EQUALITY IN GLASGOW 2019

Progress of Glasgow's Public Bodies in Meeting the Scottish Specific Public Sector Equality Duties

CRER

Coalition for Racial Equality and Rights

NOVEMBER 2019

The Coalition for Racial Equality and Rights works to eliminate racial discrimination and promote racial justice across Scotland. Through capacity building, research and campaigning activities which respond to the needs of communities, our work takes a strategic approach to tackling deep-rooted issues of racial inequality.

CRER's experience in anti-racist work covers areas such as community engagement and empowerment, research and resource development, practical training and equality mainstreaming support for public and voluntary sector organisations.

CRER takes a rights-based approach, promoting relevant international, regional and national human rights and equality conventions and legislation.

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Contents

1 INTRODUCTION

Equality duties (proactive legislation beyond standard legal protections that apply to all groups) have long been tools in the fight for equality in Scotland, and indeed all of Britain. Scotland's public sector has been subject to some form of equality duties since the Race Relations (Amendment) Act 2000. This was followed by legislation creating a disability equality duty in 2005 and a gender equality duty in 2006. These three separate pieces of legislation were superseded by the general public sector equality duty ('PSED') and associated specific duties after the enactment of the Equality Act 2010 and related regulations.

Among other things, these laws require certain public sector organisations in Scotland to publish documentation demonstrating how well they are complying with the equalities duties at least every two to four years, depending on the duty, beginning in 2013. Details of these duties are described in later sections of this report.

The Coalition for Racial Equality and Rights ('CRER') analysed the initial reports submitted in 2013 by each of Glasgow's listed public bodies[1] and mapped equality mainstreaming and equality outcomes in Glasgow. This was done to compare equality approaches across the city, to highlight best practice and identify areas for improvement. Our report, Equality in Glasgow,[2] cross-examined each of the reports against their respective duties and identified key themes and areas of interest across all bodies. The analysis did not identify individual organisations or their reports, but rather offered a more strategic perspective of how the equalities duties had been implemented. This research was continued in 2015 and 2017.

As the fourth round of PSED reports were published in April 2019, CRER has again analysed these reports in order to draw meaningful conclusions on the approaches taken to mainstream equality within Glasgow's public bodies.[3]

For organisations following the standard publication cycle beginning in 2013, the following documents were required to be published by 30th April 2019:

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[1] By 'listed bodies' or 'listed authorities', we refer to public authorities covered by the legislation (as set out in the regulations relating to the Scottish specific public sector equality duties).

[2] Coalition for Racial Equality and Rights (2013). Equality in Glasgow.

[3] A full listing of the 15 public bodies analysed in this report is provided in Appendix A.

- A report describing the progress made on mainstreaming the general equality duty
- An equality outcomes progress report, detailing the outcomes that were set in 2017 and how progress has been tracked and assessed
- An annual breakdown of employee equality monitoring information, covering recruitment, composition, retention and development
- Gender pay gap information (only required by organisations with more than 20 staff)

While there are other publication obligations required by the PSED (relating to equality impact assessment and board management diversity information), CRER focussed on the four key requirements listed above, as well as any available updates on occupational segregation. As described in more detail in later sections of this report, updated information on occupational segregation was not required in 2019, but was provided by most organisations.

The Equality and Human Rights Commission produces technical and non-statutory guidance to support Scottish public authorities in meeting their equality duties.[4] CRER has used this guidance to analyse the information given within these PSED reports to determine the extent to which organisations have met their statutory duties.

A range of case studies and examples are provided throughout the report. These are loosely based on the publications within the study sample, however each one has been altered, reworded or amalgamated with other examples to ensure that individual organisations cannot be identified. This decision has been taken to avoid appearing to endorse or condemn any particular organisation's performance.

We are pleased to find that some organisations have made a marked improvement since the last reporting round, with a general trend of slight improvement across the board. However, we are disappointed by the number of organisations that continue to appear to be non-compliant with the reporting duties, particularly given that this is the fourth round of reporting for most of the listed authorities.

This report takes a practical approach to exploring what can be learned from the equality publications issued by Glasgow's public sector bodies. We hope our findings continue to support public sector organisations in Glasgow, and

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[4] Equality and Human Rights Commission (2019). Guidance for Scottish public authorities.

further afield, to better meet their duties and inspire best practice to make a measurable difference to improving equality and people's lives.

2 BACKGROUND

2.1 PUBLIC SECTOR EQUALITY DUTY

The Equality Act 2010 sets out a general equality duty, meaning that public authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. This duty applies to all protected characteristics set out in the Equality Act 2010: race, sex, disability, sexual orientation, religion or belief, age, gender reassignment, and pregnancy and maternity; consideration of marriage and civil partnership as a protected characteristic is only required under the commitment to eliminate unlawful discrimination.

The Scottish specific public sector equality duties (often shortened to specific duties) are regulations of the Scottish Parliament which are designed to assist organisations to meet the general equality duty. There are significant similarities between these and former equalities duties on race, disability and gender which some public sector bodies were previously required to demonstrate action towards through equality schemes and reports. All protected characteristics of the Equality Act 2010 (outlined above) with the exception of marriage and civil partnership are now covered by the specific duties. These are referred to as the 'relevant protected characteristics' for the purposes of the equality duties.

On 30th April 2013 Scotland's public bodies were required to publish an initial set of reports demonstrating how they had met the Scottish specific duties as laid out in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.[5] These specific duties lay out requirements for listed authorities to publish additional update reports on what they are doing to meet the general equality duty. Most of these update reports are required to be published by 30th of April within every two years of the last report, with some reporting duties required within every four years. Below is a brief description of some of these duties and how they are to be applied. Please note this list is not exhaustive, but rather a brief introduction to the duties that CRER focussed on for the purposes of this research. For a full list of the specific duties, please refer to the legislation. The Scottish specific regulations have been amended twice,

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[5] Scottish Parliament (2012). The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

initially in 2015[6] and then again in 2016.[7] All three sets of regulations should be read together.

Duty to report progress on mainstreaming the equality duty – Listed authorities must publish a report detailing how they have made the equality duty integral to the exercise of their functions. Listed authorities must have initially reported no later than 30th April 2013, and then are required to subsequently publish updated mainstreaming reports at intervals of not more than two years.

Duty to publish equality outcomes and report progress – Listed authorities are required to publish a set of equality outcomes. These outcomes must be results that the listed authority aims to achieve in order to meet one or more of the 'needs' outlined in the general duty of the Equality Act: eliminating discrimination, victimisation or harassment; advancing equality of opportunity and fostering good relations. The first set of equality outcomes must have initially been published by 30th April 2013; listed authorities are required to publish an updated set of equality outcomes within every four years following the initial publication. Listed authorities were also required to publish a report on the progress made to achieve the equality outcomes by 30th April 2015, and then updated progress reports within every two years following the initial assessment of progress.

Duty to gather and use employee information – Listed authorities must gather and publish information on the composition, recruitment, development and retention of employees. This information must be broken down annually and listed authorities are required to publish details of the progress that the authority has made in gathering and using that information to enable it to better perform the equality duty.

Duty to publish gender pay gap information – Listed authorities must publish details of the percentage difference among its employees between men's average hourly pay (excluding overtime) and women's average hourly pay (excluding overtime). In 2015, this duty only applied to organisations with

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[6] Scottish Parliament (2015). The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015.
[7] Scottish Parliament (2016). The Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2016.

more than 150 staff,[8] however changes in 2017 to the Scottish specific duties now require organisations with 20 or more staff to publish gender pay gap information. This should be reported at least on every two years.

Duty to publish statements on equal pay – Listed authorities were required to publish an initial statement on equal pay no later than 30th April 2013. Updates must be published within every four years thereafter. An equal pay statement must contain the authority's policy on equal pay, as well as information on occupational segregation (the concentration of groups in particular grades and in particular occupations). The first such report needs to contain information relating to women and men. However, in the second report (due within four years of the first) a listed authority is also required to publish its equal pay statement, including occupational segregation, in relation to people who are disabled and people who are not, and people who are members of a minority racial group and people who are not. Like with gender pay gap, this duty was previously only applicable to public bodies with more than 150 staff; however, this threshold was reduced to 20 or more staff in 2017.

Each of these duties will be covered in greater detail in later sections of this report. For full details of the legal requirements placed on listed authorities, please consult the legislation.

2.2 CRER'S PAST RESEARCH

Below is a summary of the key findings identified by CRER from the prior three reporting periods:

- There was mixed performance on reporting. Most organisations invested considerable time and effort in preparing their reports, yet in many cases there was a lack of focus on the requirements as set out under the duties, resulting in poor practice or non-compliance.
- Many organisations appeared to find it difficult to adapt to the person-centred focus required by the legal duties.

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[8] The specific duties regulations (2012) were made with a provision that Scottish Ministers must review from time to time whether the figure of 150 should be amended. Following a consultation period in 2015 the Scottish Government amended the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 to, among other things, lower the threshold for listed public authorities to publish information on their gender pay gap and equal pay statements from those authorities with more than 150 employees to those with more than 20 employees from 2017.

- Many of the reports did not mention all (or in some cases any) of the needs laid out in the general duty or individual protected characteristics.
- Both mainstreaming reports and equality outcomes were often excessively bureaucratic.
- Equality outcomes were not adequately worded to express the changes organisations want to see in experiences of those with a protected characteristic.
- There were concerns around the involvement and evidence gathering required in setting outcomes. There was also insufficient coverage of the three needs laid out in the Equality Act and the protected characteristics they should support.
- Many of the reports did not adequately reference their evidence or relevant protected characteristics when reporting progress on their equality outcomes. This made transparency in some cases very poor.
- Many organisations required significant development of their approach to employee information monitoring and reporting in order to meet the requirements of the duties.

Following our research in 2013, 2015 and 2017, roundtable meetings were held to discuss our analysis with the organisations that had published reports. Across all reporting cycles, around half of the organisations accepted their invitations, with some others also arranging one-to-one support with the report author to discuss how they may set outcomes and deliver mainstreaming activity to better meet their duties.

For this round of reporting, while we did see general improvement, many of these findings and recommendations unfortunately continue to apply to Glasgow's public bodies.

3 PUBLICATION OVERVIEW

As described in the prior section, public bodies in Scotland must produce a series of reports that detail how they have met their statutory duties and provide an update on the progress made since their last publications. For many organisations, 2019 is now the fourth time that they have produced these reports since 2013. This will also be the fourth time that CRER has analysed these reports to determine how well public bodies in Glasgow are meeting their statutory duties.

In 2019, each[9] of the 15 listed organisations should have published a mainstreaming update report, as well as a progress update on equality outcomes. Due to staff size considerations, only 13 of the organisations should have produced employee information (within the mainstreaming report) and gender pay gap data. Organisations were not required to publish updated data on occupational segregation in 2019 (which must only be updated within every four years); however, many organisations chose to do so as part of either their employee information or gender pay gap information.

One of the organisations failed to publish any information at all. Of the remaining 14, as demonstrated in Figure 1 below, all 14 published mainstreaming reports, 12 published progress reports on their equality outcomes, 12 published employee information, 11 published information on gender pay gap, and 11 provided information on occupational segregation. Further analysis and breakdown on each of these types of publication is addressed in detail later in this report.

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[9] Glasgow Colleges Regional Board and Glasgow Health and Social Care Partnership published their first set of PSED reports in 2016, and thus are on a different reporting cycle than the other bodies discussed in this report. This report considers these two bodies' 2018 publications as part of this analysis.

FIGURE 1 – NUMBER OF GLASGOW PUBLIC BODIES PUBLISHING ON EACH DUTY
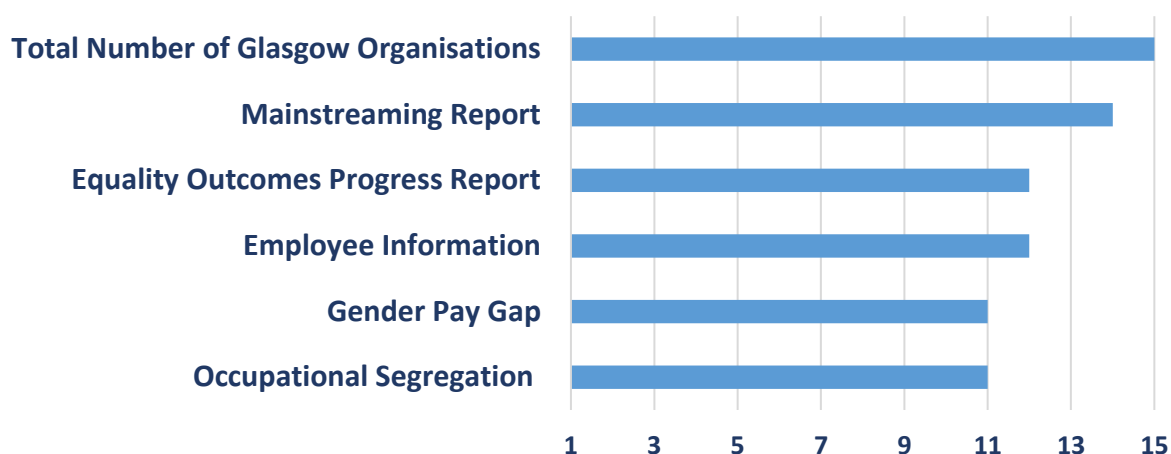
However, Figure 1 is limited to publication alone, and does not indicate to what extent Glasgow organisations complied with the legal duties as prescribed in the legislation. Each duty has specific requirements and throughout this report we will outline to what extent each of these reports appear to have met their legal duties, particularly for the mainstreaming reports, progress on the equality outcomes and employee information. This report will focus largely on these three duties, touching briefly on gender pay gap and occupational segregation. If these statutory requirements have not been reported on (or have not been reported on in line with the detail of the legislation), organisations will not have met their statutory requirements simply by issuing a publication.

As with all previous rounds of reporting, the way in which organisations chose to publish information on these five duties (mainstreaming report, equality outcomes progress, employee information, gender pay gap, and occupational segregation) varied widely. Figure 2 below shows this variation – while four bodies published all 2019 PSED information in one combined document, one body produced nine individual reports addressing various aspects of the 2019 duties.

FIGURE 2 – NUMBER OF PUBLICATIONS ISSUED BY GLASGOW PUBLIC BODIES
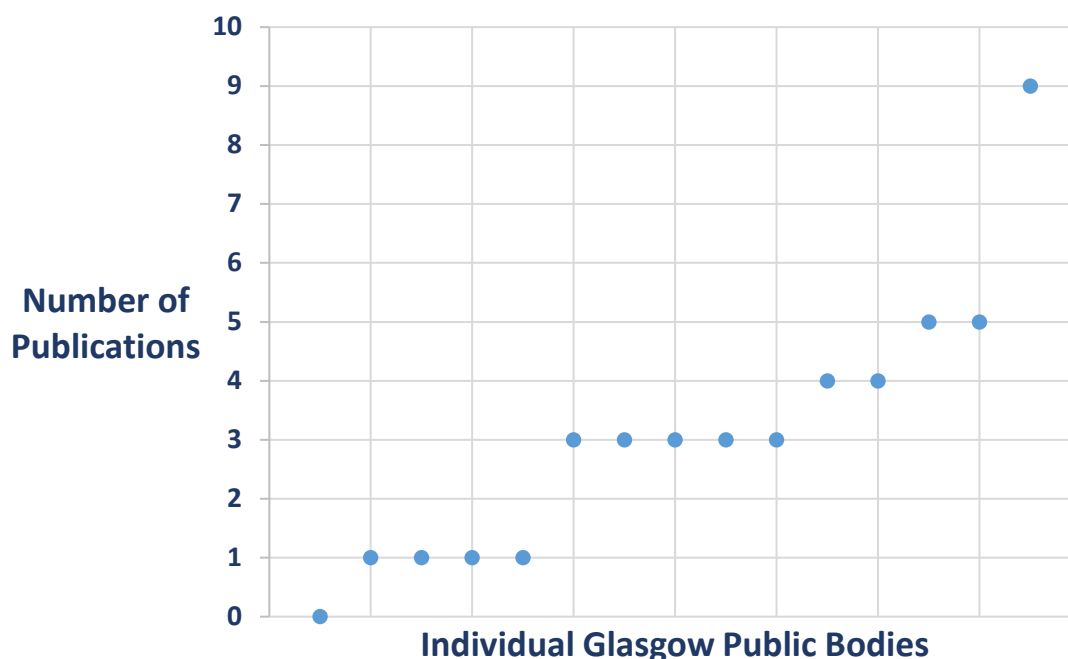
Beyond just the number of individual publications each organisation chose to produce, the way in which information was organised within or across these publications, as well as the content included in the reports, was extremely varied. This is perhaps understandable, partially because each of the 14 organisations that issued publications deliver different services, from education to transport to community health. While the flexibility in the legislation allows each organisation to tailor their reports in potentially useful and innovative ways, it also can lead to inconsistency that hampers compliance with organisations' legal duties.

The lack of standardised format has resulted in some organisations reporting in such a way that makes it unclear if they have met their statutory duties or not. This may explain some of the low compliance rates that are recorded throughout this report; however, it must be noted with caution that low compliance rates may be due to low quality of reporting, rather than the actual performance of the organisations.

As shown in Figure 2, four organisations chose to present their information in one combined report. This allowed users to quickly access and review the entire universe of data in one location rather than flip between several individual reports; particularly helpful reports clearly labelled individual sections that represented each of the separate duties.

However, as indicated in Figure 2, most organisations presented each of their duties in separate reports. For organisations that published multiple reports, there was often confusion as to what information should be included in which report. For example, organisations are required to publish occupational segregation data as part of the equal pay statement duty, but many instead included it as part of their employee information data in the mainstreaming report (even where the organisation had a standalone equal pay 2019 update).[10] Additionally, many organisations did not publish their employee information data in the mainstreaming report at all, but published detailed, separate spreadsheets and publications on employee information. Half of the organisations that presented information in multiple reports chose to combine the mainstreaming report and progress report on equality outcomes together in one document; the other half chose to publish the progress report on equality outcomes as an independent document.

While permissible under the legislation, it was sometimes difficult to identify where each duty was being addressed where separate reports had been created for different elements of the specific duties. For example, some of the progress on equality outcomes were listed as examples of mainstreaming actions rather than as separate, measurable activities under the equality outcomes duty. Even more concerning, separate publications occasionally led to inconsistent data in the various publications – for example, employee information data was published across several documents, with figures that do not match despite ostensibly reporting on the same thing. This type of inconsistency not only obscures analysis, but it calls into question the accuracy of the reports themselves.

