

Mainstreaming Equality in the Committees of the Scottish Parliament

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Foreword

The Equality Guidelines for Scottish Parliamentary Committees have been commissioned by SPICe on behalf of the Equal Opportunities Committee of the Scottish Parliament. The Equality Guidelines outline how mainstreaming can be carried out by all Scottish Parliamentary Committees in relation to all their functions, addressing all the groups and persons identified in the Scotland Act (1998). They are a simple, practical tool and build on existing practice. The Scottish Parliament is at the leading edge in mainstreaming equality as there are few examples of good practice in other parliamentary settings. Indeed, other parliaments seek to learn from the development of guidelines in Scottish Parliamentary Committees.

An email questionnaire and follow up interviews have been carried out to identify tools and guidance used in comparable parliamentary settings. Workshops were held with MSPs and Scottish Parliamentary staff to explore existing practice in the Scottish Parliament. The Equality Guidelines have been informed by these sources. We would like to thank all participants for their contribution.

Executive Summary

1. The commitment to equality and a strategy of mainstreaming was at the heart of the preparations for setting up the Scottish Parliament and Scottish Executive. Although the power to legislate on equal opportunities was reserved to the UK Parliament, the Scotland Act (1998) enables the Scottish Parliament to encourage equal opportunities. The Scotland Act defines equal opportunities as “*the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions*”.

2. To enable the Scottish Parliament to act upon its commitment to equality, this research suggests that a mainstreaming strategy be developed and implemented in Parliamentary Committee practice. The aim of the research is to propose practical techniques and draft guidelines for effective mainstreaming of equal opportunities by Scottish Parliamentary Committees. The Equality Guidelines in the report provide advice on the mechanisms needed to achieve this.

3. The Equal Opportunities Commission¹ describes mainstreaming as;

‘the integration of equal opportunities into all policy development, legislation, implementation, evaluation and review practices.

4. In drafting *Shaping Scotland’s Parliament*, suggesting how the Scottish Parliament should work, the Consultative Steering Group had the opportunity to examine practices among many legislatures, and incorporated these in their recommendations. This report endorses the CSG’s assessment that the Scottish Parliament is among Parliaments at the leading edge in mainstreaming equality, as there are few examples of good practice in other parliamentary settings. Indeed, other parliaments seek to learn from the development of guidelines in the Scottish Parliamentary Committees.

5. The Equality Guidelines can assist Scottish Parliamentary Committees in implementing mainstreaming equality in relation to all their functions. They are a simple, practical tool which builds on existing practice and can be supported by actions outlined in the Scottish Executive Equality Strategy (see Ch. 3).

6. Following an implementation phase, use of the Equality Guidelines should not produce additional work for MSPs or lengthen the process of legislative scrutiny or other committee functions. In normal circumstances, the Executive will already have given consideration to equality issues. The aim is to use the Equality Guidelines as a final check in legislative scrutiny, and for specific committee activities such as inquiries. The Guidelines cover key areas in the work of committees: each poses a question and provides advice on the action

¹ EOC (1998) *Mainstreaming Sex Equality in the Public Sector*. Report of a Joint Equal Opportunities Commission and European Commission Conference held on 22 June 1998, London.

and resources required for implementation. The guidelines would enable MSPs and parliamentary staff to ensure that attention is given to equality of opportunity for all groups or persons identified in the Scotland Act (1998). Mainstreaming is a long-term strategy: effective implementation may mean changes to the daily routines and thinking of the key actors involved.

Existing practice: a mainstreaming approach

7. This research advocates a three-pronged approach to tackling discrimination and ensuring full respect for equal treatment of people in society. The Parliament can pursue equality outcomes using legislative instruments, positive action measures and a mainstreaming approach.

8. Although the Scotland Act (1998) enables the encouragement of the observance of equal opportunities requirements it does not place an obligation on the Parliament to promote equal opportunities. However, there are opportunities for the Parliament to take a proactive role in this area. In June 1999 the Parliament agreed that its operations should “*embody the spirit of the CSG principles*”. The fourth principle, equal opportunities, provides a critical perspective to ensure that equal opportunities is integral to the work of the parliament. Without this critical perspective, groups or persons identified in the Scotland Act (1998) may be unintentionally excluded from consultative processes and parliamentary services.

9. The establishment of the Equal Opportunities Committee (EOC) reflects an understanding that dedicated support is needed to develop an equal opportunities perspective in parliamentary work. The CSG report recommends that the EOC’s role is to act as a catalyst, offering an opportunity for other committees to draw on its expertise to improve their own practice. The guidelines developed for this report aim to counter the tendency to leave equality to ‘the experts’, and more specifically to the EOC. They can act as a resource for committees to apply in their routine practice, to enable members to assume responsibility for equality appraisal in the process of legislative scrutiny. The development and use of the guidelines outlined in this report represent a mainstreaming approach.

