

# **Review of Public Sector Equality Duty: Call for evidence**

**SCVO response**  
**19 April 2013**

## **Summary**

For many third sector organisations, it is critical that we shift as much power and control as we can to people and their communities so that they can live happy, fulfilled and meaningful lives. For the third sector, any changes to policy instruments that give a voice to those whose lives are affected by public policy decisions must be handled carefully and thoughtfully.

The Public Sector Equality Duty is one such instrument and this response sets out four main points on its role and impact for third sector organisations in Scotland:

- The Public Sector Equality Duty provides a useful tool for people and their communities to hold public bodies to account. This is particularly important for some of the most vulnerable groups, whose voices are often channelled through third sector organisations
- There have been positive results from third sector organisations using the Public Sector Equality Duty, particularly around campaigning, influencing policy and building an evidence base for funding
- However, there is also evidence of poor practice by public bodies, a lack of consideration of the cumulative effect of decisions, and a reduction in the impact third sector organisations are having using the Public Sector Equality Duty
- It is too early for an effective review. However, early evidence suggests that any changes at this stage should focus on strengthening the Public Sector Equality Duty's influence on the decision making process and make it easier for vulnerable groups and third sector organisations that advocate for them to hold public sector bodies to account

Mansfield Traquair Centre, 15 Mansfield Place, Edinburgh, EH3 6BB  
Tel: 0131 556 3882 • Web: [www.scvo.org.uk](http://www.scvo.org.uk) • SCVO Information Service: 0800 169 0022

## **Our response**

SCVO welcomes the opportunity to respond to this call for evidence. This response focuses on the role of the Public Sector Equality Duty in supporting the work of third sector organisations in Scotland.

SCVO would like to contribute to the following questions set out in the Steering Group's call for evidence:

- What are the costs and benefits of the Public Sector Equality Duty
- How well understood is the Public Sector Equality Duty and guidance
- What changes, if any, would ensure better equality outcomes

### **What are the costs and benefits of the Public Sector Equality Duty?**

Regardless of how third sector organisations and others might use the Public Sector Equality Duty, it is fundamental good practice to review the equalities impact of policy decisions on excluded and vulnerable groups. It also provides a framework for improving public policy, keeping the needs of excluded groups to the fore and ensuring accessible services to those that don't normally have a voice in services designed for them.

The Public Sector Equality Duty provides a useful tool for people and their communities to engage, challenge and input to public bodies and hold them to account when their decision making and policy development disproportionately impacts on the rights of those most disadvantaged and vulnerable in society. Our view is that service users and their families are increasingly isolated and removed from decision making which affects their lives. It's time to turn this on its head and give people and families a real say in shaping and designing the services they need to thrive. In many cases, third sector organisations act as the fora and vehicles for this engagement.

In Scotland, the requirement for public bodies to assess the impact of all new and reviewed policies and practices, and to publish equality outcomes stating what they are doing to achieve their Public Sector Equality Duty requirements, provide particularly robust tools for to hold public bodies to account in this way.

The Public Sector Equality Duty also provides an opportunity for third sector organisations to positively support public bodies in their duty to enhance equality of opportunity and foster good relations by aligning and evidencing what they are already doing to achieve this in their own work. This provides a great opportunity to strengthen relationships between the third and public sectors in funding and collaborative working partnerships.

As it stands, the Public Sector Equality Duty has been helpful for highlighting the impact of public service cuts, influencing policy and political discourse at local authority level (where there has been effective third sector representation), and to

Mansfield Traquair Centre, 15 Mansfield Place, Edinburgh, EH3 6BB  
Tel: 0131 556 3882 • Web: [www.scvo.org.uk](http://www.scvo.org.uk) • SCVO Information Service: 0800 169 0022

contribute to the evidence base to help third sector organisations target their activities effectively.

However, these successes are not widespread and there is also evidence of poor practice by public bodies, a lack of consideration of the cumulative effect of multiple decision making across different areas, and a gradual reduction in the positive impact third sector organisations are having using the Public Sector Equality Duty. Public sector bodies are becoming better prepared to fulfil their legal requirements, particularly equality impact assessments, in a way that causes minimal change to their final decision making but is difficult to challenge.

This is clearly evidenced in the 2012 'Using Human Rights and Equality to Analyse and Challenge the Public Spending Cuts' report by the Centre for Human Rights in Practice at the University of Warwick, which collated the findings of an expert workshop of civil society activists and representatives from third sector organisations, including SCVO.

### **How well understood is the Public Sector Equality Duty and guidance?**

Within the third sector in Scotland, the Public Sector Equality Duty and the Equality Act 2010 are generally best understood by organisations whose work is either directly related to one or more of the nine protected characteristics within the Equality Act 2010, or who particularly identify as equality, discrimination and/or human rights organisations. Outwith these types of organisations awareness and understanding of the Public Sector Equality Duty generally tends to be lower.

However, organisations right across the third sector are striving to bring about social change. They are working alongside, providing services for, or supporting, the most disadvantaged and vulnerable people in our society whose rights the Public Sector Equality Duty, and the Equality Act 2010 more generally, are most intended to protect. There is therefore potential for a much greater proportion of the third sector to raise their awareness and understanding of the benefits that the Public Sector Equality Duty, and equality and human rights approaches more generally, can bring to their work, as referred to below in the section relating specifically to the Public Sector Equality Duty's benefits.