In addition, all listed authorities are required to publish their information in a manner which is accessible. Some organisations' 2019 PSED reports were easily identified and located through clear signposting and text descriptions within the organisations' websites. On the other hand, several organisations that published information in different reports also chose to publish these reports on different sections of their websites, making it harder to even identify the entire suite of PSED reports at all. Organisations that published information in multiple reports were most effective when they contained clear directions as

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[10] As occupational segregation data must only be updated every four years, organisations were not required to publish updated data on occupational segregation in 2019; however, many organisations chose to do so as part of either their employee information or gender pay gap information.

to where information could be found. For example, some organisations contained hyperlinks within the mainstreaming report to all separate publications, allowing users to easily identify and quickly access additional information.

Most organisations published their 2019 documents alongside historical PSED reports; however, several organisations appear to have removed all historical PSED information from their websites, publishing only the most recently available iterations. By providing all current and previous PSED reports as available, accessible and clearly identifiable downloads, organisations offer readers the option to conduct research and analysis on long-term trends.[11]

Organisations that published historical documents did so with varying degrees of clarity, which meant that even when organisations fully complied with the legal reporting duties, it could be hard to determine which reports were meant to represent the current PSED reporting cycle. Not all websites had separate sections or pages for each reporting cycle, which occasionally made it challenging to quickly distinguish the 2019 suite of documents from the historical documents.

Across the entire group of bodies considered in this report, we found inconsistent approaches to dating conventions. The clearest documents were labelled in the download link with '2019', had obvious publication dates in the documents themselves and narratively explained which reporting period the document was meant to cover.

There were a few examples of excellent publication methods. Some organisations organised their websites into individual sections for each reporting cycle, and included clear narrative explanations immediately visible on the webpage as to the number of publications (and titles of the reports) that covered the 2019 reporting period.

A separate problem arose in a small subset of documents, which appear to have been published as drafts. As these were the most recently available documents, they were analysed in this report for consistency. However, it is

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[11] For more information on available current and historical documents, please see CRER's PSED portal, which holds information and links to available PSED documents for most listed public authorities subject to the Scottish specific equality duties for the past two reporting cycles. Coalition for Racial Equality and Rights (2019). Public Sector Equality Duties and PSED Portal.

possible that the organisations that published these documents meant to publish additional updates. As of the date of this report, no such update has been published by any of these organisations.

KEY LEARNING POINTS

- A single equality publication makes information easier to access
- Mere publication of some of the data is not enough for legal compliance – each specific part of each individual duty must be met in order to comply with the law
- Where a single report is published, creating individual sections for each duty, with clearly defined headings, makes the information easier to understand
- Where multiple reports are published, using internal hyperlinks and explicitly identifying all relevant reports makes it easier to identify and locate all the information
- Where multiple reports are published, extra care is required to ensure consistent data across publications
- Organisations should endeavour to clearly structure their websites to enable easy identification of PSED documents in line with the requirement to publish in an accessible manner
- Historical reports should not be removed when updating documents for a new reporting period
- Dating publications (and including the date in the title) is helpful for users to identify relevant reports for different reporting cycles
- Ensure final versions of reports are published to replace drafts

4 DUTY TO PUBLISH MAINSTREAMING PROGRESS

Under the specific duties, listed authorities are required to report on the progress they have made to mainstream the general equality duty. This 'mainstreaming duty' requires listed authorities to publish a report within every two years detailing how they have progressed in making the equality duty integral to the exercise of their functions.

All but one of the 15 Glasgow organisations reviewed by CRER published mainstreaming reports in this reporting cycle.

As with all prior reporting periods, each of the mainstreaming reports was presented in a very different format, and some reports met the requirements of the duties better than others. The analysis that follows specifically examines the structure of the reports, and the contents of the reports in relation to the requirements of the legal duties.

4.1 STRUCTURE OF MAINSTREAMING REPORTS

The Equality and Human Rights Commission's technical guidance states:[12]

> *Mainstreaming the general equality duty refers to the process of making the general equality duty an integral part of all of an authority's relevant functions and practices by all staff at all levels, embedding it across policies, procedures and corporate systems and reflecting it in business planning and reporting cycles.*

Put another way, according to the Commission's non-statutory guidance, mainstreaming "simply means integrating equality into the day-to-day working of an authority".[13] In the majority of the 2019 mainstreaming reports, it was difficult to ascertain the extent to which this requirement had been met. Issues around structure often compounded this lack of clarity.

For example, Commission guidance is clear that mainstreaming should be carried out across the full range of an organisation's functions, but the legislation does not mandate a standardised approach in which to do so. Because there is such flexibility in how organisations can choose to

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[12] Equality and Human Rights Commission (2016). Technical Guidance on the Public Sector Equality Duty: Scotland.
[13] Equality and Human Rights Commission (2016). Mainstreaming the Equality Duty: A Guide for Public Authorities in Scotland.

demonstrate mainstreaming in individual functions, it was often not clear how many functions an organisation was meaning to describe. Of the 14 mainstreaming reports published in 2019, only five reports explicitly labelled individual functions (a decrease from prior reporting periods). It's likely that many of the other mainstreaming reports meant to describe activity, at the very least, as a service provider and employer; however, the lack of clear and transparent labelling of activities by identifiable function made assessing compliance challenging. For the reports that did explicitly label individual functions, the number of identifiable functions ranged from one to 12, and included such functions as employment, service provision, education, transport planning and project delivery, research activities, community work, and corporate support.

As with past reporting periods, it was easier to understand and assess the reports that clearly identified a set of key functions. These reports allowed for more transparent reporting on the equalities work undertaken in different departments, as well as a better understanding on how different equality issues had been identified under each function. Reports without headings or clear delineations by function were harder to assess.

Mainstreaming reports were published in three different ways: either as part of a single PSED publication addressing all 2019 duties, as part of a publication combining just the updates on mainstreaming and progress on equality outcomes, or as a standalone document that only provided an update on mainstreaming progress. The organisations which published only one document for the 2019 cycle exhibited helpful practice when they included clearly defined sections and/or headings within the report (mainstreaming, equality outcomes progress, employee information, equal pay). The organisations which published separate reports exhibited helpful practice when they included accessible hyperlinks within the mainstreaming report itself to the other published reports.

However, where organisations published separate reports, CRER observed that occasionally information was inconsistently published (for example, different disclosure rates for disabled staff in a mainstreaming report compared to separately published employee information, or different pay gaps in a mainstreaming report compared to a separately published gender pay gap audit report). These inconsistencies made it extremely difficult to ascertain which data was accurate.

Most organisations presented updates on their mainstreaming activities in completely narrative form. However, it was also possible to publish updates on mainstreaming activity in table form, similar to many of the updates on equality outcomes described later in this report. When this was done, transparency in assessing how much progress had been achieved for work under the mainstreaming duty was provided.

A few organisations published mainstreaming updates annually, rather than simply providing an update in 2019 to the 2017 mainstreaming report. This can be helpful, but also can present limitations in assessing the impact of long-term projects. CRER analysed the most recently available mainstreaming report in our analysis. In addition, in order to best achieve consistent analysis, for reports that published updates on both mainstreaming and progress on equality outcomes in the same publication, CRER only considered the sections on mainstreaming in the following analysis.

4.2 PROTECTED CHARACTERISTICS AND NEEDS

Mainstreaming reports should detail how an organisation has embedded equality into each of its functions for each of the relevant protected characteristics and for each of the three 'needs' set out in the general equality duty (to eliminate unlawful discrimination, advance equality of opportunity and foster good relations).

As this is the fourth time that most of the Glasgow organisations have issued PSED reports, we would expect that by now most organisations would have a good understanding of how they could embed equality for all protected characteristics. However, as we discuss in detail in this section, fewer organisations than expected sufficiently expressed how they are meeting their legal duties.

4.2.1 Discussion of Specific Protected Characteristics

As in past reporting cycles, the extent to which protected characteristics were covered, or even discussed at all, varied greatly from report to report. Our review considered the eight protected characteristics which should have been mentioned in the mainstreaming report (listed bodies have slightly different equality duties regarding marriage and civil partnership[14]) – age, disability,

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[14] Equality and Human Rights Commission (2016). Technical Guidance on the Public Sector Equality Duty: Scotland.

gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Figure 3 indicates how well Glasgow's public bodies performed in terms of meeting this goal.

FIGURE 3 – COVERAGE OF PROTECTED CHARACTERISTICS WITHIN MAINSTREAMING REPORTS
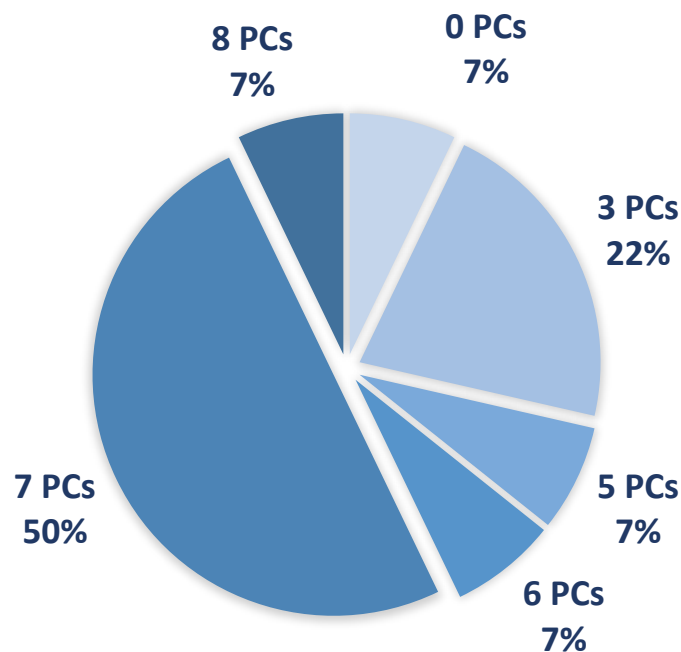
As detailed in Figure 3 above, only one of the 14 organisations that published a mainstreaming report in 2019 specifically discussed all eight relevant protected characteristics. Half of the Glasgow bodies that published a mainstreaming report explicitly referenced activities or data relating to seven (i.e. all but one) protected characteristics. Only one report had no detail at all regarding any protected characteristics. This represents an improvement from 2013, in which no organisation discussed all eight relevant protected characteristics, only 23% of the organisations discussed seven protected characteristics, and 12% of the organisations failed to cover any individual protected characteristic.

However, the composition of the protected characteristics varied in each report, and some protected characteristics were discussed more often than others. The total number of mainstreaming reports that mentioned activities or data related to any protected characteristic at least once can be seen at Figure 4 below.
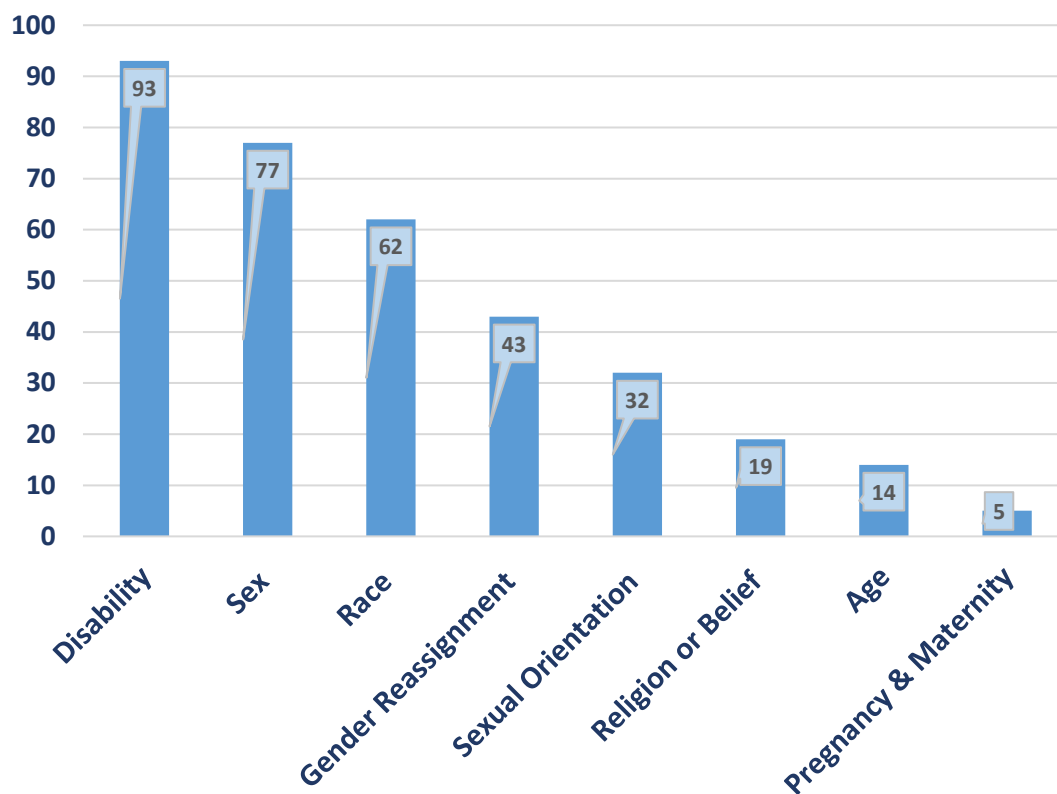
FIGURE 4 – NUMBER OF MAINSTREAMING REPORTS MENTIONING PROTECTED CHARACTERISTICS
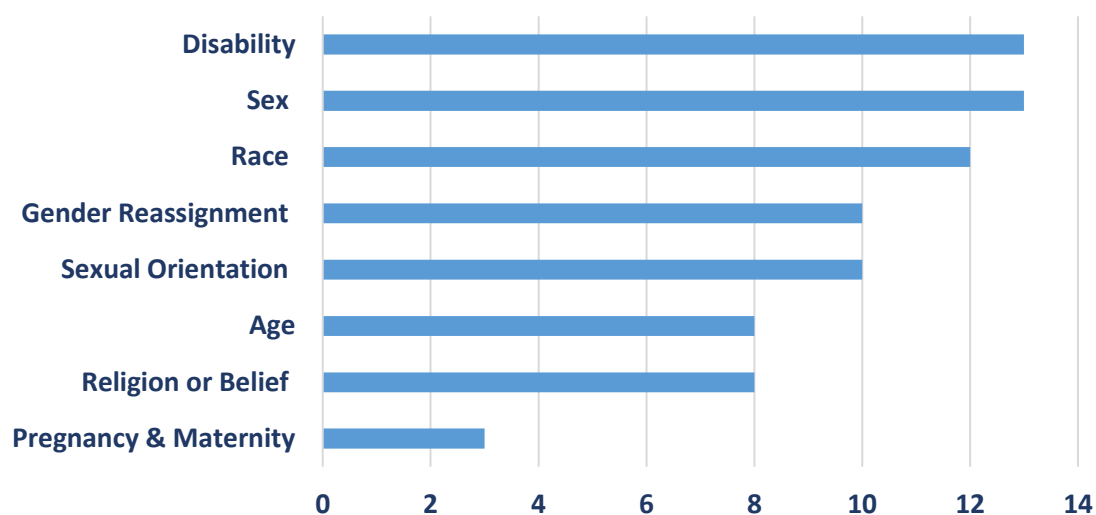
As illustrated above, activities or data relating to disability and sex were explicitly mentioned in 13 of the mainstreaming reports. Race/ethnicity was mentioned in 12 reports, gender reassignment was mentioned in 10 reports, sexual orientation was mentioned in 10 reports, age was mentioned in eight reports, religion or belief was mentioned in eight reports, and pregnancy and maternity was only mentioned in three.

The extent to which disability, sex and race were covered more thoroughly in mainstreaming updates can be more clearly observed by examining the number of activities described across all reports, not just the number of reports that discuss a protected characteristic at all. Not only are disability, sex, and race discussed in more mainstreaming reports than other protected characteristics (as illustrated in Figure 4), but as Figure 5 indicates, they are discussed far more often even within the reports themselves than other protected characteristics.

FIGURE 5 – NUMBER OF MENTIONS[15] OF PROTECTED CHARACTERISTICS (ALL MAINSTREAMING REPORTS)

Across all 14 of the mainstreaming reports that were published, activities or data relating to disability were discussed 93 times (77 for sex and 62 for race), with only five mentions for pregnancy and maternity.

While the same number of reports mention gender reassignment and sexual orientation (10 reports), there was a greater focus on activity or data within those reports relating to gender reassignment than sexual orientation (although many reports referred to general LGBTQ+ activity that could cover both protected characteristics).

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[15] 'Mentions' refer to individual narratives within mainstreaming reports on either activities or notable data relating to specific protected characteristics. Repeated topics were only counted once. References to BSL action plans were not counted as bodies are required to undertake those activities under different legislation.

Multiple references to a protected characteristic within discussion of a particular activity or topic were not tallied separately. For example, a report that included several mentions of 'women' or 'sex' in a discussion about the impact of an organisation's Gender Action Plan received one count for sex (rather than a count for each individual reference to 'women' or 'sex').

Some of these trends have existed since the first round of reporting. Specifically, disability was the most reported of all the protected characteristics in 2013, 2015, 2017, and again in 2019. Just as in 2019, pregnancy and maternity has been the least reported on protected characteristic since the initial PSED reports. Glasgow organisations have improved in their discussion of equality activities related to gender reassignment – in 2013, only five reports mentioned this protected characteristic; this number doubled in 2019. However, one distinction in 2019 from past reporting is the increased discussion of sex, compared to race – 2019 is the first year in which more reports discussed activity or data related to sex than race.

There was great variety across reports regarding the *type* of activities or data discussed for each protected characteristic. Activities mentioned included accessibility issues, specific staff networks for different protected groups, various activity related to Gender Action plans, demographic data, specific training for issues relevant to particular protected characteristics, barriers to participations by individual groups, and a variety of celebration events such as Black History Month, Pride, or International Women's Day.

Even where organisations reported on the same type of activity, different reporting methods were more effective. For example, several organisations reported on their practice of disaggregating survey responses by individual protected characteristics. Some reports were vague, and simply reported that disaggregation was done. Others, however, provided more context around why disaggregation was done, as well as findings and differences between specific groups. This second type of reports provided more clarity about the situation at those organisations, why the practice of collecting equalities data is helpful and the impact of that data.