The development of mainstreaming equality

10. The concept of mainstreaming equality has been championed by the European Union (EU)². The EU’s commitment to equality stems from the Treaty of Rome (1957) which guaranteed women and men equal pay for work of equal value. It has subsequently been developed through the introduction of Community Directives, Recommendations and Communications³. The political momentum for an equality agenda has been sustained by the Equal

² Rees, T (1998) *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*, London: Routledge.

³ Rossilli, M (1997) *The European Community’s Policy on the Equality of Women: From the Treaty of Rome to the Present* *European Journal of Women’s Studies* Vol. 4 pp63-82, London: Sage.

Opportunities Unit of the Employment and Social Affairs Directorate of the European Commission. The Commission has funded a series of Community Action Programmes (1974-2005) which have supported positive action measures to promote gender equality.

11. Discussions at the UN 4th World Conference on Women in Beijing (1995) profoundly influenced the direction of the EU equality strategy. In 1996, the EU adopted a mainstreaming approach to ensure that a gender perspective was applied by all policy makers to all aspects of their work. Mainstreaming has been defined and implemented through the 4th and 5th Community Action Plans, and the Council of Ministers' 'Communication on Mainstreaming'⁴.

12. The commitment to equal opportunities between women and men in the EU was further strengthened in Articles 2 and 3 of the Treaty of Amsterdam (1998). This moves equal opportunities from a focus on equal pay to become a central objective of EU political commitment. Mainstreaming gender equality is now a condition of Structural Funds interventions and a central pillar in the member states' National Employment Action Plans⁵.

13. The initial focus of the EU equality agenda on women and men explains why mainstreaming has taken gender as its primary focus⁶. Article 13 of the Amsterdam Treaty introduced measures to tackle anti-discrimination, and the first measure under the new powers addressed discrimination on the grounds of race and ethnic origin. The inclusion of additional equality perspectives has been driven by the desire for a socially inclusive Europe and the business case for managing diversity, and has broadened mainstreaming equality to tackle a wider field of inequalities⁷. The Employment Framework Directive (2001) further endorses this approach.

Implementation of mainstreaming

14. Experience in other Parliamentary settings shows that mainstreaming requires tenacity on the part of parliamentarians and parliamentary staff to sustain commitment to equality over a significant time period. Case studies of practice in the Northern Ireland and Welsh Assemblies (Chapter 4) suggest that mainstreaming is likely to demand resources to train and inform actors in the parliamentary process about the different areas of equalities. It may also require the use of guidelines on the appraisal of legislation and policy, and these will need to be embedded in existing parliamentary procedures and processes. The guidelines will require development, since few of the settings studied currently use toolkits and guidelines.

⁴ Pollock, M A, Hafner-Burton, E (2000) Mainstreaming Gender in the European Union *Journal of European Public Policy* 7:3, pp432-56.

⁵ Booth, C (2001) *Pathways to Social Cohesion: extending equal opportunities between women and men*, paper prepared for the European Foundation for the Improvement of Living and Working Conditions, Dublin.

⁶ Rossilli, M (1997) The European Community's Policy on the Equality of Women: From the Treaty of Rome to the Present *European Journal of Women's Studies* Vol. 4 pp63-82, London: Sage.

⁷ Yeandle, S (2001) *Pathways to Social Cohesion: managing diversity*, paper prepared for the European Foundation for the Improvement of Living and Working Conditions, Dublin.

15. Research identified three types of tools needed to operationalise mainstreaming⁸. **Analytical tools** enable an organisation to describe its current equality relations, and through repeated application, to record how equality outcomes and awareness change over time. The Welsh Assembly has adopted this approach, developing a tool to audit all its policy units. **Educational tools** are important to a mainstreaming strategy that recognises that barriers to equality are not only material but also cultural. **Consultative tools** widen the pool of people who can contribute to the policy-making process, increase confidence in the decisions which are finally made and enhance political accountability. The Northern Ireland Assembly is unique in the partnership it has formed with the equality commissions, handing them a key role in evaluating the equality strategies of all public bodies.

16. The evaluation of the existing equality infrastructure in the Scottish Parliamentary Committees (Ch. 2) shows that work is already being done to develop consultative tools in relation to the CSG principles: accountability, power sharing and openness. There is developing equality awareness among parliamentary staff, and relevant knowledge within the Equal Opportunities Committee. If mainstreaming is to be achieved, analytical tools are required to ensure that equality issues are routinely and systematically raised in the practice of all Committees. The Equality Guidelines aim to fill this gap.

17. Chapter 4 describes the practice of mainstreaming in comparable parliamentary settings. Information was collected via an international email survey and follow-up interviews. The examples demonstrate the importance of tools which are relevant to the structures and level of equality awareness within an organisation. The research indicates that the Scottish Parliament could break new ground if it were to develop mainstreaming equality in parliamentary committee practice.

Implementing the guidelines: Recommendations

18. Effective implementation of mainstreaming may require resources as follows:

Evaluation / Review

- Pilot the operation of the Equality Guidelines for a specified period
- Review their operation
- Amend / adjust the guidelines as appropriate.

