

Response Proforma

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<p>ORGANISATION</p> <p>James Watt College</p>	<p>DATE: 24th September 2009</p> <p>EMAIL:</p> <p>margarettierney@jameswatt.ac.uk</p>
<p>CONSULTATION QUESTIONS</p>	<p>RESPONSE</p>
<p>James Watt College Equality Profile</p> <p>James Watt College has four campuses located in the west coast of Scotland: the College offers a diverse range of programmes that allows learners from all walks of life to choose the location that suits them.</p> <p>In terms of learner profile we attract learners from the geographic areas of Renfrew, Inverclyde and North Ayrshire with 2.13% of our learners coming from the BME community and 15.19% of our learners identifying a disability. Our gender profile is 57.94% women and 42.05% men. We also have over a long history of international links which have made James Watt College distinctive as a welcoming place to live and study as an international learner.</p> <p>The content of this consultation has been shared and discussed at the College Equality & Diversity Steering Group.</p>	
<p>Q1: Do you think the criteria set out above are the right ones? Please give your reasons.</p>	<p>Yes. The criteria in the view of the College are appropriate. It recognises the difference between organisation size and impact on the community and diverse communities of interest.</p>
<p>Q2: Are there any other criteria we should use? If so, what do you suggest?</p>	<p>None</p>

<p>Q3: Do you agree that public bodies should have a specific duty to publish equality objectives with reference to the relevant evidence and their wider general Equality Duty obligations?</p>	<p>Yes. Publishing equality objectives which have been based on evidence (qualitative and quantitative) would assist public bodies set out priority work areas against the Equality Duty.</p> <p>The added value of individual public bodies sharing this through Local Strategic Partnership's; Public Service Agreement's etc. would mean that within the regional context whilst some organisations might choose to give priority to one equality characteristic over another, across the region, there would be a process for ensuring that promotion of equality was happening across all equality characteristics.</p>
<p>Q4: Do you agree that public bodies should set out the steps they intend to take to achieve their equality objectives?</p>	<p>Yes. Being clear about actions to make organisational improvements on equality is important as a way of measuring success or otherwise therefore having a specific Equality & Diversity Action Plan that sets out how the objectives are to be achieved is vital.</p> <p>It is important however that any E&D plan aligns itself to the organisation Strategic Plan to ensure that equality & diversity becomes integral to and not parallel to the organisational operational plan.</p>
<p>Q5: Do you agree that public bodies should be required to implement the steps they have set out for themselves within the business cycle period unless it would be unreasonable or impractical to do so?</p>	<p>Yes. Embedding equality into the business planning cycle should ensure that there are clear and understood business reasons for making sure that equality actions are committed to and achieved.</p> <p>Reasonableness and practicality will, it is suggested, be achieved by the setting of SMART targets and actions.</p>
<p>Q6: Do you agree that public bodies</p>	<p>Yes. Most organisations operate on a</p>

<p>should be required to review their objectives every three years? If not, what time-period do you suggest instead?</p>	<p>three year planning cycle with annual reviews so this timeframe makes sense.</p> <p>Where organisations don't operate within this timeframe this requirement would need to be planned as an adjunct to the business reporting cycle.</p> <p>Looking at the three year timeframe from purely an equality perspective; three years is an adequate time frame to be able to measure an organisation's improvement and identification of ongoing challenges.</p>
<p>Q7: Do you agree that public bodies should set equality objectives taking into account priority areas set by the relevant Secretary of State?</p>	<p>Yes. The vision of public bodies is already aligned to the generic objectives of the Scottish Government.</p> <p>If the Scottish Government were to set specific equality objectives with an expectation that public bodies take ownership of them perhaps the best way for these to be delivered would be through LSP's and PSA's.</p> <p>This approach would be grounded in partnership and would be more likely to be achievable in a national sense.</p>
<p>Q8: Do you agree that public bodies should not be required to set equality objectives in respect of each protected characteristic?</p>	<p>Yes. From the College viewpoint this is helpful.</p> <p>It is expected, however, that progress on equality is achieved by ensuring that systems and processes take account of all aspects of equality.</p> <p>Measuring outcomes however may indicate more progress on one equality strand as opposed to another.</p> <p>However we do acknowledge that organisations representing particular groups may regard this as creating an</p>