Given that this is the fourth round of reporting for most organisations, it is disappointing to note that most reports were vaguer than might be expected as to how organisations were mainstreaming equality.

Many reports referred to general 'equalities' activities or training without referencing individual protected characteristics; those activities were not counted in our tally. There also was a large focus within educational organisations on mental wellbeing, which occasionally made distinguishing events targeted towards disability (i.e. mental health) from activity applicable to all students or staff (i.e. mental wellbeing) difficult.

Similarly, several bodies discussed activities related to ESOL (English for speakers of other languages) or translation services. Some organisations explicitly related how these activities impacted particular minority ethnic communities, but many did not. These types of programs have to do with people's practical needs, and are not limited to individuals from certain communities. As CRER has raised many times, not all BME people need assistance with English translation, and a broader scope of activity is needed to tackle more universal race equality issues. As in past reporting cycles, without additional clarity when describing these activities as to how they relate to individual protected characteristics, it was again hard to see how these generic projects in themselves had mainstreamed equality as required by the equality duties.

4.2.2 'Needs' of the General Equality Duty

As highlighted at the beginning of this section, the general duty requires organisations to have due regard in relation to three particular needs. The Equality and Human Rights Commission's non-statutory mainstreaming guidance clearly explains that reports should explicitly connect activities to these needs: [16]

> *The mainstreaming duty is specifically linked to the general equality duty, as your report should be. You should take an overview of your authority's functions and describe how these have contributed to eliminating discrimination and other unlawful conduct; to advancing equality of opportunity; and to fostering good relations.*

The Commission's technical guidance is even more specific: [17]

> *In deciding on what other information to include in its mainstreaming report a listed authority should consider reporting on how the general equality duty has been embedded across all of its relevant policies and practices. This may include any internal procedures that are intended to ensure that it has, in the exercise of its functions, due regard to the needs mentioned in the general*

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[16] Equality and Human Rights Commission (2016). Mainstreaming the Equality Duty: A Guide for Public Authorities in Scotland.
[17] Equality and Human Rights Commission (2016). Technical Guidance on the Public Sector Equality Duty: Scotland.

equality duty. To show that the steps it has taken are effective, the authority may wish to give examples of how these have helped to eliminate discrimination, advance equality of opportunity or foster good relations.

However, of the 14 mainstreaming reports that were published in 2019, half of them failed to explicitly describe how the activities of the organisation were contributing to any of the three 'needs' set out in the general equality duty.

These seven organisations did include discussions of the various initiatives or activities ostensibly meant to promote equality within their organisations. However, the failure to explicitly connect these activities to the needs of the general equality duty made it very difficult to ascertain how, if at all, these organisations were aware of or applying their legal duties.[18] Two organisations failed to even acknowledge the general duty in any way, and made no mention of any of the three needs under the general duty at all.

The Equality and Human Rights Commission's technical guidance on mainstreaming specifically refers to embedding equality in "…policies, procedures and corporate systems and reflecting it in business planning and reporting cycles"[19] – perhaps with this in mind, some organisations detailed their corporate structure, including structure around equalities, but failed to provide focus on any specific equality initiatives or activities. These reports read more like descriptions of corporate activities and structure rather than illustrations of what those organisations are doing to mainstream equality.

On the other hand, the other half of the 14 mainstreaming reports did explicitly label activity by need, using a variety of different approaches. Some used a matrix, or different headings or sections to describe activity by each of the three needs, allowing readers to easily see how the organisation was applying its understanding of its legal duties. However, there were instances where organisations labelled every activity to *all three* needs of the general duty (even where activities very obviously did not meet any of the three

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[18] Two organisations that failed to label activity by need within their mainstreaming reports did identify actions in their equality outcome reports by one or more of the needs of the general equality duty. As discussed in more detail in later sections, while including this information in equality outcomes progress is helpful for understanding why organisations are prioritising and setting equality outcomes, it does not relieve organisations of the responsibility to include that information in the mainstreaming report itself.

[19] Equality and Human Rights Commission (2016). Technical Guidance on the Public Sector Equality Duty: Scotland.

needs). By attributing each activity to all three needs, the utility of the cross-referencing was effectively nullified.

Figure 6 below indicates that organisations seemed to have greater success with identifying activities that met the second need (advancing equality). For this analysis, CRER only evaluated the activities that organisations specifically attributed to certain needs of the general equality duty, and where possible, evaluated whether they met that need as described according to the Equality and Human Rights Commission guidance.

FIGURE 6 – NUMBER OF ACTIVITIES MEETING A SPECIFIC 'NEED' (ALL MAINSTREAMING REPORTS)
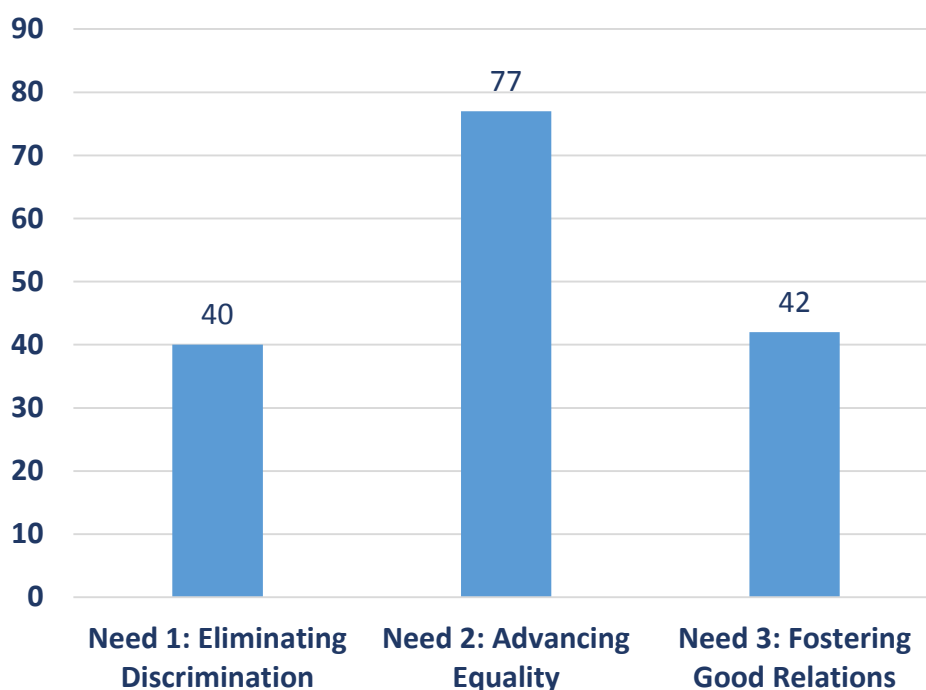
Descriptions of activities that fit the second need (advancing equality) almost doubled the mentions of activities that met either the first need (eliminating discrimination) or the third need (fostering good relations). Specifically, while 77 activities related to the need of advancing equality, only 40 related to the need to eliminate discrimination and 42 related to the need to foster good relations.

This matches the trend of every prior reporting period, in which organisations seemed to find it easiest to identify activity that met the second need.

Overall, many organisations took a high level approach to examples of mainstreaming activity. Most listed activity either too generic to convey the

impact on any protected characteristic, or listed activity without making it immediately apparent how the activity was meant to mainstream equality. On the other hand, an example that exhibited useful practice listed the following for each of its highlighted activity:

- A description of the activity
- The change the organisation wished to accomplish with this activity
- Which need of the general duty the activity was meant to address
- What specific actions were taken
- What difference was made as a result

This provided excellent clarity, and the only suggested improvement to this format would be to more specifically illustrate what progress was made relevant to specific protected characteristics.

Not all organisations clearly demonstrated an understanding of the separate needs of the general duty. For example, some reports attributed work done with specific groups to address ongoing employment gaps to the first need (eliminating discrimination), when it would be more accurate to attribute that activity to the second need (advancing equality). Difficulty in correctly attributing activity to the appropriate need was present in many reports.

Moreover, many organisations stated that activity met one or more of the needs of the general duty; however, after inspection, the listed activity actually met *none* of the needs. A particularly widespread example was where an organisation pointed to its involvement in a wider network of organisations fighting for equality as evidence that one or more need was being met, with no description of actual activities undertaken by the reporting organisation.

The following activities were generally reported for each of the three needs:

1. **Elimination of discrimination or unlawful conduct**
   These activities focussed on training programmes to eliminate discrimination or harassment, Equality Impact Assessments, various accessibility surveys or programmes, efforts to improve reporting systems, and legal guidance.

2. **Advancing equality of opportunity**

   These activities were more varied, and included basic accessibility activities, employability training, work placements, initiatives to improve participation rates, partnership or staff network groups or working groups, and support groups or outreach programmes for particular protected characteristics. Many education institutions detailed various approaches taken to reduce attainment gaps for people with a protected characteristic.

3. **Fostering good relations**

   These activities were largely focussed on one-off events, such as LGBT Pride or Black History Month events, or 'diversity days' that were not specifically tailored to individual protected characteristics. There was very little supporting evidence to explain the impact of these 'culture day' events, and rarely did any report describe how individuals from these communities were included in organisation or implementation. While awareness raising can go some way to affecting attitudes (for example the importance of Black History Month in addressing the lack of education on the role of BME people in shaping and building British society), these events do not contribute to mainstreaming in isolation. At worst, these events can represent tokenism, particularly where individuals from the relevant protected characteristic group have not had a role in their development and delivery. Nevertheless, where organisations report on such events with some reference to how these help to progress one or more of the three needs (with information on their impact on those with protected characteristics), this can usefully support reporting on mainstreaming alongside longer term approaches. Simply reporting that the events were well attended or that attendees had enjoyed their experience does not effectively demonstrate that the equality duty has been embedded into the functions of a listed authority.

   However, some examples of useful practice of fostering good relations were present in the reports, like hosting a staff portal in which examples from the lived experiences of disabled people are shared or creating a programme of reparative justice relating to historical links with slavery. This type of activity is more likely to 'tackle prejudice' and 'promote understanding' (the key considerations to whether a function can affect

good relations, as explained by the Equality and Human Rights Commission's non-statutory guidance[20]) than one-off celebrations.

4.2.3 Connecting 'Needs' of the General Duty with Protected Characteristics

As with past reports, many organisations did not sufficiently explore how their mainstreaming activities explicitly connected to the protected characteristics they are intended to benefit.

'Cross-strand' or generic equality activities were often presented without acknowledgement that these may benefit some protected characteristic groups more than others. Activities that contribute to meeting the equality duties must relate to one or more protected characteristics – those which create benefits for everyone without addressing a disadvantage are not relevant, however positive the general impact may be. Where they were addressed, protected characteristics were often mentioned in a relatively narrow range of contexts. As described in the prior sections, occasionally the only mention of a protected characteristic across the entire mainstreaming report was simply a listing of demographic data rather than a description of activity undertaken by the public body.

Compared to past reporting cycles, the seven organisations that described how they embedded equalities for each of the three 'needs' of the equality duty showed an improvement in connecting their activities to protected characteristics:

- One organisation explicitly linked activity, labelled by need of the general duty, to all eight possible protected characteristics.
- Five organisations explicitly linked activity, labelled by need, to six out of the eight possible protected characteristics (pregnancy and maternity was the least described characteristic).
- The seventh organisation that described activity by particular need reported on only four of the eight protected characteristics.

Though overall this shows an improvement on connecting activity to particular protected characteristics, it is discouraging that in this fourth round of

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[20] Equality and Human Rights Commission (2016). Mainstreaming the Equality Duty: A Guide for Public Authorities in Scotland.

reporting (for most organisations), the extent to which the general duty is being mainstreamed for all protected characteristics is still not clear.

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KEY LEARNING POINTS

- When discussing mainstreaming activities, ensure that consideration is made to describe which of the three needs, as outlined in the Equality Act, will be advanced
- Ensure that all narratives specifically address how mainstreaming activities relate to one or more protected characteristics in order to demonstrate relevance to the general equality duty
- Endeavour to connect mainstreaming activity to all relevant protected characteristics, and if not, clearly lay out evidence for why certain protected characteristics are receiving additional focus
- Clear formatting and delineated headings of activity by function, need of the general duty, and/or protected characteristic will create a more understandable and practical report
- If publishing a standalone mainstreaming report, ensure that clear directions and hyperlinks are included to other reports, and that all data is consistently reported across publications

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5 DUTY TO PUBLISH EQUALITY OUTCOMES PROGRESS

In 2019, listed authorities were required to publish progress made to achieve their 2017 equality outcomes. Organisations were not required to publish a new set of outcomes, but some organisations chose to edit or refine one or more of the equality outcomes set in 2017. The reasons for this varied by organisation, but included adding new outcomes to reflect "major, evidence based equality activities", dropping outcomes after a review "concluded they more accurately reflected some [] equality mainstreaming activity, as opposed to more specific and time limited objectives", removing some actions because certain areas of work "are no longer strategic priorities", and refining or scaling back equality outcomes in order for outcomes "to be effectively monitored and evaluated through the interim review period" of 2019-2021. Organisations should be careful not to focus only on inequalities relating to a subset of top strategic goals, as the public sector equality duty relates to all areas of an organisation's activities.

The Equality and Human Rights Commission's technical guidance states: [21]

> *A listed authority is required to publish a report on its progress in achieving its equality outcomes, at intervals of not more than two years from the publication of its previous report.*

However, the legislation allows for flexibility in what must be included in an equality outcomes progress report, and the way in which a progress report is published at all. While the legislation itself does not stipulate the information to be included in this progress report, the Commission has published a series of guidance documents demonstrating how this duty can be met. This guidance advises:[22]

> *Published information about your outcomes, the action you have taken and the progress you have made to achieve them is likely to provide evidence that the public will use to assess your performance on equality.*
>
> *. . .*

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[21] Equality and Human Rights Commission (2016). Technical Guidance on the Public Sector Equality Duty: Scotland.
[22] Equality and Human Rights Commission (2016). Equality outcomes and the Public Sector Equality Duty: A guide for public authorities in Scotland.

Balanced reporting is as important as clear reporting. Ideally you should report on areas not only where progress is good but also where progress has been slow, or performance poor. That way your reporting should help you to learn what works and make better decisions.

While 15 organisations were examined in our review, only 12 published information on the progress that they had made in achieving their 2017 outcomes. These 12 organisations were ostensibly reporting on a combined 81 equality outcomes (across all reports). However, two reports did not fully articulate activities or outputs for one of their equality outcomes, bringing the total number of equality outcomes for which activity was analysed to 79.

The following sections examine the different ways in which organisations published their progress reports, and to what extent demonstrable progress was achieved for protected characteristics.

5.1 STRUCTURE OF EQUALITY OUTCOMES PROGRESS REPORTS

Some organisations reported progress on their equality outcomes in the same document as their mainstreaming reports, while some issued a separate report altogether detailing the progress made. A few organisations published progress updates on their equality outcomes annually rather than in two-year increments. As with other PSED documents that were published more frequently than the legislation requires, CRER analysed only the most recent document.

Most reports (seven out of 12) published equality outcomes progress by direct comparison against their 2017 equality outcome in a table or chart form. These tended to relist information set out in 2017 (equality outcomes, proposed actions, timeframe and/or measurement and monitoring targets), along with a column that described progress taken against these actions and/or targets. Three progress reports included information on which protected characteristics each outcome and/or action was meant to benefit, and three reports included which of the needs of the general duty the actions were meant to advance.

The best of these tables provided concise examples of the impact of their work, and allowed users to easily identify the result of the work undertaken by an organisation. On the other hand, occasionally equality

outcome reports did not directly list the progress undertaken by an organisation, but referred readers to prior sections of the mainstreaming reports (which required readers to flip back to several pages earlier). Organisations should resist the urge to create shorter reports if this impacts clarity, and should clearly connect progress towards equality outcomes in a way that easily translates for a reader.

Some organisations provided extra detail on the measures being used to evidence progress. Key examples include summaries of long-term measures and data collection, in addition to detailed tables for each equality outcome with individual outputs/actions to support that outcome, measure(s) by which success was tallied, baseline and interim measurement data, current performance information, further/planned work and comments, and/or an overall red, amber or green indicator for the actions. This level of detail provided several layers of clarity and a great depth of data by which users could evaluate the current state of work and, where possible, demonstrable progress.

However, other reports were less structured, and occasionally it was more challenging to identify what progress was made for each equality outcome. This was particularly the case where updates were organised not by outcome, but by different groups of staff. This resulted in multiple updates being provided for the same equality outcome in several different sections of the report, which could only be understood together by a reader flipping back and forth between several different pages. While reading different updates from different departments provided nuanced perspectives on pieces of work, it would have been much more effective had all the updates on progress related to the same equality outcome been described in the same section.

However, even the most well-structured progress reports often lacked any real 'progress' as to particular groups, and failed to illustrate any significant improvements for protected characteristics.

5.2 DEFINING PROGRESS

In order to identify the progress that each organisation has made in achieving their outcomes, CRER analysed each progress report to determine whether *demonstrable* progress had been made. The same methodology was used as in the research carried out by CRER for the

Equality and Human Rights Commission ('Effectiveness of the PSED Specific Duties in Scotland').[23]

Commission guidance on equality outcome setting explains that the primary aim of equality outcome setting is to better perform the three 'needs' of the general equality duty, each of which is intended to create positive change in the lives of people with protected characteristics.[24] To ensure this element of the research produced relevant conclusions, only positive change was included. Other activities and changes described in progress reports were not considered.

The following criteria were applied to identify positive change. Both criteria had to be met for a change to be considered relevant:

- Positive change demonstrated with quantitative evidence (including where an increase or decrease was asserted without providing numeric data), or with qualitative evidence obtained from the people impacted
- Positive change relevant to a specific protected characteristic, or to a specific equality issue. For example, a decrease in staff experience of discrimination at work would be relevant, but a decrease in general bullying at work would not.

The following content, although reported by authorities as demonstrating progress, did not meet the criteria and was therefore not recorded:

- Actions and outputs
- Generic commentary on the potential impacts of activity
- Activity related to processes, policy and practice

It's worth highlighting that a few organisations published information on a lack of progress, or even evidence that showed a worsening of the position for particular groups. While these examples were not counted as demonstrable progress towards equality outcomes for this report,

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[23] Coalition for Racial Equality and Rights (2018). Effectiveness of the PSED Specific Duties in Scotland. Equality and Human Rights Commission.
[24] Equality and Human Rights Commission (2016). Equality outcomes and the Public Sector Equality Duty: A guide for public authorities in Scotland.

inclusion of honest (and even poor) appraisals of the impact of various initiatives in progress reports is helpful for both organisations and users.

