



**Scottish Women's Convention Response to:**

**Stage Two of the Review of the Operation of Public Sector  
Equality Duty (PSED) in Scotland**

**August 2021**

**Premise**

The Scottish Government has been progressing with the review into the effectiveness of the Public Sector Equality Duty (PSED) in Scotland. Work to date has included intensive programme of engagement with equality stakeholders and duty bearers to understand which aspects of the PSED were working well, and where improvement was required. Whilst substantive work was reduced in order to respond to the pandemic, thinking continued and, following a meeting with Ministers, the decision was taken to recommence the review via a two-stage process.

Having published Stage One of the report in March 2021, the Scottish Government is now progressing to Stage Two which will involve a programme of further engagement, including a full public consultation later in 2021, to progress the areas of focus identified in the stage one report and learning from the lessons during the pandemic.

**The Scottish Women's Convention (SWC)**

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of parliamentary, governmental, and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including roadshow events, thematic conferences, and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in several key areas relevant to women's equality.

The SWC is currently engaging with women through digital roadshows, online surveys, asking women to comment by email and by telephoning those who want to talk. We are also using our wide network to ask women to collate views in their local communities and forward these to us on a regular basis. We are continuing to review innovative ways of engaging with women throughout Scotland using whichever medium is appropriate to them.

## Our Response

We believe that the recording and reporting of disaggregated data must constitute a vital part of this strategy. Without being able to see quantitative data on equality outcomes in the public sector, it is not going to be possible to track progress and identify the areas where more work still needs to be done.

However, quantitative data does not tell the whole story.

We agree that active and ongoing dialogue is vital to ensuring lived experiences are part of the policy-making process.

- An important part of this needs to be building meaningful relationships built on trust with grassroots organisations and key stakeholders from underrepresented communities and groups.
- It cannot be assumed that groups or individuals will come forward for consultations of their own volition, and there needs to be more attentiveness to the barriers people may face participating.
- More work needs to be done to proactively approach and engage those with lived experiences.

Also, any assessments need to look at the systemic issues behind the qualitative data.

- With the gender pay gap, for instance, we know that it is an oversimplification to compare like for like pay rates. There are many complex issues that make comparison difficult and mean that women are, in real terms, unfairly making less than their male counterparts:
  - Gendered expectations around caring responsibilities mean that women have to take fewer hours in paid work or take more flexible contracts that often pay less
  - The gendered nature of work (e.g. women predominating in sectors such as childcare and cleaning) that means the undervaluing of women's contributions is justified as economically logical rather than as an injustice
  - Women missing out on opportunities for training or career progression because of pregnancy or caring responsibilities
  - Socialisation that teaches women to undervalue themselves
- Surface level enquiry and reporting is not sufficient, and there has to be a willingness to engage with the root causes of inequality.

Moreover, without sufficient governance and accountability, we will not see the change that is required.

- The fact that exemptions have been made around equality reporting during the pandemic demonstrates in no uncertain terms that they are systemically viewed as an afterthought rather than an integral part of public sector practice.
- We know that the pandemic has disproportionately affected oppressed groups including women, BAME communities and disabled people. Redressing this cannot be put on hold until after the country has recovered, and we need to ensure that rebuilding society and the economy after COVID tackles the inequalities that caused such large disparities during the pandemic.
- We can no longer just pay lip service to issues of equality and diversity, and it is important that these are understood as tenets of public sector practice by all workers, managers, and decision-makers. Training is an important part of this, as is ensuring that best practice is exemplified from the top.

Leading from this, we need to ensure that we take the lessons of the pandemic into any plan for a more inclusive future.

- Considering the changes that have had to be made to working practices during the pandemic, this review of the PSED could be used as a valuable opportunity to rethink flexible working practices in the public sector.
- Increasing the use of job sharing and hybrid working, for example, could be a valuable way of creating more accessible opportunities for those who may have traditionally struggled to take on more rigid employment (e.g. mothers, disabled people, those with caring responsibilities).

While we are an organisation representing women, we feel it is important to highlight the necessity to approach the PSED through a framework of intersectionality.

- It is not enough to look at individual protected characteristics in isolation, and there needs to be more in-depth understanding of how multiple levels of oppression are experienced.

One issue we feel to be particularly important is increasing diversity on shortlisting and interview panels.

- We know that a lot of the discrimination and lack of diversity in the workforce is a result of unconscious bias in interpretations of how candidates meet job descriptions. Often, person specifications are loaded with normative values and a lack of sensitivity to cultural nuances which can be used as loopholes for excusing why candidates from oppressed groups are not hired.

In line with the PSED's commitment to "obligations on public authorities to positively promote equality, not merely to avoid discrimination", there needs to be acknowledgement that some services need to be operated exclusively by certain groups.

- For instance, services supporting women who have experienced male violence do need to be run by women, and this needs to be acknowledged when services are considered for funding or as part of the tendering process.

Fundamentally, there also needs to be acknowledgement that the public sector funding crisis will continue to have a detrimental effect on any equalities progress if left unaddressed.

- When public sector workers and decision-makers are forced to operate with a scarcity mentality, it discourages openness to change, and there is unlikely to be a genuine shift in organisational culture.
- For any model of PSED to be successful, there needs to be more investment in the public sector, as well as a move away from PFIs, or similar such projects, because these allow national and local government to evade their responsibility in relation to equalities issues.

We agree that the review of the operation of PSED is an incredibly important issue that affects the lives of many women across Scotland. We will continue to consult and engage with women on this issue, and we will be happy to report our findings to you as part of the full public consultation later in the year.

## Conclusion

The SWC is grateful for the opportunity to respond to the Scottish Government as part of their process to review the Public Sector Equality Duty in Scotland. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to such legislation and the effect of this on women's equality.

For further information, please contact

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