence based.

Timeframe

Expected timescales in Scotland are that regulations will come into force in May 2012 and listed authorities must then publish a set of equality outcomes not later than 30th April 2013.

The Government expects those authorities to *'take reasonable steps to involve persons who share a relevant protected characteristic and any person which appears to the authority to represent the interests of those persons as well as consider relevant evidence relating to persons who share a relevant protected characteristic'* to help them decide what the equality outcomes should look like.



Developing equality outcomes

Step 1: be clear about your own understanding of what an equality outcome is. Based on our experience, there are common mistakes organisations can make when it comes to devising an equality outcome. The following are examples of these mistakes (with a cross against each); we also suggest an improved alternative (marked by a tick).

An equality outcome is...

... about change - not a continuation of what you are doing

- ✗ we will maintain our good record on EM staff satisfaction
- ✓ we will improve staff satisfaction ratings for EM staff by 10%, as it is consistently below average

... specific - not a vague aim or aspiration

- ✗ we are committed to ensuring more EM people can influence our services
- ✗ we will create products and services which are appropriate for the people who use them in the next three years,
- ✓ we will improve positive ratings of our services by EM customers by 20%

... expressed in terms of people - not just processes and policies

- ✗ we will carry out equality impact assessments on key decisions
- ✗ we will create an Equality and Diversity business plan
- ✓ we will at least double the number of EM people who say they are treated with dignity and respect by clinical staff



This last point is especially important as many organisations find that even after implementing schemes and policies, they are still unsure of the real practical change they have had on people's life chances and experiences. In turn, it can be hard to convince service users and staff that this time it will be any different!

Step 2: Decide on how many equality outcomes you should have. Given the resource limitations many organisations are facing, it is important not to set too many and then not manage to deliver them.

You should also consider the following:

1. Specific Duties

Under the regulations your equality outcomes must help your organisation achieve progress toward meeting the General Duty.

2. Existing Business Goals

The best equality outcomes will be those that are explicitly linked to an organisation's existing business objectives. To show how equality is mainstreamed, you may want to link your Outcome with existing agendas and programmes (eg Single Outcome Agreements); however the impact on those with a relevant protected characteristic needs to be clearly identified and presented so that individuals can see how it is going to make a difference to them.

3. National and Local Context

You should have already collected a lot of information and robust evidence on local race discrimination and inequality as part of your requirements under the Race Relations (Amendment) Act 2000. This information will be vital for weighing up the importance of various issues and benchmarking your current position. If there are still gaps in your evidence you may wish to consider commissioning work and allowing relevant third sector organisations to tender for this.

4. Specificity of Race Inequality

Some equality outcomes may be applicable across a number (or all) of protected characteristics. There are also specific barriers which EM individuals and communities face leading to institutional racism and historical disadvantage. Equality outcome setting must understand, acknowledge and address these barriers.

5. Impact

In choosing your equality outcomes you will want to prioritise issues based on the impact they have or how they will achieve improvements. Some equality outcomes will have a minor impact on a large number of people, others might have a much larger impact on a smaller number of people. In cases like this, the considerations you have made above of the issues should prove helpful.

6. Level

Equality outcomes should not be too narrow as these may fail to address the most significant equality issues and may not do enough to further the aims of the general duty. Some equality groups may wish to lead the way by setting their own collective high level equality outcomes and these should be taken into consideration as part of your evidence gathering. The same groups could perhaps also help you set short term interim equality outcomes which would contribute towards these longer term plans.

7. Engagement

Using creative and innovative forms of involvement may also help you identify any new issues over and above the evidence gathered to date, for example multiple identity, mixed race etc. Over stretched and under resourced groups will not however want to be consulted on issues which they have already been asked their views and experiences on in the past!

Step 3: Once you have decided on an initial list of equality outcomes, it would be helpful to communicate this back to relevant members of the public, providing an opportunity for further feedback. Facilitating discussions and supporting communities to understand why particular equality outcomes have finally been chosen is crucial here as it will help build confidence and trust when individuals, groups and organisations can see real evidence of how they have been able to influence and shape public sector thinking and decision making. It would also be particularly useful to involve race equality practitioners at this stage as they will be able to offer further strategic insight, in particular in relation to longstanding issues and priority setting. Be prepared to review and further revise your equality outcomes at this stage.

Your equality outcomes will need to be 'proportionate' and 'reasonable'. Can you make a strong argument for why you have chosen (or not chosen) a particular equality outcome and why the decision is reasonable (including consideration of the relative cost)?

It would be very useful to publish clear information about who you engaged with, along with a summary of the evidence that came from this engagement and how it informed your final choice of outcomes. It should also be highly visible and/or clearly signposted on your website(s). You may want to consider publishing the information in alternative accessible formats and in different languages. It would also help readers if some background narrative is given to introduce this work as obviously not all readers will be aware of the legal duties.

Note: The current emphasis on transparency and accountability means organisations should work in partnership to help individuals and community groups develop the skills needed to positively hold public bodies to account. To ensure that relevant people have the skills to analyse your proposed equality outcomes effectively, you may want to invest support/resources in kind (such as offering access to in service training, short term placements etc) in areas like:

- ✓ Leadership/communication skills including negotiation, debate and constructive challenge
- ✓ Understanding of legal and policy context including past approaches to discrimination and inequality and the problems associated with them
- ✓ Understanding your organisation's functions, strategy and current resource constraints

In the long-run, generating equality outcomes that a range of people are signed up to will help your organisation to achieve them.

How can CEMVO Scotland help?

Needs Analysis

Over recent years organisations have invested more and more in engaging with the community but haven't necessarily seen an improvement in outcomes for marginalised groups. In many areas it can be difficult to get an informed opinion about your services and what people need. We can help you to organise and facilitate innovative ethnic minority community engagements events which move away from traditional approaches focusing only on needs and experiences to find out what people really think.

Users of services are usually best placed to assess what is working and what isn't - as well as come up with practical solutions for improvement. CEMVO Scotland has the contacts and skills to engage those who normally don't speak out as well as support them along the way.

Outcome Setting, Mainstreaming and Reviewing Progress

It is not enough to know what people think: the key challenge is to use this information to create clear and actionable recommendations for change. But devising a programme for change isn't always easy. How do you weigh up competing needs? How do you create buy in for your ideas and vision?

CEMVO's mainstreaming programme is funded by Scottish Government to provide support to public, statutory and third sector organisations in the implementation of race equality in all areas of their organisational development, processes and practice. Setting agreed Race equality outcomes in partnership with ethnic minority communities is central to this work. We also cover areas such as race awareness, culturally competent practice, practical consultancy solutions for improvement, impact assessment/policy development as well as audit and review of progress.

Cost

There is **no cost** for providing this kind of support. The only expectation is that organisations cover costs for venue and catering/refreshments for holding community engagement events. CEMVO Scotland would also expect a written agreement for organisations to commit to community engagement standards in terms of implementing agreed actions and feeding back to communities on issues arising from the consultation.



For further information please enquire to:

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