5.3 Positive Change Impacting Protected Characteristic Groups

Across all progress reports, only 54 instances of demonstrable progress, as defined above, were observed. As Figure 7 below indicates, 50 of these instances were demonstrated through quantitative evidence, while four were demonstrated through qualitative evidence. Most of the quantitative progress was provided through numeric data, but some was described narratively. The best examples of recording progress included a bank of both qualitative and quantitative data.

Figure 7 – Number of Instances of Demonstrable Progress (All Equality Outcomes Progress Reports)
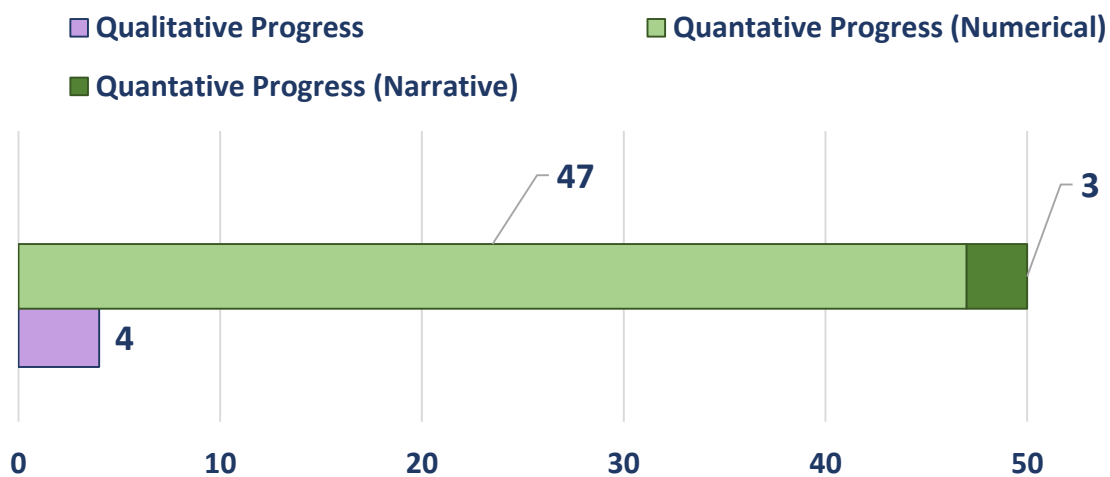
As visible in Figure 7, there was a trend amongst many organisations to focus on quantitative data as this can be easier to track and record. This focus is similar to past reporting cycles. As noted in prior reports by CRER, both quantitative and qualitative information is necessary to understand the full picture within an organisation. For some types of progress reporting, qualitative data to illustrate groups' experiences may be needed to show that all three of the 'needs' of the general duty are being met.

There were quite of a few areas of activity cited by organisations that did not meet the definition of demonstrable progress. These included the following:

- *Static information, opinions or comments* – Many organisations provided information as a snapshot, rather than illustrations of improvement since the implementation of the 2017 equality outcomes. For example, several organisations provided information from one-off reports or surveys. While such information is helpful to understand the current situation at those organisations, without baseline data from 2017, or a description of how these survey responses have changed over time, this type of data does not show any progress made (or not made) towards equality. This pattern was observed in many reports, across both qualitative and quantitative measures. Organisations that demonstrated useful practice in presenting progress updates provided information on how progress was measured, baseline data from 2017, data for year one (usually 2018), and current performance (usually approximately the date of the publication). This allowed users to clearly see the evolution and impact of activities taken to effectuate progress on equality outcomes.

- *Statements that 'improvement' has occurred* – Many organisations described their equality activities, and then generally stated that those activities had 'led to improvement' with no detail on how exactly that improvement was measured. Often, any measurement that was cited was from the perspective of the staff or organisation, rather than from a protected characteristic group or objective data. For example, several organisations described various equality trainings that had taken place, then stated that staff gave high levels of feedback on the training, or that a large number of staff have improved their understanding and awareness of specific equality issues. While this is an encouraging practice, better understanding of equality issues does not necessarily correlate with tangible improvements for people with protected characteristics.

- *Listing of awards received by organisations, in the absence of discussion of the impact of the work done in order to achieve the awards* – Several organisations pointed to receipt of various awards as evidence of how they have improved the lives of

individual groups with protected characteristics. However, without a discussion of the work done to achieve these awards, or any feedback or data from individual groups, it was difficult to ascertain the real impact of the receipt of any awards. Examples of awards received by organisations include Athena SWAN Charter awards, Stonewall Workplace Index rankings, Stonewall Diversity Champions or Safer Parking Award and Disabled Parking Accreditation. While it's true that some of these awards require organisations to submit detailed information regarding the specific impact their work is having on individual groups in order to receive these accreditations, readers of PSED reports may not understand those relationships. Specific work undertaken to receive such awards should be explicitly listed in PSED reports, otherwise the meaning of the award risks being lost.

- ***Planned / future work (including forward-looking assumptions)*** – Almost all organisations described how planned activity would impact people with protected characteristics. While planning information is helpful, and organisations should certainly continue to report on current and potential equality activity, these statements were not included as improvements.

- ***Description of ongoing activities with no discussion of impact of activities*** – Overall, many organisations glossed over the impact of their activities. For example, almost all organisations included increased numbers on uptake of training on equality issues as evidence of improvements or progress. Simply that more staff have undergone training is meaningless without an evaluation of the impact of the training, particularly with feedback from individuals with protected characteristics. Similarly, many organisations cited their participation in equality events or celebrations, new initiatives or publications, or creation of peer support groups with no evaluation of the result of their activities.

On the other hand, a helpful observed practice was the restating of the initial 2017 equality outcome (e.g. certain groups of staff are supported to overcome challenges), the description of the

action taken to progress that outcome (e.g. creation of a tailored peer support group), and then specific data and evidence from the perspective of individuals with protected characteristics showing improvement on that outcome (e.g. staff surveys showing percentage increases in certain groups' sense of empowerment, success or satisfaction). This clearly showed the impact of the work taken, and how the organisation was effecting positive change for specific groups.

Levels of demonstrable positive change reported in 2019 were not equal across the protected characteristic groups, as demonstrated in Figure 8 below.

FIGURE 8 – NUMBER OF INSTANCES OF DEMONSTRABLE PROGRESS (BY PROTECTED CHARACTERISTIC GROUP) (ALL EQUALITY OUTCOMES PROGRESS REPORTS)
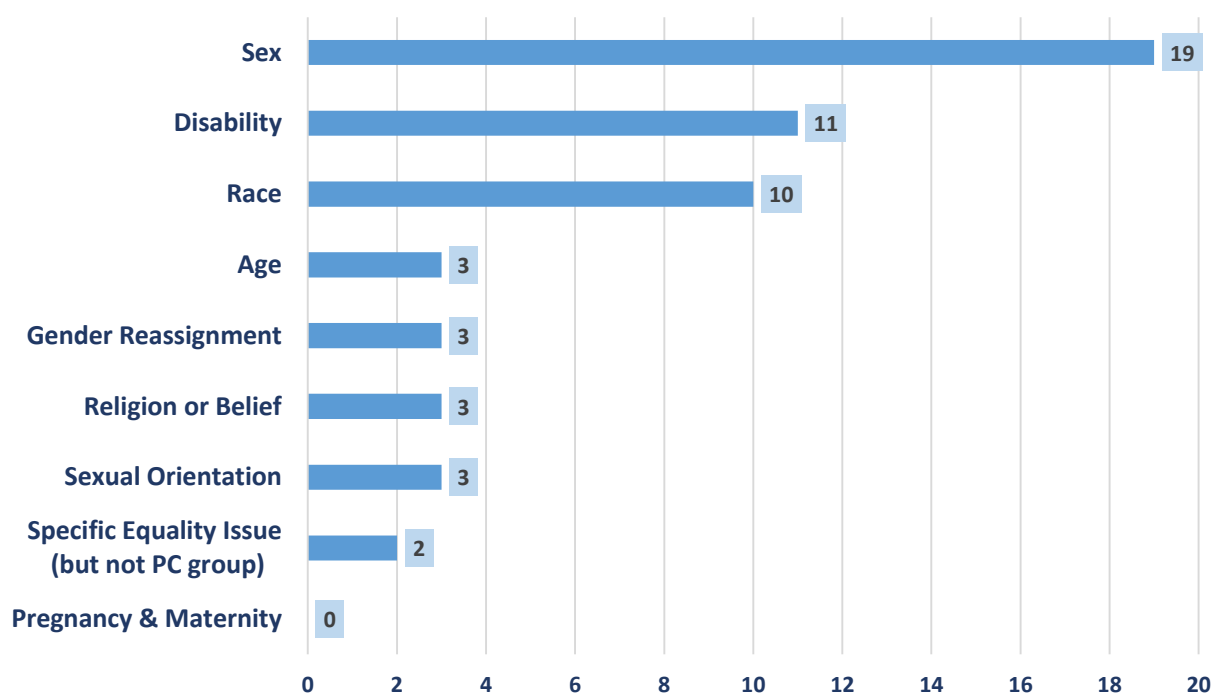
As with mentions of protected characteristics in mainstreaming reports (see Section 4.2.1 for more details), much of the progress was focussed on three protected characteristics: sex, disability and race. However, it's worth highlighting (as shown in Figure 9 below) that the number of instances of demonstrable progress (per protected characteristic) illustrated in the equality outcome reports was significantly fewer than the total mentions of each respective protected characteristic in the mainstreaming report.

FIGURE 9 – NUMBER OF MENTIONS OF PROTECTED CHARACTERISTICS (ALL MAINSTREAMING REPORTS) COMPARED TO NUMBER OF INSTANCES OF DEMONSTRABLE PROGRESS (BY PROTECTED CHARACTERISTIC GROUP) (ALL EQUALITY OUTCOMES PROGRESS REPORTS)
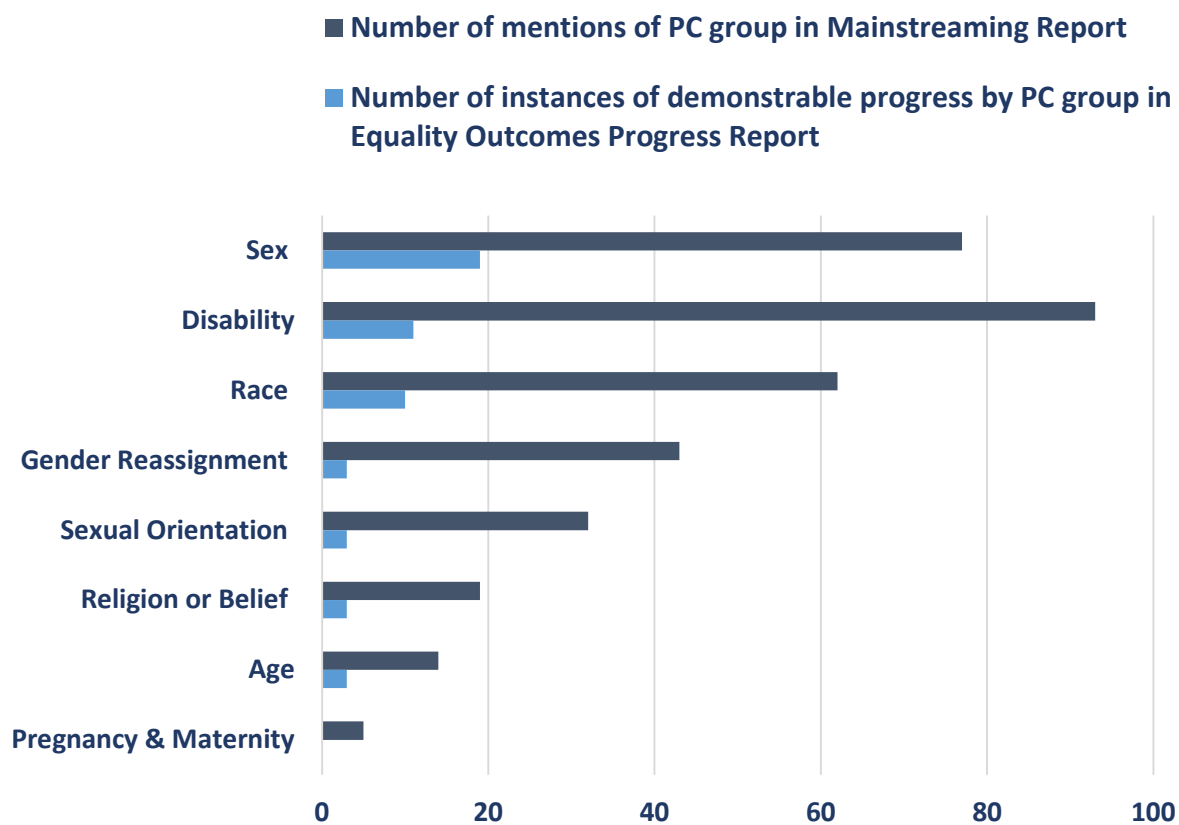
As Figure 9 illustrates, the (at times) high level of focus of discussion on different groups in mainstreaming reports does not translate into the same level of demonstrable progress for respective groups in the equality outcomes progress reports. Figure 9 also demonstrates that the less a mainstreaming report discusses a protected characteristic, the less progress will have been demonstrated for that group. This perhaps indicates that the more organisations can normalise and mainstream conversations about individual groups, the more impact an organisation tends to achieve for that group.

Positive change related to sex was reported at almost double the rate of the next highest number of measures of positive change. No instances of positive change relating to pregnancy and maternity were recorded in 2019.

Worryingly, however, most of the examples of progress for particular protected characteristics were concentrated in a small number of reports. While 12 bodies published equality outcome reports, only seven described how lives of any protected characteristic group had improved because of their initiatives. Only one organisation described progress for all eight relevant protected characteristics.

A brief overview of the types of positive change recorded by protected characteristic is as follows:

- **Sex**: There were 19 instances of demonstrable progress for sex. Progress cited for this category included improved attainment rates, increased staff satisfaction rates or learner confidence rates, improved participation rates in academic settings/courses, reduction in pay gaps by gender, and increased proportions of female staff. Evidence was provided through both qualitative and quantitative evidence.

- **Disability:** There were 11 instances of demonstrable progress for disability. Like with sex, evidence for progress for this group was given through both qualitative and quantitative means. Changes for this group focussed on improved disclosure rates[25] in staff, increased numbers of disabled people gaining access to specific learning programmes or employment, improved attainment rates, and positive feedback from disabled students on specific programmes tailored towards disabled learners. Organisations, particularly academic institutions, were not always clear when presenting evidence as to the distinction (if any) they were making between efforts to improve mental wellbeing and learning stress for all learners, compared to efforts to improve the lives of disabled learners specifically.

- **Race:** There were 10 instances of demonstrable progress for race, all shown through quantitative evidence. These focussed on increased disclosure rates of staff, improved attainment rates of students, and higher uptake of tailored one-to-one support sessions for employment

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[25] We note that while improved disclosure rates for particular groups can potentially lead to better understanding of the issues affecting certain communities, higher disclosure rates alone do not necessarily result in better outcomes in the lived experiences of that group.

assistance (though little focus was given to improved employment figures) or learning programmes.

- **Age:** There were three instances of demonstrable progress for age, which were illustrated through quantitative evidence. Two were focussed on younger groups (higher attainment levels for younger age groups, and higher number of young people gaining access to employment or apprenticeships), while the other illustrated a reduction in risk of injury to older people through safety initiatives.

- **Gender Reassignment:** There were three instances of demonstrable progress for this protected characteristic, including qualitative feedback from transgender staff and learners regarding an organisation's new policies, as well as quantitative data regarding a decrease in reported transphobic hate crimes and an increase in participants in LGBTQ+ staff networks.

- **Sexual Orientation:** Like gender reassignment, there were three instances of demonstrable progress for sexual orientation. All evidence was provided through quantitative data, and progress included increased disclosure rates, improved attainment rates, and an increase in participants in LGBTQ+ staff networks.

- **Religion or Belief:** There were three instances of demonstrable progress for this protected characteristic. Similar to other groups reported on less frequently, progress here centred on higher attainment rates, increased disclosure rates, and fewer reported hate crimes.

- **General:** There were two instances of demonstrable progress for a specific equality issue, rather than a particular protected characteristic – an increase in student perception of being treated equally, and a decrease in queries about how to handle equality related complaints.

5.4 OVERALL SCORE OF DEMONSTRATED PROGRESS

CRER assessed the overall score of the Glasgow organisations that published equality outcomes progress reports in 2019 using the following rating scale (based on the approach taken in research carried out by CRER on behalf of the Equality and Human Rights Commission ('Effectiveness of the PSED Specific Duties in Scotland'[26])):

- **0 - No demonstrable progress** – no single example of demonstrable progress for any particular characteristic group for any equality outcome for that organisation
- **1 - Limited demonstrable progress** – evidence of demonstrable progress for any particular characteristic group for less than half of the equality outcomes for that organisation
- **2 - Significant demonstrable progress** – evidence of demonstrable progress for any particular characteristic group for more than half of the equality outcomes for that organisation
- **3 - Comprehensive demonstrable progress** – examples of demonstrable progress for any particular characteristic group are clearly reported on for each of the equality outcomes for that organisation

Overall, as Figure 10 below indicates, the 12 Glasgow bodies that reported on progress on equality outcomes in 2019 largely failed to demonstrate even moderate progress for particular characteristics.

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[26] Coalition for Racial Equality and Rights (2018). Effectiveness of the PSED Specific Duties in Scotland. Equality and Human Rights Commission.