	<p>equality hierarchy.</p> <p>A regional approach to equality mapping, performance and outcomes through LSP's and PSA's in terms of performance could help alleviate the concerns of particular communities of interest.</p>
<p>Q9: Do you agree that public bodies should be required to report annually on progress against their equality objectives, but that the means by which they do so should not be prescribed in legislation?</p>	<p>Yes. This would prevent the equality and diversity annual reporting process becoming an end in itself.</p> <p>However it would be important for public bodies in producing their annual report to commit a specific section to progress on equality and diversity.</p> <p>This would ensure:</p> <ul style="list-style-type: none"> • Visibility of and commitment to the E&D agenda • A place for E&D data monitoring • A place for measurement of progress and highlight of achievement and challenges • A recognition of any changing equality legislation which might impact on the three year E&D action plan
<p>Q10: Do you agree that public bodies with 150 or more employees should be required to publish their gender pay gap, their ethnic minority employment rate and their disability employment rate? We would welcome views on the benefits of these proposals in encouraging public authorities to be more transparent.</p>	<p>On the gender pay gap – Yes capture and publication of data is important to encourage transparency about pay and to demonstrate equity.</p> <p>Benchmarking as a by product of publication will result in positive progress being made.</p> <p>On employment rates – Yes; most public bodies do capture equality data</p>

	<p>across all of the equality strands.</p> <p>Publishing the whole data is important whilst acknowledging that some staff may still choose not to disclose.</p> <p>The message surely has to be that the data is captured and published so that this becomes the norm and encourages more people to disclose which in turn creates improved data accuracy for improved measurement of organisation representation.</p> <p>The hesitancy expressed in the consultation applied years ago to ethnic monitoring – now it is the norm.</p> <p>Let <u>us</u> learn from this example and not be hesitant.</p> <p>We would strongly urge that this is good practice and should be a legal requirement.</p>
<p>Q11: Do you agree with the proposal to use the overall median gender pay gap figure? Please give your reasons. If not, what other method would you suggest and why?</p>	<p>No. In terms of calculation this is a simple and straightforward method.</p> <p>However, in public bodies with female gender profiles at senior level this is likely to result in the gender pay gap being smaller than public bodies whose senior level gender profile is male.</p> <p>It will not capture the subtleties around pay differentials which might be occurring at different pay points on a salary scale combined with gender analysis.</p> <p>This can only be achieved by conducting a full equal pay audit disaggregated by gender and grade.</p>
<p>Q12: Do you have any evidence of how</p>	<p>At this point in time - as to cost - it is</p>

<p>much it would cost to produce and publish this information, and of what the benefits of producing and publishing this information might be?</p>	<p>not known.</p> <p>The benefits of capturing and producing this information will be to make public information which at this point in time for women making equal pay/equal value claims it is difficult and time consuming to access.</p> <p>The other benefits to organisations would be reputational in that pay equity could attract and retain skilled people in the workplace.</p> <p>Legal and financial benefits would also apply where organisations operating pay parity would not risk having to make financial recompense if found to have been operating pay inequity.</p>
<p>Q13: Do you agree with the proposal not to require public bodies to report employment data in relation to the other characteristics protected under the Equality Duty? If not, what other data do you think should be reported on?</p>	<p>No.</p> <p>The principle for equality data collection must be to collect data which is going to be analysed, reported on and published.</p> <p>If data is collected and not analysed, reported on and published this gives the wrong signal about the importance of hard evidence being used as a performance measure by organisations.</p> <p>Where organisations do not capture this data encouragement should be given to do so. Having this as a legal requirement is such encouragement.</p> <p>Encouraging organisations to capture and report on all equal data is a way of educating organisations and the public at large that equality and diversity are important to the business of the organisation. For instance data on pregnancy and maternity could be</p>

	<p>linked to monitoring the number of women returners and how this links into the organisation's flexible working arrangements. Data can very often be the first indicator of changing patterns and so monitoring has an added value.</p> <p>Data across all of the proposed characteristics should be captured and published.</p>
<p>Q14: Do you agree with the move away from an emphasis on describing process, to requiring public bodies to demonstrate how they have taken evidence of the impact on equality into account in the design of their key policy and service delivery initiatives and the difference this has made?</p>	<p>Yes - This proposal does provide organisations with the freedom and flexibility to be able to demonstrate positive individual and group outcomes in a way which promotes the organisation and its successes.</p> <p>But - There is no doubt that the requirement on public bodies to equality impact assess policies and functions has increased the level of importance around considering equality & diversity.</p> <p>Having an EIA process in place has resulted in an easy way for organisations to evidence that due consideration to equality has been given.</p> <p>The down side is that the EIA process has for some organisations become an end in itself and is often regarded as cumbersome and a 'tick-box' exercise.</p> <p>Another down side is that the focus has been on measuring how equality has been considered and not the change brought about by the policy/decision.</p> <p>This new proposal might also be a challenge for external assessment agencies given the flexibility and freedom it affords and so how to achieve consistency of measurement</p>