SCVO's own equality and human rights work is focussed on supporting the third sector in Scotland in this way and we do this alongside many other third sector organisations from right across right the UK, including London based national organisations such as the Equality and Diversity Forum and British Institute of Human Rights, Scotland based support organisations such as Glasgow Council for the Voluntary Sector and The Coalition for Racial Equality and Rights, and much smaller regional voluntary groups with very limited resources, such as the Highland LGBT Forum.

Mansfield Traquair Centre, 15 Mansfield Place, Edinburgh, EH3 6BB  
Tel: 0131 556 3882 • Web: [www.scvo.org.uk](http://www.scvo.org.uk) • SCVO Information Service: 0800 169 0022

## **What changes, if any, would ensure better equality outcomes**

It is far too early for an effective review of the Public Sector Equality Duty, as the current duty only came into place in 2011 and many of the specific duties that were put in place to support and strengthen the Public Sector Equality Duty in Scotland are still very much a work in progress (e.g. Equality Outcomes are due to be published at the end of April, so there is no way to assess their impact at this stage).

However, SCVO's experience through the work we have already been involved in, evidences that any changes made to the Public Sector Equality Duty at this stage should be focussed on further strengthening its influence on the final decision making process of public sector bodies. This concurs with the findings in the University of Warwick report mentioned above, particularly around impact assessment, and to make it easier for people, communities and the third sector organisations that work with them to hold public sector bodies to account on their Public Sector Equality Duty requirements.

Changes should also be considered that will encourage further opportunities for the third sector to develop effective and collaborative relationships with the public sector.

## **Conclusion**

The Public Sector Equality Duty is an essential piece of legislation to help protect the most disadvantaged and vulnerable people in society from the potentially negative and disproportionate impact of public sector decision making.


Any changes at this stage should be focussed on further strengthening the Public Sector Equality Duty's influence on the final decision making process of public sector bodies. It should be easier for people, communities and the third sector organisations that work with them, with limited resource and capacity, to hold public sector bodies to account. The Public Sector Equality Duty should also be enhanced as a tool to ensure public sector bodies do fully review policies, service development and service changes mindful of their impact on the most excluded and vulnerable groups in society.

People and their communities through and alongside third sector organisations in Scotland are striving to bring about social change and supporting the most disadvantaged and vulnerable people in our society whose rights the Public Sector Equality Duty are most intended to protect. The contribution of the third sector's role here should be clearly recognised and supported by legislators and public sector bodies alike when considering how best to fulfil the aims of the Public Sector Equality Duty.

## **Contact:**

[REDACTED]

Mansfield Traquair Centre, 15 Mansfield Place, Edinburgh, EH3 6BB  
Tel: 0131 556 3882 • Web: [www.scvo.org.uk](http://www.scvo.org.uk) • SCVO Information Service: 0800 169 0022



Scottish Council for Voluntary Organisations,  
Mansfield Traquair Centre,  
15 Mansfield Place, Edinburgh EH3 6BB

Web: [www.scvo.org.uk](http://www.scvo.org.uk)

## About us

The Scottish Council for Voluntary Organisations (SCVO) is the national body representing the third sector. There are over 45,000 voluntary organisations in Scotland involving around 137,000 paid staff and approximately 1.2 million volunteers. The sector manages an income of £4.4 billion.

SCVO works in partnership with the third sector in Scotland to advance our shared values and interests. We have over 1300 members who range from individuals and grassroots groups, to Scotland-wide organisations and intermediary bodies.

As the only inclusive representative umbrella organisation for the sector SCVO:

- has the largest Scotland-wide membership from the sector – our 1300 members include charities, community groups, social enterprises and voluntary organisations of all shapes and sizes
- our governance and membership structures are democratic and accountable - with an elected board and policy committee from the sector, we are managed by the sector, for the sector
- brings together organisations and networks connecting across the whole of Scotland

SCVO works to support people to take voluntary action to help themselves and others, and to bring about social change. Our policy is determined by a policy committee elected by our members.<sup>1</sup>

Further details about SCVO can be found at [www.scvo.org.uk](http://www.scvo.org.uk).

## References

*Scottish Voluntary Sector Statistics 2010*, SCVO

[www.scvo.org.uk/evidencelibrary/Home/ReadResearchItem.aspx?f=asc&rid=1078](http://www.scvo.org.uk/evidencelibrary/Home/ReadResearchItem.aspx?f=asc&rid=1078)

---

<sup>1</sup> SCVO's Policy Committee has 24 members elected by SCVO's member organisations who then co-opt up to eight more members primarily to reflect fields of interest which are not otherwise represented. It also includes two ex officio members, the SCVO Convener and Vice Convener.

*Using Human Rights and Equality to Analyse and Challenge the Public Spending Cuts, Centre for Human Rights in Practice at the University of Warwick, 2012*  
[http://www2.warwick.ac.uk/fac/soc/law/chrp/publications/workshop\\_report.pdf](http://www2.warwick.ac.uk/fac/soc/law/chrp/publications/workshop_report.pdf)

Mansfield Traquair Centre, 15 Mansfield Place, Edinburgh, EH3 6BB  
Tel: 0131 556 3882 • Web: [www.scvo.org.uk](http://www.scvo.org.uk) • SCVO Information Service: 0800 169 0022

---

The Scottish Council for Voluntary Organisations (SCVO) is a charitable company limited by guarantee. Registered in Scotland No. SC024591. Registered office Mansfield Traquair Centre, 15 Mansfield Place, Edinburgh, EH3 6BB. SCVO is a Charity registered in Scotland, No. SC003558 SCVO stationery is printed onto 100% recovered waste paper