FIGURE 10 – OVERALL SCORE OF PROGRESS REPORTING (ALL EQUALITY OUTCOMES PROGRESS REPORTS)

Significant demonstrable progress (17%)

Comprehensive demonstrable progress (0%)

No demonstrable progress (42%)

Limited demonstrable progress (42%)

Percentages may not add to 100% due to rounding.
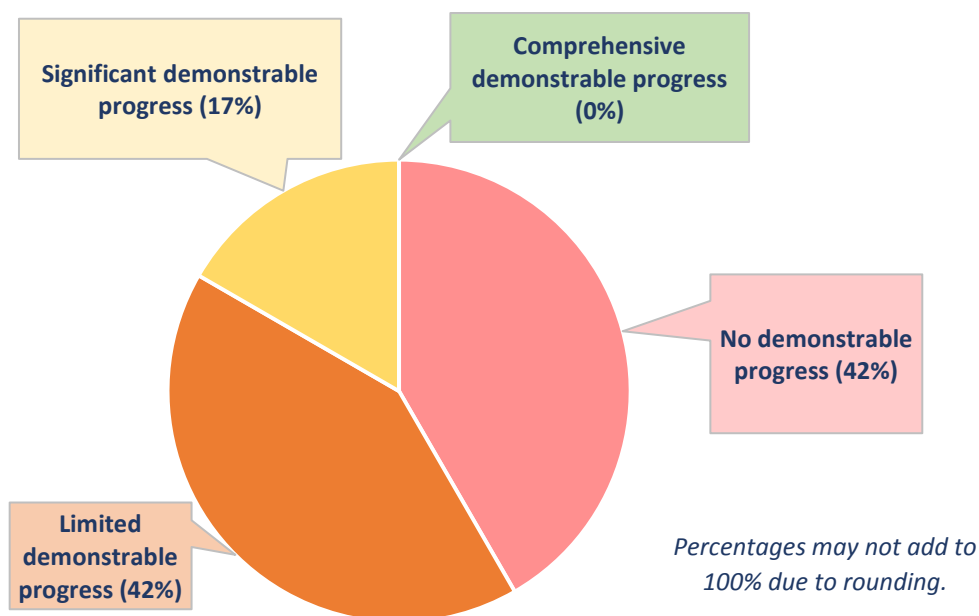
Not a single organisation demonstrated comprehensive progress. Put another way, no organisation reported evidenced progress for any protected characteristic group for each of its equality outcomes. Only two organisations evidenced progress for over half of their equality outcomes. Five organisations failed to show any progress for any particular characteristic group at all.

This does not indicate that organisations are failing to make progress on any of the goals set out in their 2017 equality outcomes. Several organisations used red, amber and green systems to show that they were on track for completing what they set out to do in 2017. However, because many of those 2017 outcomes failed to properly focus on prioritising improvements for particular characteristic groups, as required by the Equality Act, the reported progress understandably shows little attention to the difference made for protected groups.

Unfortunately, all this taken together indicates that little has been done for protected groups in this mid-cycle reporting period.

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KEY LEARNING POINTS

- When reporting on progress towards equality outcomes, the focus should be on reporting what, if any, positive change has occurred in the lives of people with protected characteristics
- Both qualitative and quantitative evidence should be used to illustrate progress towards equality outcomes
- Incorporating baseline information and references to past AND current evidence is helpful to show change in an organisation, rather than just a snapshot of what's currently happening within an organisation
- Restating existing policies, describing planned work, or assuming a positive impact is (or will be) happening does not contribute to reporting on progress towards achieving outcomes
- A good structure only goes so far – progress should prioritise showing what difference has been made to protected groups

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6 DUTY TO GATHER AND USE EMPLOYEE INFORMATION

The employee information duty requires specific information to be published within the mainstreaming report, if it has not already been published previously elsewhere. The information required includes an annual breakdown of a range of employee equality monitoring data and details of progress in gathering and using that data to better perform the equality duty.

Of the 15 organisations surveyed in this report, 12 organisations published some degree of employee information, some doing so with more robust data than others, and only a few with enough information to be compliant with the duty. One organisation that failed to publish employee information published no PSED documents for the 2019 reporting cycle at all. The two remaining organisations that did not publish employee information did not do so as either staff numbers were low enough to trigger data protection concerns, or no staff was directly employed. As this section will detail, many organisations published information on just a few of the protected characteristics. Most failed to provide a robust narrative on the data, particularly in terms of gathering and using the information.

The Equality and Human Rights Commission's non-statutory guidance on employee information summarises the duty to gather and use employee information: [27]

> *A listed authority must take steps to gather information on the composition of its workforce and the recruitment, development and retention of its employees, with respect to, in each year, the number of relevant protected characteristics of such persons.*

The guidance further sets out a range of topics which could be collected in pursuit of the duty:

> *We recommend that you work towards gathering and using information disaggregated by protected characteristics on the following:*
>
> - *Recruitment and promotion*
> - *Numbers of part-time and full-time staff*

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[27] Equality and Human Rights Commission (2016). Employee Information and the Public Sector Equality Duty.

- *Pay and remuneration*
- *Training and development*
- *Return to work of women on maternity leave*
- *Return to work of disabled employees following sick leave relating to their disability*
- *Appraisals*
- *Grievances (including about harassment)*
- *Disciplinary action (including for harassment)*
- *Dismissals and other reasons for leaving*

Accordingly, this section of our report analyses the information published by bodies on the following topics:

- Employee composition (also known as the workforce profile)
- Recruitment (including applications, interviews, and appointments)
- Staff development (including training, promotions, disciplinary actions, and grievances)
- Retention (leaver data for the organisation, including retirement and maternity leave data)

The regulations require organisations to publish data in each of these four basic areas, disaggregated by particular characteristic. Figure 11 below gives an overview of how many of the listed authorities covered in our report included information on each area of employee information.

FIGURE 11 – TYPES OF EMPLOYEE INFORMATION PUBLISHED
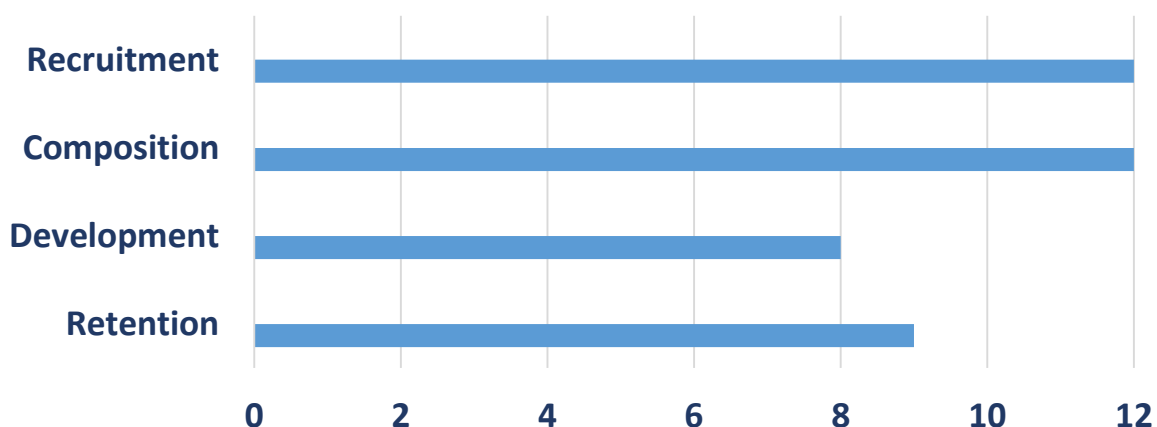
This year, all 12 bodies that published employee information published at least some information on workforce composition. In an improvement to 2017 and earlier reporting cycles, for the first time, all bodies that published employee

data also published at least some information on recruitment. Staff development and retention were reported on more often than in past cycles, but still not by all organisations (eight and nine bodies, respectively).

However, this data was not published in the same level of detail for all protected characteristics. Figure 12 below shows the overall degree to which protected characteristics were covered by organisations in respect of each of the four key areas. As later sections of this report will explain, some organisations only published partial information for each area.

FIGURE 12 – PROTECTED CHARACTERISTICS IN EMPLOYEE INFORMATION
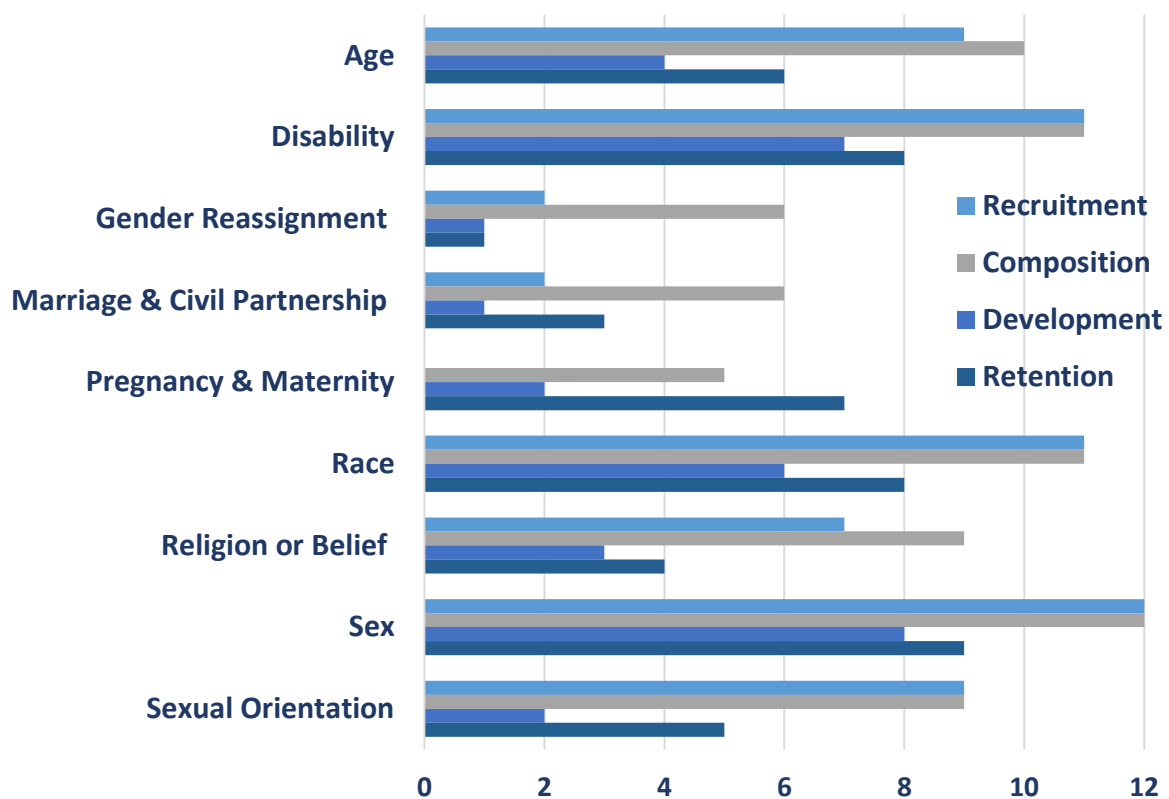
As with all past reporting cycles, sex was by far the most covered protected characteristic, with recruitment and composition data appearing in all 12 reports, retention in nine reports, and development in eight reports. The next most comprehensively covered characteristics were disability and race. As in past years, fewer organisations reported on gender reassignment, marriage and civil partnership,[28] and pregnancy and maternity. Some organisations

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[28] In most cases, this report looks at only what the Equality Act 2010 lists as 'relevant protected characteristics' for public sector equality duty purposes (all of the protected characteristics except marriage and civil partnership). However, six of the organisations

stated that they had collected information for some of these protected characteristics, but were choosing not to publish that data due to smaller sample sizes and low disclosure rates. Organisations are not required to publish employee information on marriage and civil partnership, but several organisations chose to do so.

Other than for pregnancy and maternity, composition was covered the most for each protected characteristic, usually followed by recruitment, then retention, and finally development.

Organisations were split as to how they presented data – some discussed employee data by topic (then within each topic, by individual particular characteristic), while others discussed all data related to a particular characteristic in one section. The way in which organisations defined different categories within the protected characteristics also varied somewhat widely amongst the 12 organisations that published employee data, as follows:

- **Age**: Organisations were inconsistent in how they reported on various data sets related to age. Some organisations presented data in five-year sections (i.e. 20-24), while others presented data in ten-year sections (i.e. 20-29). Not all organisations tracked age groups in the upper range the same way, with some having a maximum age category as low as 55+, and others as high as 70+.

- **Disability**: Most often, organisations reported information disaggregated by disabled, 'not disabled', prefer not to say, or unknown. However, some organisations provided more detailed tables that described data trends by type and status of disability. The more detailed charts provide greater resources for organisations in determining how they can best meet the equality duty for their disabled staff.

- **Gender Reassignment**: Organisations rarely provided data on gender reassignment through a separate table or section. More often, as in past years, organisations chose to include 'other gender identity' alongside tables that recorded information on sex, as an alternative

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publishing employee information chose to include marriage and civil partnership, bringing the total here to nine characteristics instead of eight. CRER emphasises that marriage and civil partnership employee data was *not* required to be published in 2019.

to male or female. As in past reports, this is concerning and indicates that many organisations still struggle to understand that identifying as transgender does not preclude identifying as male or female. It's recommended that public bodies refer to guidance from organisations with expertise on these topics, such as the Scottish Transgender Alliance. At least one organisation in this reporting round appears to have done so. Additionally, data on gender reassignment must be published separately from other characteristics, allowing a clear delineation between sex and gender reassignment. In some cases, organisations did not provide a separate section or table, but narratively stated that they had no transgender staff.

- **Pregnancy & Maternity**: As indicated in prior sections, few organisations collected information relating to this characteristic. Most data related to returning from maternity leave. Accordingly, the most common categories for this characteristic were number of staff who were on maternity leave, had returned from maternity leave, or who had left the organisation after taking maternity leave. One organisation collected information on 'parental requirement', including information on paternity and adoption leave.

- **Race**: Most organisations combined data for all BME groups together, presenting data into 'white' and 'BME' groups rather than individual ethnic groups. This approach, often taken under the auspices of data protection, can potentially skew the interpretation of employee data by including white minority ethnic groups alongside white majority ethnic groups (or, in some cases, including white minority ethnic groups in an undefined BME category). As with past iterations of this report, CRER recommends reporting on at least 'white British', 'other white' and 'BME'. Where possible, a full breakdown using Census ethnicity categories is most informative. In 2019, only four organisations took a more detailed approach in this category.

- **Religion or Belief**: Organisations varied in how they approached reporting for this characteristic. Most often, organisations reported on employee data by Buddhist, Christian (Church of Scotland, Roman

Catholic, or Other), Hindu, Jewish, Muslim, Sikh, no religion, other religion, prefer not to say or unknown. However, a good number of organisations used a variety of other categories, including 'spiritual', agnostic or atheist, and undefined 'Other Major Religion'. These types of categories are ambiguous at best.

- **Sex**: Most organisations organised their sex data into male or female. As mentioned above, however, more organisations than expected continued to include 'transgender' as an alternate sex category, despite the repeated advice of CRER and other equality organisations that transgender is not an alternate to male or female (this is not to say that organisations should not include a non-binary category; however, that does not preclude the need to include a separate question on gender reassignment).

- **Sexual Orientation**: Organisations took different approaches to published data on this characteristic. The biggest group of organisations published data by heterosexual, lesbian/gay/bisexual (all collated together), prefer not to say, or no response. Others separated out bisexual from lesbian/gay, and a few published data disaggregated by sexual orientation and sex (i.e. gay man v. lesbian woman). Disappointingly, there remains some evidence that organisations continue to conflate sexual orientation and gender reassignment (for example, by publishing data by 'LGBTI' and 'not LGBTI' rather than separating out data by the two separate protected characteristics). CRER recommends that all data relating to sexual orientation be broken up by the upcoming 2021 Census categories where possible, and organisations should avoid conflating gender reassignment with sexual orientation.

Beyond the differences between reports on types of categories, there were occasionally instances in which the *same* report contained different categories of information. This pattern appeared most often between categories used for recruitment statistics versus composition statistics (for example, different age ranges for each). This precluded accurate comparison or data analysis.

Some organisations also included additional information on characteristics beyond those designated in the Equality Act (for example, caring

responsibilities). While being a carer isn't a protected characteristic in itself, discrimination case law has established that caring responsibilities are associated with protected characteristics such as disability and sex. This additional information can be useful for designing future policies and practices. However, these activities are not required under the specific duties, and must not be confused with the duties placed on listed authorities to consider disadvantage in relation to relevant protected characteristics.

Organisations did not all publish employee information in the same location. Almost half of the bodies (five out of 12) that published employee information did so in the mainstreaming report. This provided readers a better understanding of the relationship between the employee data and the organisation's approach to mainstreaming the general equality duty.

The remaining seven organisations published separate reports detailing employee information (two of these organisations included summaries of the employee information in their mainstreaming reports). While it is technically permissible to publish information outwith the mainstreaming report (so long as the employee data has already been published), this can potentially lead to a decreased focus on the impact of the employee data. Employee monitoring should not just be a tick box exercise, but should be used to further the needs of the general equality duty. This can be difficult to achieve when the employee information is separated from the mainstreaming report.

Additionally, while many organisations published standalone staffing reports for each year, organisations did not always consistently report on the same data every year. In some cases, the scope of data produced by organisations was smaller in 2019 than in 2018.

Organisations that demonstrated useful practice included clear signposting about where annual employee data was published, hyperlinks to the separate employee data publications and also key summaries of workforce data within the mainstreaming report itself, as well as consistent formatting and types of content across different reports.

The Equality and Human Rights Commission's technical guidance is clear: employee information must be provided via "an annual breakdown".[29] However, there is great variation in how organisations have interpreted this

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[29] Equality and Human Rights Commission (2016). Technical Guidance on the Public Sector Equality Duty: Scotland.

edict, and we have observed that many organisations are failing to provide employee data for **each** individual year.

Specifically, only half (six out of 12) of the organisations that published employee information in their 2019 reports provided employee data broken down by individual year, for the most recent two years (usually 2018 and 2019, though some reports covered 2017 and 2018 data). However, a quarter of the bodies (three out of 12) only provided a snapshot of data (as at year end 2018 or early 2019), thus providing only one year of data.

The remaining quarter (three out of 12) organisations had a mix of reporting periods across the different categories of data – some categories of data (i.e. workforce composition) were available for both years, but some categories of data (i.e. recruitment) were available just for the most recent year, and some categories of data (i.e. retention) were available only as a combined set of data for the entire two-year period of 2017-2019, not broken up by individual year. This method of reporting is contrary to the guidance and the regulations, and obscures the real story regarding staffing.