	and assessment.
Q15: Do you agree that public bodies should have a specific duty - when setting their equality objectives, deciding on the steps towards their achievement and reviewing their progress in achieving them to take reasonable steps to involve and consult employees, service users and other relevant groups who have an interest in how it carries out its functions - or where appropriate their representatives; and in particular take reasonable steps to consult and involve the protected groups for whom the duty is designed to deliver benefits?	<p>Yes – consultation and involvement is important.</p> <p>However the challenge for organisations particularly around consultation / involvement on producing equality schemes has always been consultation fatigue with other public organisations in the public sector all wanting to consult the same people on the same/similar issues.</p> <p>The common sense approach is to be welcomed as is collaborative consultation with other public bodies which could be achieved either through regional partnerships or similar organisations working in partnership.</p>
Q16: Do you think that imposing specific equality duties on contracting authorities in relation to their public procurement activities are needed, or are the best way to help deliver equality objectives? Do you think such an approach should be pursued at this time?	<p>Yes – Public bodies' procurement spend is significant and as such can have the ability to influence local business practice and wider societal change.</p> <p>Procurement has the ability to be a positive tool for promoting social justice, fairness and value for money.</p>
Q17: Do you agree that contracting authorities should be required to state how they will ensure equality factors are considered as part of their procurement activities?	<p>Yes – see above.</p> <p>The expectation would be to build equality into each stage of the procurement process.</p>
Q18: Do you agree that contracting authorities should be required to consider using equality-related award criteria where they relate to the subject matter of the contract and are proportionate?	<p>Yes – see above.</p> <p>The expectation would be to build equality into each stage of the procurement process.</p> <p>Proportionality is the key here and</p>

	<p>some weighting arrangement would need to be considered so that procurement projects which directly impact on people and services should have a higher equality weighting than those which do not.</p>
<p>Q19: Do you agree that contracting authorities should be required to consider incorporating equality-related contract conditions where they relate to the performance of the contract?</p>	<p>Yes – see above.</p> <p>The expectation would be to build equality into each stage of the procurement process including having a specific equality contract clause.</p> <p>Any equality contract clause would be subject to performance monitoring to ensure contract compliance.</p>
<p>Q20: What would be the impact of a regulatory proposal aimed at dealing with suppliers who have breached discrimination law? What might be the benefits, costs and risks?</p>	<p>Benefits and risks are the two sides of the same coin – these would be reputational and legal on the public authority.</p> <p>The costs would be resourcing capacity to contract manage and then identify/offer solutions to any breach of equality law.</p>
<p>Q21: Do you support the proposal to establish a national equality standard which could be used in the procurement process? If so, do you believe this is achievable through a specific duty or is this better tackled through a non-legislative approach? Are there any practical issues that would need to be considered?</p>	<p>Within local government there has been an equality standard in place which has raised the bar in terms of equality practice without the need for this to be enshrined in law.</p> <p>Performance against the standard is accepted as being a recognised benchmark which is achieved through a process of external peer assessment.</p> <p>This is a model which could be used within the procurement process. However as a voluntary arrangement this may be a challenge for contracting agreements with private sector bodies. Statutory enforcement may be required.</p> <p>As to practical issues this may need to</p>

	<p>be 'tweaked' so that it is applicable across a range of public and private sector bodies.</p>
<p>Q22: Which of the above four models do you consider achieves the best balance between joined-up working and senior accountability for equality outcomes, while avoiding unnecessary burdens? Please explain why.</p>	<p>The option favoured would be option 2.</p> <p>This would ensure visibility of leadership and commitment to the equality and diversity agenda.</p> <p>Burdens would be reduced since there is likely to be some cross over in annual reporting terms around:</p> <ul style="list-style-type: none"> • Data capture • Outcomes and targets • Performance of partnership and area agreements • Resourcing <p>Embedding equality and diversity within the above as part of the Annual Report aids sustainability and ensures that equality is integral to annual performance and not parallel to it.</p>
<p>Q23: Do you have any other suggestions how this duty could be remodelled to retain the valuable features of senior accountability and joined-up working, whilst avoiding unnecessary burdens?</p>	<p>See above</p>
<p>Q24: Are there any specific requirements, other than those that we have proposed, which you think are essential to ensure that public bodies deliver equality outcomes in an effective and proportionate manner?</p>	<p>Having knowledgeable, skilled and competent staff is a key requirement in delivering successful equality and diversity outcomes.</p> <p>Opportunities for E&D training should be incorporated within an organisation's learning and development strategy as well as the individual performance or competency framework.</p>
<p>Q25: What role do you think the guidance</p>	<p>The key issue is sustainability and</p>

<p>from EHRC should play in helping public bodies implement the specific duties in a sensible and proportionate manner? What do you think it would be helpful for such guidance to cover?</p>	<p>embedding of equality and diversity within systems and processes.</p> <p>The E&HRC could support and influence a journey from mainstreaming to safeguarding equality.</p>
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