6.1 Employee Composition

Data on employee composition was provided by all 12 organisations which published employee information. In past years, few organisations published information on more than just a few protected characteristics. However, in 2019, 50% of the reporting bodies in Glasgow published information on either eight or nine[30] protected characteristics, a marked improvement from 2013 (19%), 2015 (40%), and 2017 (25%).

Figure 13 below shows the full breakdown of how many protected characteristics were covered in the 12 reports on employee composition. Disappointingly, a quarter of the 2019 reports only covered four or fewer protected characteristics.

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[30] As previously mentioned, organisations were not required to report on employee data for marriage and civil partnership. However, because six organisations chose to do so, CRER included this characteristic in our analysis.

FIGURE 13 – NUMBER OF PROTECTED CHARACTERISTICS DETAILED IN EMPLOYEE COMPOSITION

Percentages may not add to 100% due to rounding.
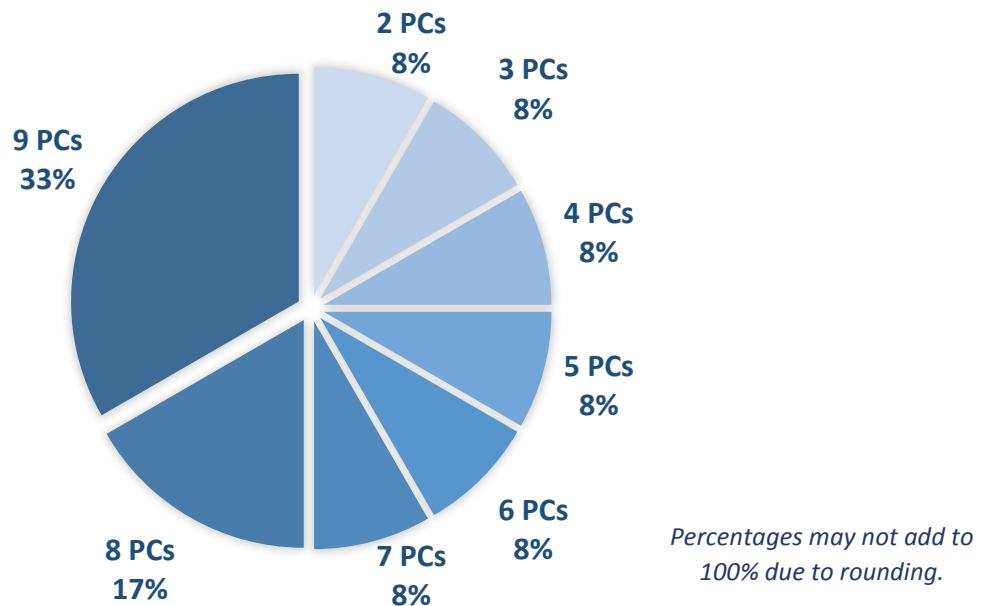
As shown in Figure 14 below, different protected characteristics were covered more often in employee composition data than others.

FIGURE 14 – PROTECTED CHARACTERISTICS IN EMPLOYEE COMPOSITION
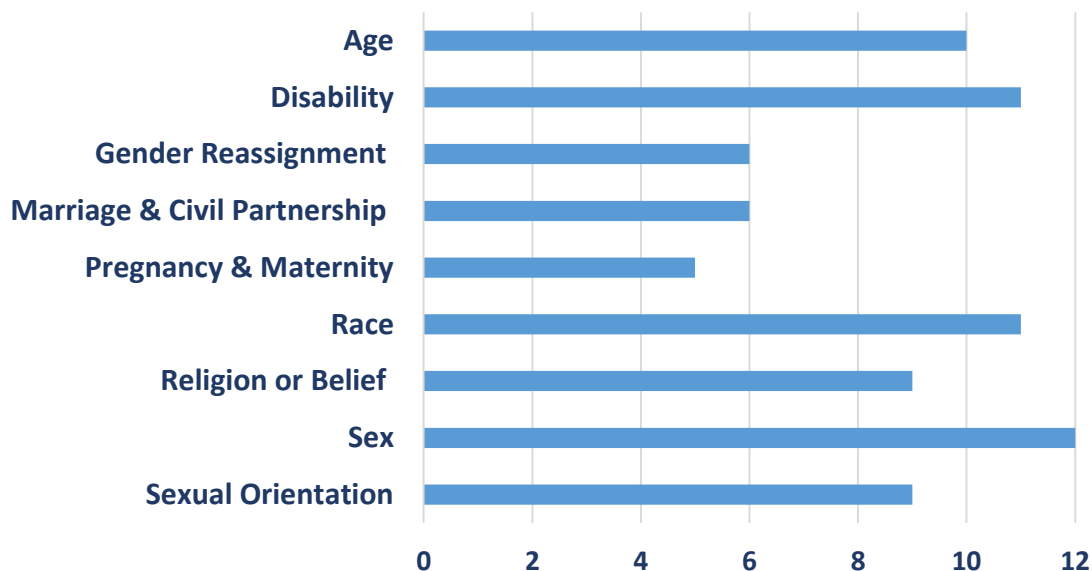
As in past reports, sex, disability and race were reported on most often, followed by age. Like in the 2017 reports, sex was the only protected characteristic that was covered in every single report on employee composition.

Pregnancy and maternity was the least reported characteristic (only five organisations provided composition data); however, a greater percentage of Glasgow reports provided such data in 2019 than in past years. Other characteristics that have traditionally faced underreporting also had higher reporting rates this cycle.

Nevertheless, it is disappointing that only half of Glasgow's organisations provided information on gender reassignment, in light of the repeated concerns raised about this underreporting by CRER in all three of the past reporting cycles. Just as in past years, there is comprehensive guidance from the Equality and Human Rights Commission and transgender equality organisations on how to approach reporting for transgender staff, and Glasgow bodies can greatly improve in this area.

As we have a particular interest in race equality, CRER also analysed the overall percentage of BME staff in the Glasgow listed authorities. All but one organisation that published employee information provided data on the ethnicity of their employees; particular data is shown below in Figure 15.

FIGURE 15 – PERCENTAGE OF BME STAFF IN GLASGOW LISTED AUTHORITIES
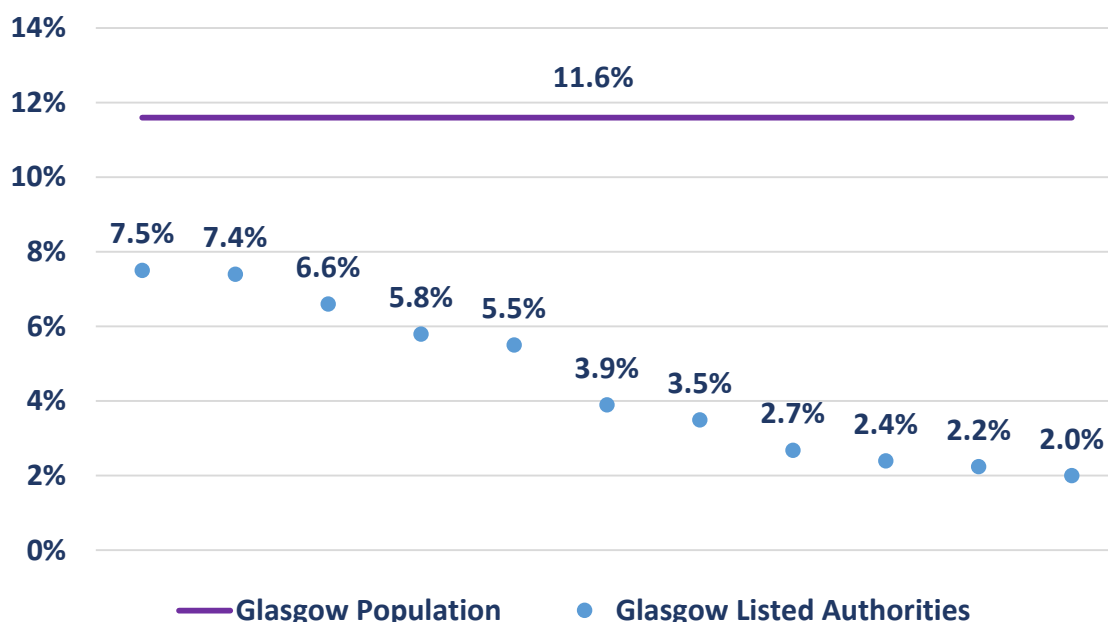
The range of BME representation amongst staff ranged from "under 2%" in one authority to 7.5%. The only organisations with a percentage of BME staff higher than 2.4% were academic institutions. These figures are well under the BME population of Glasgow, which constituted 11.6% of the overall population of the city in the 2011 Census. As the Census data is now eight years old, this

11.6% figure has certainly increased, meaning that BME staff are severely underrepresented in the Glasgow public bodies examined in this report.

6.2 RECRUITMENT

All of Glasgow's organisations published some data (either partial or full) on recruitment. However, none of the 12 Glasgow bodies that published employee information covered all nine protected characteristics regarding recruitment data. Only 25% of Glasgow's bodies published recruitment data in some form for seven or more protected characteristics (compared to 16% in 2013 and 30% in 2015), and another 25% covered six protected characteristics (roughly the same as 2015).

This narrower coverage is a sharp contrast to the wide coverage of characteristics in employee composition (where half of the bodies covered eight or nine characteristics). The full range of number of characteristics covered in recruitment data can be found in Figure 16.

FIGURE 16 – NUMBER OF PROTECTED CHARACTERISTICS DETAILED IN RECRUITMENT MONITORING

Percentages may not add to 100% due to rounding.
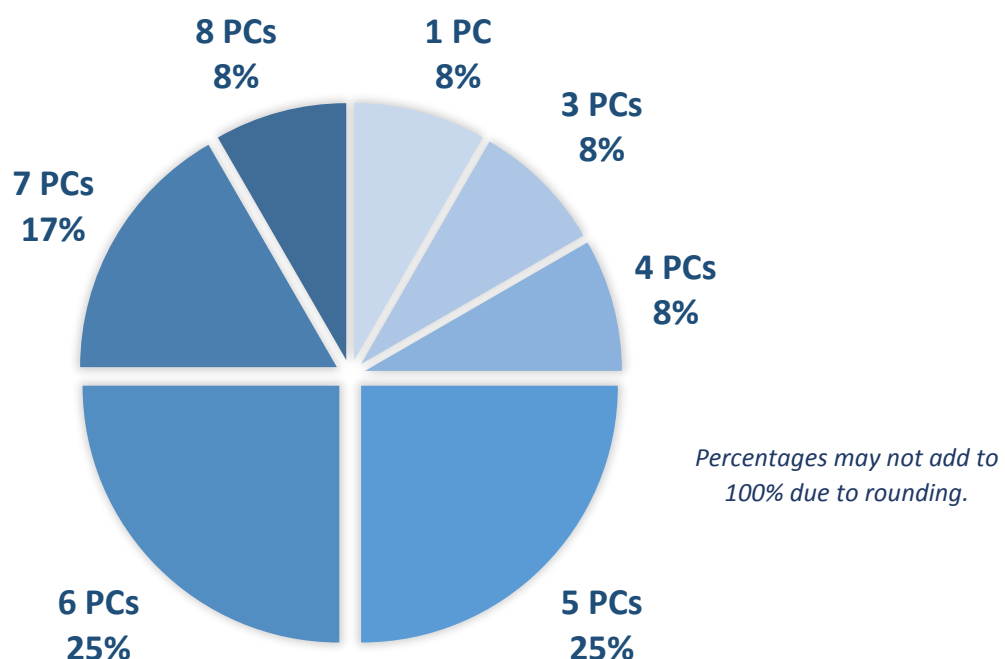
CRER was able to determine a clearer picture of employee recruitment monitoring by examining the level of information gathered for each protected characteristic.

In order to effectively monitor the equality impact of recruitment, and in order to follow the technical guidance of the Equality and Human Rights Commission, organisations should collect and publish information on the protected characteristics of candidates at application stage, interview stage and appointment. In Figure 17 below, the bottom (blue) bar for each characteristic indicates the number of organisations providing 'full data' (i.e. statistics on applications, interviews, and appointments), and the top (red) bar indicates those which provided 'partial data' (i.e. some, but not all, data on applications, interviews or appointments). As Figure 17 below indicates, organisations are continuing to struggle to publish full recruitment data, despite clear guidance from the Equality and Human Rights Commission and repeated commentary from CRER.

FIGURE 17 – PROTECTED CHARACTERISTICS IN RECRUITMENT MONITORING
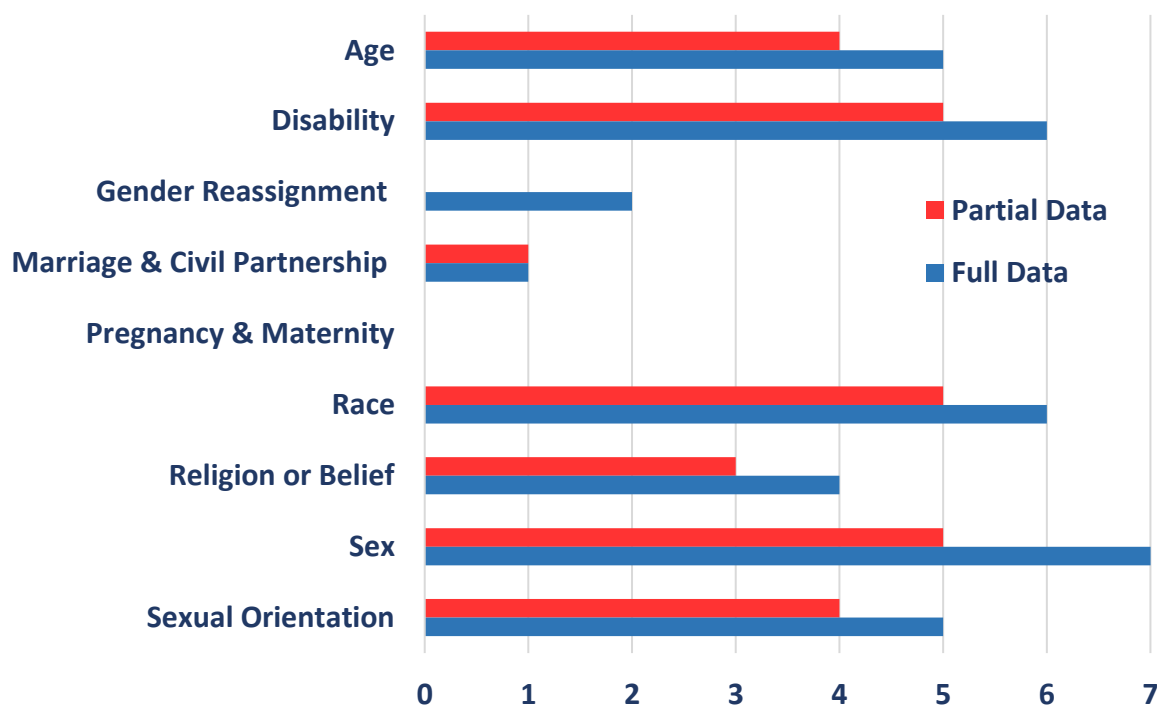
All 12 organisations published some degree of recruitment data for sex (seven with full data, five with partial data). Eleven organisations published recruitment data for race and disability (six with full data, five with partial data, for each characteristic). While there were more reports in 2019 providing full

data on recruitment information for a higher number of protected characteristics than in 2013, there were still a surprising number of reports that did not cover even partial data of certain characteristics.

No report provided any recruitment data for pregnancy and maternity. Gender reassignment was only covered in two reports.

All reports that provided full recruitment data for one characteristic provided full recruitment data for all characteristics on which that report covered. Most of the reports that provided only partial data provided information on applications and/or appointments, but neglected to include data for the interview stage. Wider research indicates that BME applicants consistently experience discrimination during recruitment.[31] Without data showing interview rates compared to appointment rates, a full picture cannot be developed.

Organisations that displayed useful practice in recruitment data broke down application, interview and appointment data by both internal and external applicants. This type of disaggregation was only done by two organisations, both of which were academic institutions.

6.3 DEVELOPMENT

Two-thirds of the reports (eight out of 12) publishing employee information in 2019 provided information on staff development, an improvement from past reports. One organisation provided staff development information on all nine protected characteristics. Disappointingly, most organisations that published development data did so for four or fewer characteristics.

Figure 18 below shows the full breakdown of how many protected characteristics were covered in the 12 reports on staff development.

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[31] Coalition for Racial Equality and Rights (2016). Race Equality Framework for Scotland: Employability, Employment and Income.

FIGURE 18 – NUMBER OF PROTECTED CHARACTERISTICS IN DEVELOPMENT MONITORING

Percentages may not add to 100% due to rounding.

- 0 PCS 33%
- 1 PCs 8%
- 2 PCs 8%
- 3 PCs 8%
- 4 PCs 17%
- 5 PCs 8%
- 6 PCs 8%
- 9 PCs 8%
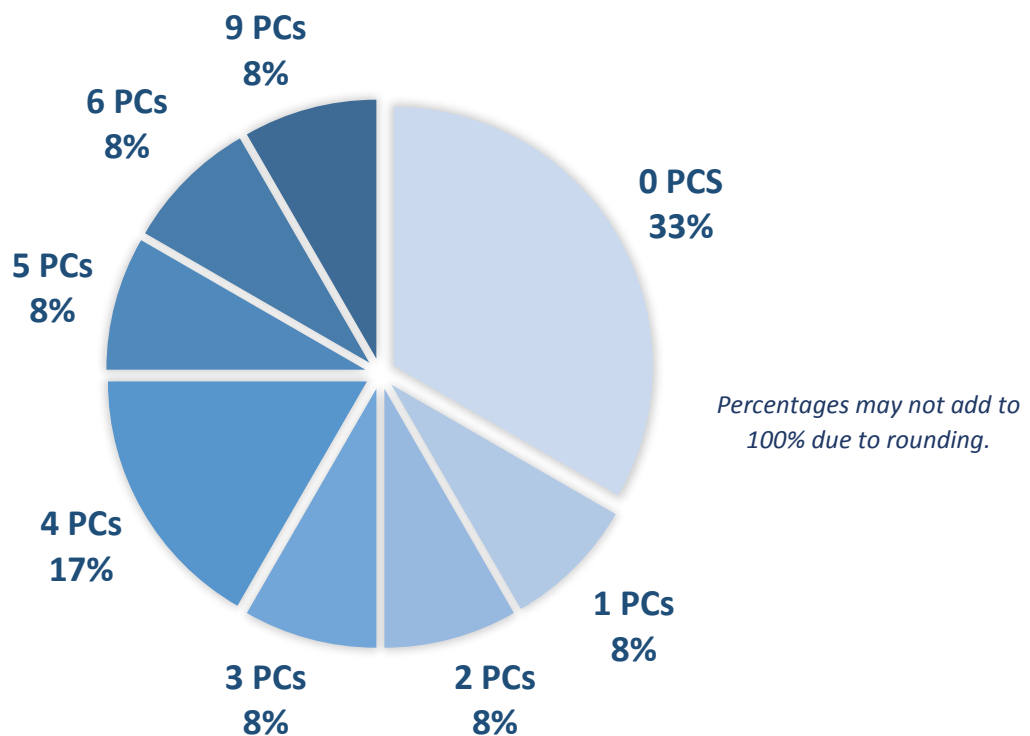
CRER reviewed published data for any mention of development, including data on continuing professional development and/or training, promotion, disciplinaries, and grievances. Where references to each of these areas of development were reported, CRER recorded this as 'full data' (see the bottom (blue) bar of Figure 19). Where fewer than all four of these areas were reported, this was recorded as 'partial data' (shown in the top (red) bar).

FIGURE 19 – PROTECTED CHARACTERISTICS IN DEVELOPMENT MONITORING
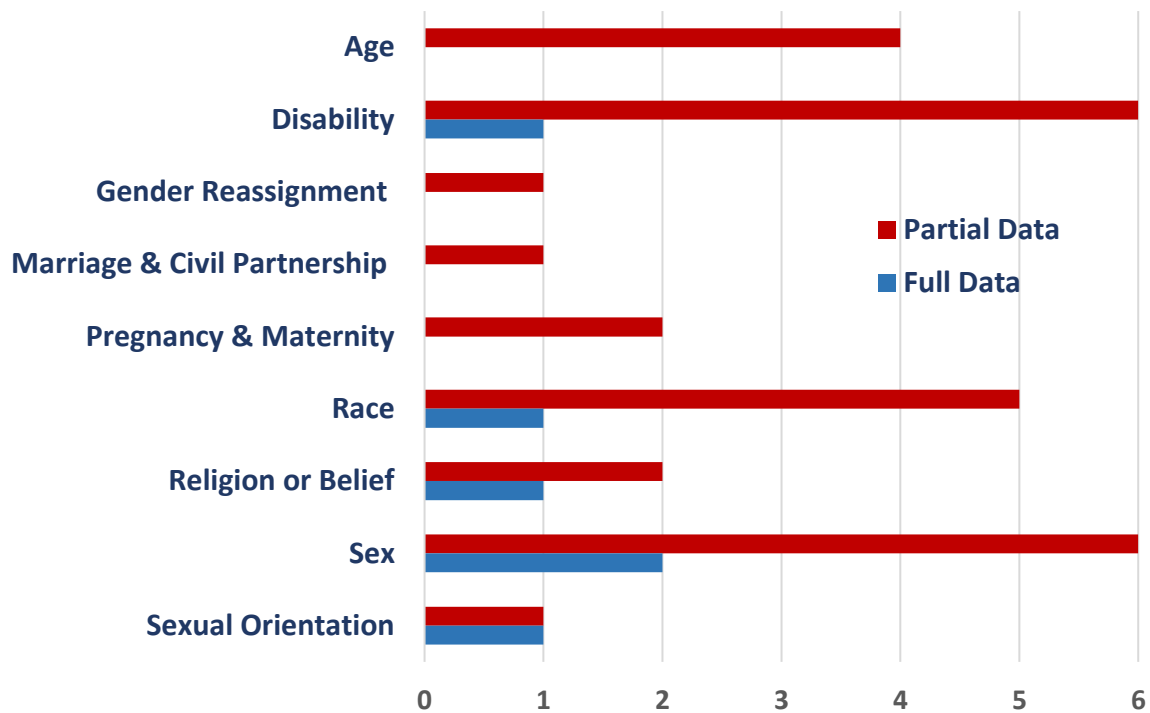
As in other areas of employee data, sex was the most covered characteristic for staff development (two reports with full data, six with partial data), followed by disability and race. The pattern of very low reporting rates for gender reassignment and pregnancy and maternity remain similar to the other areas examined.

Staff development was the least reported area of employee data in 2019, a difference in trends from past reports, in which retention was the least commonly reported category. As Figure 19 indicates, where development data was covered, it was most often addressed in piecemeal data rather than a comprehensive set of information on the broad areas of staff development.

The most often discussed form of staff development was continuing professional development and/or training. Training was reported almost twice as much as promotions, disciplinaries or grievances. Most reports that included information on staff development reported on the same type of development for each characteristic included in that report. Only one report included information on all four types of staff development.

6.4 RETENTION

Three-quarters (nine out of 12) of the reports publishing employee information in 2019 provided information on staff retention, an improvement from past reports. While one organisation provided staff retention information on all nine protected characteristics, almost half of the organisations that published retention data at all did so for three or fewer characteristics. Figure 20 shows the number of protected characteristics that were covered in these reports.

FIGURE 20 – NUMBER OF PROTECTED CHARACTERISTICS IN RETENTION MONITORING

- 9 PCs 8%
- 0 PCs 17%
- 1 PC 8%
- 2 PCs 8%
- 3 PCs 8%
- 5 PCs 33%
- 8 PCs 17%

Percentages may not add to 100% due to rounding.
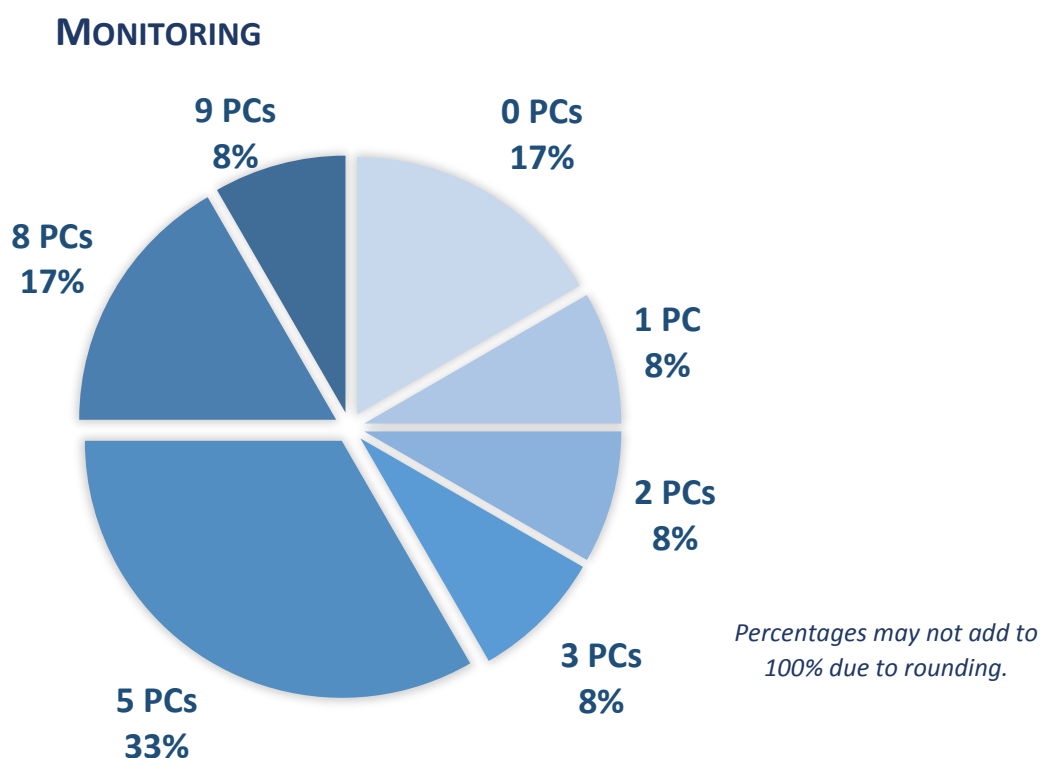
There is a broad swath of data relating to retention that is helpful and relevant for organisations (including, for example, overall number of leavers, reasons for exits, end of contracts, redundancies, retirements, return from long-term sickness or maternity leave, etc.). However, few organisations provided more robust information than simply overall number of leavers by protected characteristic.

As shown in Figure 21 below, the trend in protected characteristics covered largely remained the same as the other three areas of employee information, with sex, disability and race covered by most of the reports that included retention data, and gender reassignment receiving the least amount of attention by organisations. Notably, however, significantly more reports

covered pregnancy and maternity (generally information on return from maternity leave) than in other areas of employee information.

FIGURE 21 – PROTECTED CHARACTERISTICS IN RETENTION MONITORING
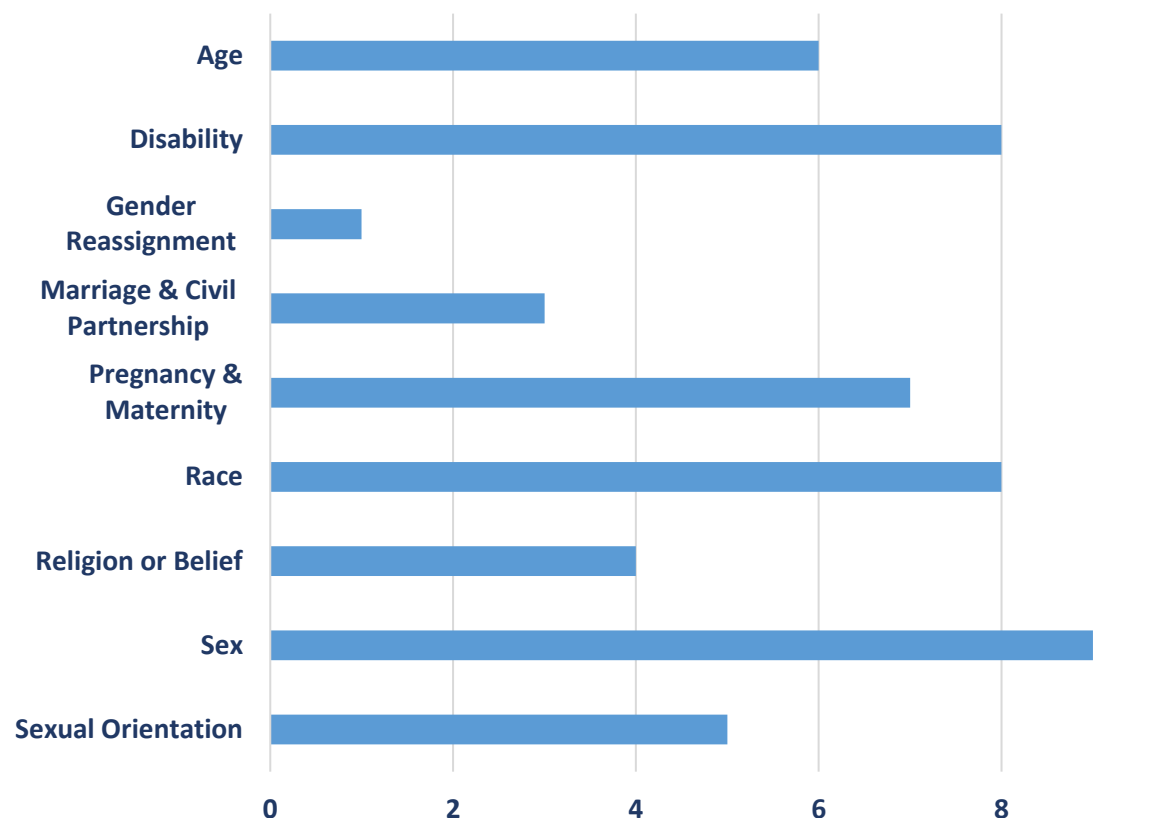
6.5 EMPLOYEE INFORMATION DATA ANALYSIS

Overall, Glasgow bodies again struggled to provide vigorous analysis into the meaning or impact of their employee data in connection with the general duty. While there were more examples of data analysis, comparison or narrative in the employee information supplied in 2019 than in prior reports, there was still not a high level of this type of analysis across the board. Some reports only provided minimal information in terms of tables presenting the numbers of staff currently employed, with no benchmarking to national or past data.

Moreover, reports were not always consistent in how they presented data. Some organisations chose to present data in both table and graph forms, with both numerical and percentage data. However, even in the same report, some organisations provided this robust form of data visualisation for only certain types of data (usually employee composition) but just narrative information

about other types of data. Some organisations (usually the smaller ones) only provided narrative information, rather than numbers and/or percentages.

Organisations that displayed the clearest information on the composition of their staff included both numerical values and a narrative which put these numbers into some sort of context. Many reports, for example, included descriptions of past reporting cycles to show improvement or, in some cases, areas where improvement failed to occur.

In addition to publishing detailed tables for all relevant employee data, some organisations helpfully published summaries of employee information with key trends and high points. This enabled users to quickly and easily understand the important highlights of the employee information, while also having access to the more granular data.

There were also some good examples of intersectional data (data cross-referenced between protected characteristics), but only a few organisations chose to publish data in this fashion. The most common characteristic to be cross-referenced against another was sex (for example, workforce composition by sex, further broken down by ethnicity). This allowed readers to gain a greater understanding of inequalities for particular protected characteristic groups, such as BME women.

There were also some good examples of organisations providing more detailed information than just the basic categories (for example, development data by protected characteristic broken down by position and type of staff (instead of all staff pooled together)). Other organisations provided detailed information broken up by type of contracts, part-time versus full-time or by job and grade category. Organisations that calculated success rates for promotions by protected characteristic provided readers with a clear understanding of patterns within the organisation.

However, some organisations drew some concerning conclusions from their data analysis, often using assumptions with no evidence. For example, in light of lower appointment rates of BME candidates after interviews, compared to the relatively higher rate of BME candidates *obtaining* interviews, the conclusion made was that the intervention needed to address this inequality was interview preparation assistance. However, this assumption was presented with no evidence to suggest the reason why BME candidates were

being appointed at half the rate as their white counterparts was due to poor interview performance.

This type of narrative potentially reflects institutional racism. It assumes that the failure to obtain appointments lies with the BME candidates (who ostensibly have the skills necessary for the job, as they received an interview), rather than biases of interviewers. For further discussion of how this type of language and policy affects racial equality as a broader movement, please see CRER's publication 'Changing the Race Paradigm'.[32]

Beyond just providing data and figures, the employee information duty requires organisations to publish details of the progress it has made in gathering and using the information to enable it to better perform the general duty. While this part of the duty is broadly worded, it is expected that at the very least, a narrative analysis should be included in the data presentation. While some reports described the context of their data, very few reports provided a narrative update on how they had *improved* in either collection or use of the equality monitoring data. Those organisations that did provide such a narrative largely focussed on efforts to improve disclosure rates of certain groups.

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[32] Coalition for Racial Equality and Rights (2016). Changing the Race Equality Paradigm: Key concepts for public, social, and organisational policy.

KEY LEARNING POINTS

- More information than Glasgow organisations are currently providing on the full set of protected characteristics as outlined in the duty is required, across all four key areas of employee information (recruitment, development and retention as well as composition)
- Utilising narratives on how employee data is used can better demonstrate how legal duties are being met, as well as assist in displaying employee information in a clear manner
- Ensure that all protected characteristics are covered in employee data, for all four key areas of employee information
- Categories of different protected characteristics should be consistently used across the four different areas of employee information, and organisations should pay special attention to guidance around how to categorise certain protected characteristics

7 DUTIES RELATING TO EQUAL PAY

Two of the specific equality duties that relate to equal pay (gender pay gap and details on occupational segregation) are considered briefly below.

7.1 GENDER PAY GAP

The first duty related to equal pay considered in this report requires organisations with more than 20 employees to publish gender pay gap information. The Equality and Human Rights Commission's technical guidance states that: [33]

> *Gender pay gap information is the percentage difference between men's average hourly pay (excluding overtime) and women's average hourly pay (excluding overtime). This should be produced as one set of comparative figures for the whole workforce. All staff, including part-time and temporary employees, should be included.*

Of the 15 organisations surveyed in this research, 13 were required to publish gender pay information in 2019 (two organisations either employed no staff or employed too few staff under the legal threshold to trigger this duty). However, only 11 organisations published information, some of which followed the legal requirements with more success than others.

CRER analysed the quality of gender pay gap information by categorising the published figures into those clearly correctly calculated, those clearly incorrectly calculated, and those that were by all appearances, correctly calculated, but missing detailed explanations of the methodology employed. This breakdown is shown in Figure 22 below.

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[33] Equality and Human Rights Commission (2016). Technical Guidance on the Public Sector Equality Duty: Scotland.

FIGURE 22 – NUMBER OF ORGANISATIONS PUBLISHING GENDER PAY GAP INFORMATION
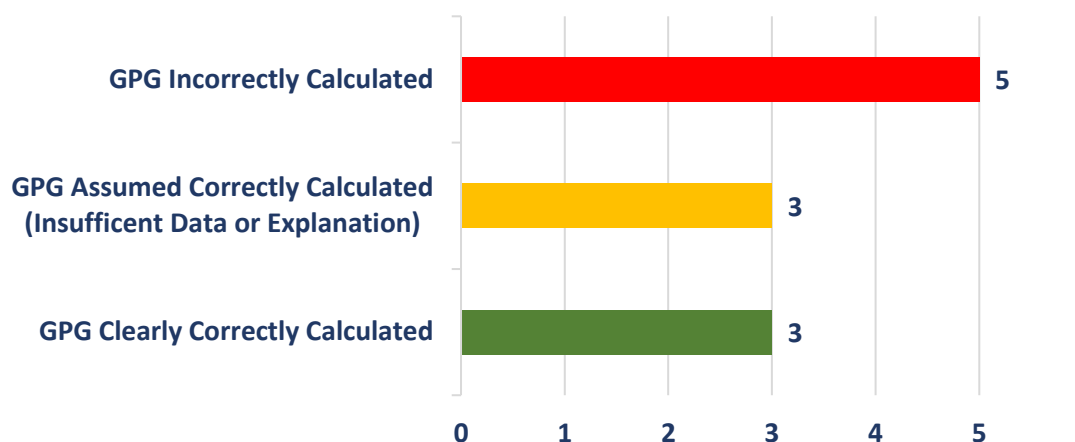
CRER found that almost half (five out of 11) of the bodies publishing gender pay gap information in Glasgow in 2019 had incorrectly calculated the gender pay gap. Three of these organisations used incorrect math formulas and two failed to include the correct categories of staff (specifically, by failing to including temporary workers, as explicitly covered in the Equality and Human Rights Commission's technical guidance).

While the remaining six bodies published data that did not have any obvious flaws in calculation, some provided more clarity than others. Only three reports sufficiently published their information on gender pay gap to allow for independent review of the pay gap analysis. These reports detailed the methodology used, provided the numerical figures on average hourly pay themselves rather than just a narrative statement as to what the gaps were, and listed information as to which categories of staff were included in their analysis.

The remaining three bodies are assumed to have correctly published the gender pay gap, but as they neglected to include sufficient detail as to what data was being used for their calculations or enough detail to explain their methodology to provide for independent review of their analysis, it was difficult to robustly check for compliance. These bodies did not provide detail on what staff groups were covered, and often did not provide any data tables or numeric figures.

Organisations that demonstrated the most useful practice regarding gender pay gap included:

- Detailed descriptions of the methodology used to calculate pay gaps, with clear descriptions of the staff and types of jobs covered
- The minimum required calculation of percentage difference for all staff between men's average hourly pay (excluding overtime) and women's average hourly pay (i.e. the mean difference), as well as additional forms of calculations (e.g. the median difference)
- Historical pay gap information from prior reporting years
- Narrative context as to what steps the organisation has been taking, or plans to take, to address pay gaps
- Pay gap data broken up by grades, job families, or type of contracts
- Detailed numeric tables with data behind pay gap percentages
- Benchmarking data to other pay gaps in similar industries

Several organisations correctly calculated negative pay gaps, then dropped the negative from the numeral when describing the figures narratively. This led to inaccurate analysis by organisations.

Organisations also were inconsistent in terms of how they presented 'favourable' gaps – while most presented pay gaps in favour of men as a positive number, a few presented pay gaps in favour of women as a positive number.

We also saw a few organisations attributing their higher pay gaps to 'historical horizontal occupational segregation' without describing ongoing efforts to address current inequalities, or attributing pay gaps to outsourcing staffing decisions rather than critically examining activities within the organisations. It is true that there is an overarching problem with gender inequalities in certain types of job families, as well illustrated by the breadth of evidence and publications by gender equality organisations. However, organisations should not attempt to sidestep their legal duties to mitigate pay gaps by pointing to historical inequalities, or by outsourcing certain types of jobs.

As illustrated below in Figure 23, five organisations that published gender pay gap information also published disability and ethnicity pay gaps, two of which also published some pay gap information by age. Though not required under the specific duties, this provided a more thorough evidence base and illustrated a greater understanding of the wider impact of pay inequality.

FIGURE 23 – NUMBER OF ORGANISATIONS PUBLISHING PAY GAP INFORMATION (BY PROTECTED CHARACTERISTIC)
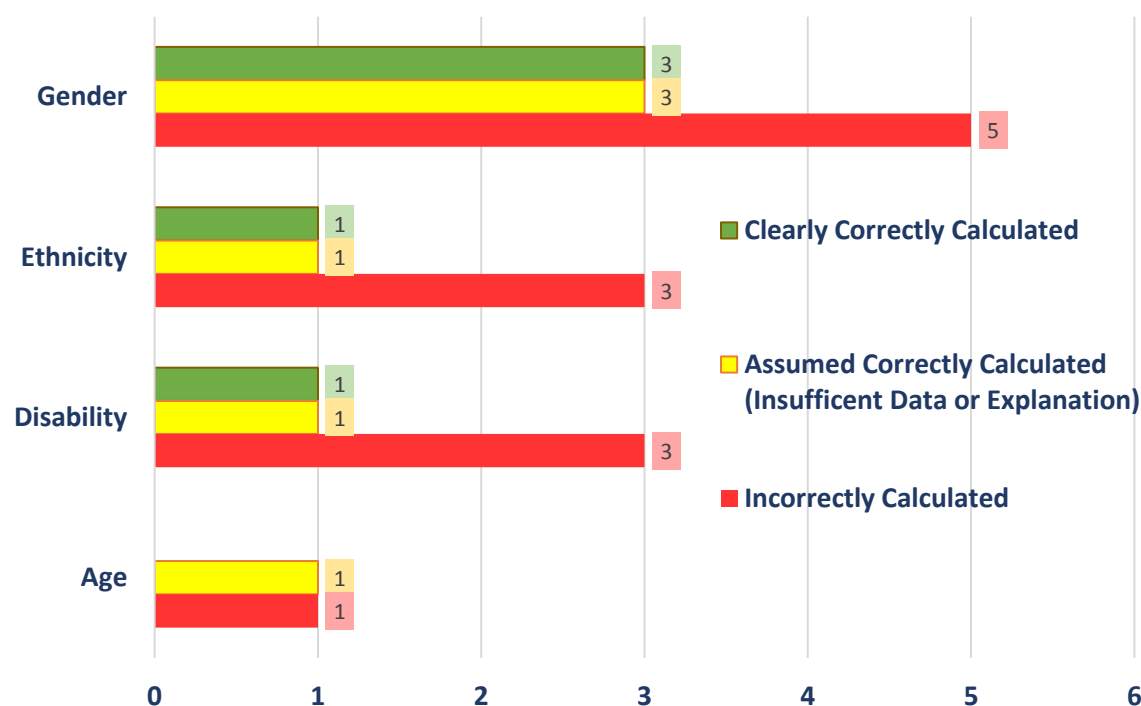
Roughly the same proportion of Glasgow organisations chose to publish this extra information as the last reporting round. While more coverage of additional types of pay gaps is a positive trend, organisations struggled to properly calculate some of these pay gaps as well. Three of the organisations that chose to publish additional pay gaps used similar faulty calculations or assumptions in the extra pay gap categories as they had for gender. For ethnicity pay gaps, a general lack of clarity around ethnicity categories was observed (including whether to compare BME groups to all staff or to only white staff).

7.2 OCCUPATIONAL SEGREGATION

The second aspect of the duties around equal pay examined in this report is the duty to publish information on occupational segregation across grades and types of occupations by gender, ethnicity and disability. Occupational segregation information is part of the duty to publish a statement on an organisation's policy on equal pay, and "refers to the differences in the distribution of women and men, disabled and non-disabled people and people from different minority racial groups across different occupational categories and job types".[34]

Organisations are only required to update its equal pay policy, and publish updated information on occupational segregation, once every four years. Accordingly, as the organisations with the requisite number of staff to trigger these duties published this sort of information in 2017, no organisation was required to publish updated information in 2019.[35] However, as many organisations chose to publish updated information, we included an analysis of the updated occupational segregation data in this report.

Of the 13 bodies that met the requisite employee threshold, 11 of them published some information on occupational segregation in 2019. While one

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[34] Equality and Human Rights Commission (2016). Employee Information and the Public Sector Equality Duty.
[35] Though not necessary, it was helpful where reports clarified that updated data was not being published in the 2019 reporting round.

organisation reported on nine characteristics, most of these organisations only reported on three or fewer characteristics, as shown in Figure 24 below.

FIGURE 24 – NUMBER OF PROTECTED CHARACTERISTICS DETAILED IN OCCUPATIONAL SEGREGATION UPDATES

9 PCs
9%

1 PC
9%

2 PCs
9%

5 PCs
18%

Percentages may not add to 100% due to rounding.

4 PCs
18%

3 PCs
36%
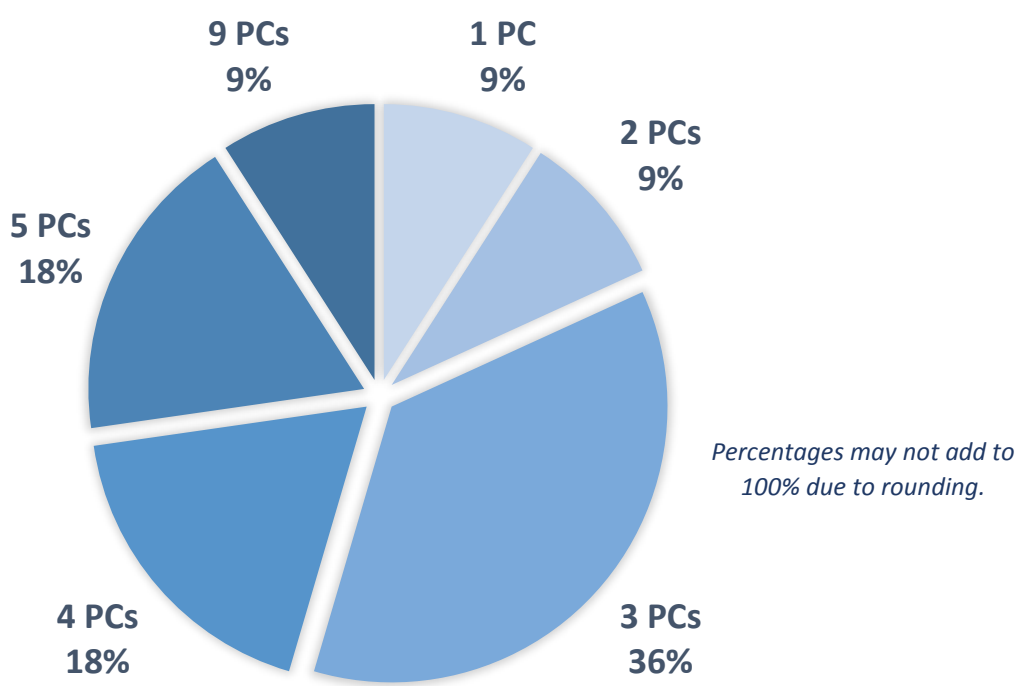
As shown in Figure 25, different protected characteristics were covered more often in occupational segregation data than others.

FIGURE 25 – PROTECTED CHARACTERISTICS IN OCCUPATIONAL SEGREGATION
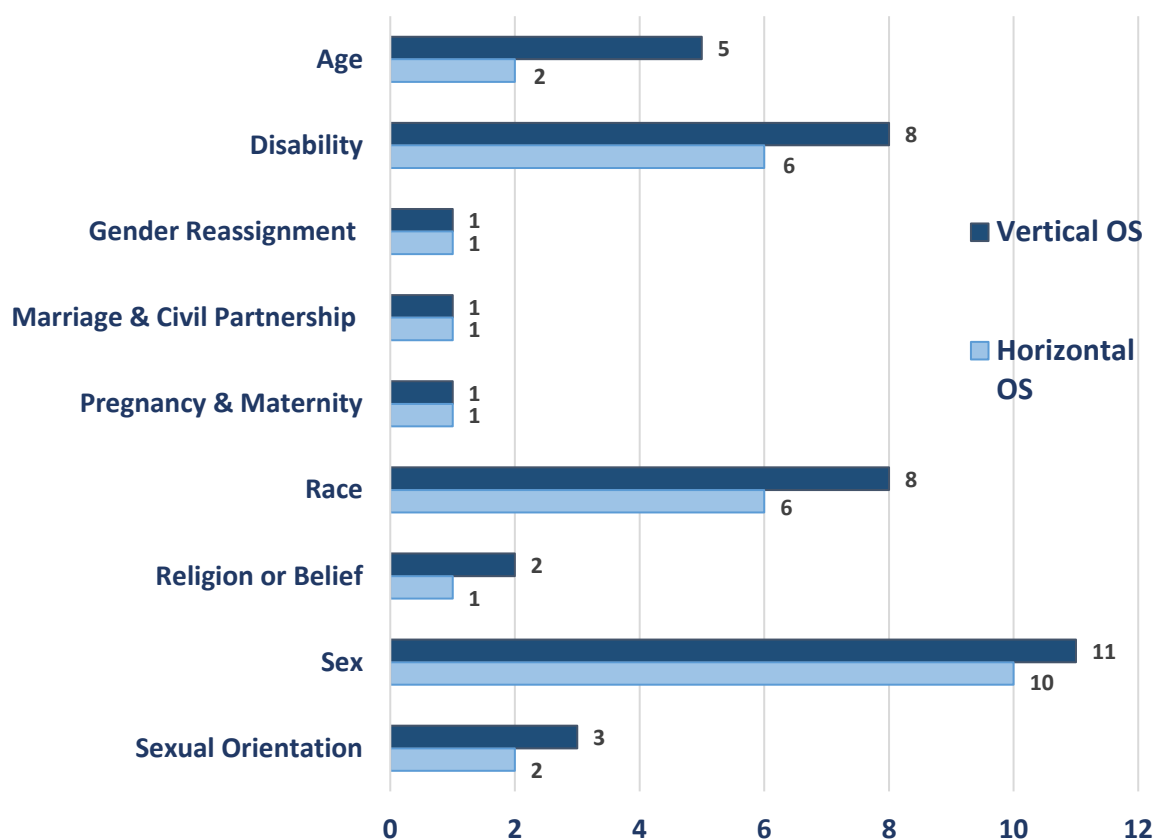
As with other categories of employee data, sex, disability and ethnicity are most frequently covered. All 11 of the organisations that reported on occupational segregation did so by sex, and eight reported on occupational segregation by ethnicity and disability. One report also included occupational segregation by caring responsibilities, which, as previously discussed, is helpful but not required by any section of the public sector equality duty.

Figure 25 also breaks down the way in which reports presented occupational segregation data for individual protected characteristics, in either 'vertical' or 'horizontal' segregation. The Equality and Human Rights Commission's guidance distinguishes between these types of segregation as follows: [36]

> *Occupational segregation can be 'horizontal', where those with certain protected characteristics are clustered into specific job types, or 'vertical', where they are clustered into specific positions*

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[36] Equality and Human Rights Commission (2016). Employee Information and the Public Sector Equality Duty.

within organisations and may be largely absent from senior management and executive positions.

As Figure 25 makes clear, organisations reported on vertical segregation (i.e. by grade) more often than horizontal (i.e. by job family). While most organisations reported on vertical segregation (i.e. different grades/salary bands) in a similar way, there was great variation in the categories used for horizontal segregation by different organisations. Most organisations that reported on horizontal segregation also reported on vertical segregation.

Some organisations were very thorough in their reporting, and even cross-referenced certain characteristics (usually sex or age) against other characteristics, providing a more nuanced presentation of the data. Other reports also published data not just by protected characteristic and type of job or grade, but also by contract status, full-time versus part-time, and nationality. This level of detail highlighted additional issues around equal pay well to the reader.

Just as with employee data, some organisations presented excellent narratives about the visible trends, along with full data tables. The most useful reports included historical information within these narratives. Others, on the other hand, simply presented data with no context (or sometimes, just a few sentences with no data at all). A few organisations did address occupational segregation, but only by stating that the organisation had reviewed the data and reported that that there was no pattern or trend in terms of the level of job or roles within the individual groups. This method of reporting did not allow a robust review of these statements, and should not be relied on for compliance during a reporting year.

Occupational segregation presented the biggest challenge in terms of easily locating the data. Organisations were split: some published this information alongside the gender pay gap data (usually in a standalone publication), while others included this information as a matter of course in its detailed employee information tables (either in the mainstreaming report or in a separate report). Similarly, some organisations labelled tables for grades/seniority, and occupational groups, while others incorporated this data into assorted employee data tables, which made identification more difficult.

KEY LEARNING POINTS

- Many organisations are continuing to publish occupational segregation data as part of the employee composition or gender pay gap information – the legislation is clear that occupational segregation data *must* be published in the same statement as its equal pay statement

- Organisations should ensure that occupational segregation data is clearly labelled in order to comply with the duty to publish data in an accessible manner

- Looking ahead to 2021, a greater consideration of horizontal occupational segregation is needed to be compliant with the equal pay statement duty

8 THE WAY FORWARD

This report presents CRER's analysis of how public sector bodies in Glasgow have fulfilled their legal obligations to publish information under the Scottish specific public sector equality duties. 2019 marks the fourth round of this analysis. CRER is pleased to note that there have been some improvements across all of the duties, and evidence of organisational learning in order to improve approaches to equality.

Some organisations have published excellent information on how they approach their equality work, by challenging organisational attitudes and seeking to implement structural changes. Others have included how they have worked with the wider communities in order to ensure that their work is far reaching and effective.

However, there are many organisations that continue to fail to publish required information. With the helpful range of guidance available to listed authorities from the Equality and Human Rights Commission, as well as from equality organisations, this is perhaps surprising and suggests there is more to be done to establish why these basic requirements are not being met.

CRER also notes that not all organisations appear to fully understand the relevant equality issues facing each of the protected characteristics. This is a fundamental but common problem across most organisations. With eight relevant protected characteristics to be considered across the specific duties, significant expertise is required in order to fully embed the equality duties within organisations' work.

In order to not only report on their equality work, but to genuinely tackle discrimination and improve outcomes for marginalised groups, there must be a firm understanding of what works and what doesn't. It may appear obvious to consult with individuals who can provide perspectives on their experiences (both good and bad) in relation to their protected characteristics, but a significant number of reports did not include this learning.

Overarching recommendations

There are good practice examples, learning points and areas of improvement embedded within each section of this report. However, below are a few additional, more general considerations for the future:

- Reports that included detailed narratives tended to demonstrate much better compliance with the legislation
- Ensuring that there is a solid understanding of the barriers and inequalities that those with particular protected characteristics face is key to meeting equality duties
- When using benchmarking data, ensure that this is used appropriately and, wherever possible, is relevant for the local context
- Where possible, ensure that information is provided for each relevant protected characteristic – this is perhaps even more important to detail if there is a lack of information on certain groups, as it will help to strengthen policies and protocol as well as outcome setting

9 APPENDIX A: LISTED PUBLIC BODIES IN GLASGOW 2019

The following listed public bodies were included in the study. National agencies based in Glasgow were not included.

1. City of Glasgow College

2. East Park School

3. Glasgow Caledonian University

4. Glasgow City Council & Education Authority (considered together for this report)

5. Glasgow Clyde College

6. Glasgow Colleges Regional Board

7. Glasgow Health and Social Care Partnership

8. Glasgow Kelvin College

9. Glasgow School of Art

10. Jordanhill School

11. NHS Greater Glasgow Clyde

12. Royal Conservatoire of Scotland

13. Strathclyde Partnership for Transport

14. University of Glasgow

15. University of Strathclyde

10 APPENDIX B: TABLE OF FIGURES

11 COPYRIGHT INFORMATION