Procedures

- Incorporate the guidelines within Standing Orders on parliamentary procedures.
- The procedures should be web-based to increase access.

⁸ Braithwaite, M, Freis, R & Fitzgerald, R (1999) *Mainstreaming Equal Opportunities for Women and Men into Structural Funds*, EC DGXVI, Brussels.

Information

- Prepare briefing papers on the EO implications of forthcoming legislation.
- Disseminate briefing papers on changes to equality legislation to all committees.
- Develop the (informal) EOC list of consultees into a database of EO contacts, accessible to all committees.

Knowledge / Expertise

- Develop EO criteria for the selection of advisers to committees to ensure selection is inclusive and represents all equality areas named in the Scotland Act.
- Set up a parliamentary staff forum to share good practice, knowledge and experience.
- Ensure that the Convenors' Liaison Group routinely identifies cross-cutting equal opportunity issues.
- Develop a committee-wide compendium of best practice and innovative techniques on consultation.

Draft Guidelines on Mainstreaming Equality in Scottish Parliamentary Committee Practice

Mainstreaming equality is a strategy which aims to ‘integrate equal opportunities principles and practices into the everyday work of Government and other public bodies in all policies, at all levels and at all stages in a routine way.

EOC CRE Scotland (undated) and Council of Europe 1998

19. Mainstreaming is a relatively new concept, which has been developed in recent years to shift the focus away from equal opportunities as an ‘add-on’ to considering it as integral to the policy and legislative process⁹. The Equal Opportunities Commission describes mainstreaming as ‘the integration of equal opportunities into all policy development, legislation, implementation, evaluation and review practices’¹⁰. In 1999 the parliament endorsed the spirit of the principles laid down by the CSG. One way of pursuing this endorsement would be to develop a mainstreaming approach to equal opportunities.

The Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all. ¹

Equal opportunities should be mainstreamed into the work of the Parliament and through the demands of and scrutiny by the Parliament, into the work of the Executive.

4th principle, *Shaping Scotland’s Parliament*, CSG 1999

⁹ Rees, T (1998) *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*, London: Routledge.

¹⁰ EOC (1997) *Mainstreaming gender equality in local government: A framework*, Manchester: Equal Opportunities Commission UK.

Introducing the Equality Guidelines

20. The Equality Guidelines outlined below are an appraisal tool which parliamentary committees could adopt to ensure that equal opportunities becomes a routine part of their work. They can complement forthcoming Scottish Executive action outlined in the Equality Strategy on how mainstreaming equal opportunities will operate in relation to policy development, but have the advantage of a specific focus on parliamentary rather than executive practice. The Equality Guidelines have been informed by research undertaken for this report into other Parliamentary settings (Chapter 4). The lessons from these settings are discussed in the sections following the guidelines.

21. The guidelines aim to enable all committees to consider equal opportunities in a structured way and if necessary to take appropriate actions. They describe a series of questions, which can be asked at different stages of legislative formulation by the different actors involved. In general terms, the role of Committees is to examine matters within their remits either of their own choosing or, in certain circumstances, those referred to them by the Parliament or another Committee. Committees report their findings and recommendations to the Parliament as a whole.

22. Under Standing Orders, the main tasks of the Committees are to:

- scrutinise the policy and work of the Scottish Executive and to hold it to account for its activities
- initiate inquiries
- consider proposals for legislation (Executive Bills, Member's Bills, Private Bills and subordinate legislation), including the general principles of Bills (at stage 1) and the fine details (at Stage 2)
- consider any European Communities legislation or any international conventions, agreements or drafts
- consider the need for reform of the law
- initiate Bills on any competent matter
- consider the financial proposals and financial administration of the Scottish Administration (including variation of taxes, estimates, budgets, audit and performance)
- consider public petitions

23. It is suggested, on the basis of research findings on mainstreaming equality in other parliamentary and related settings, that the guidelines may assist Committees in fully considering the equal opportunities aspects of these responsibilities. The guidelines should help the Committees to check that equality impact assessment has been carried out by the appropriate bodies (e.g. the Scottish Executive or the sponsor of a Bill). Committees would only need to undertake their own equal opportunities appraisal for activities which they have initiated, such as Inquiries. Some additional tools, such as checklists or templates, may need to be developed to facilitate the application of the guidelines. Thus in the short term the implementation of the guidelines is likely to require time and some resources to develop relevant

tools and to train staff and MSPs about their purpose and use. These are the extra resources mentioned earlier. Following implementation, the guidelines should not be a significant burden either in the time or resources they require, as they become a routine part of the way Committees function. MSPs may need to call on the resources of the Scottish Executive or parliamentary staff to carry out the activities identified for their attention in the guidelines below.

The Equality Guidelines

Key to acronyms used in the guidelines to specify key actors

<i>PS</i>	<i>Parliamentary Staff</i>
<i>CC</i>	<i>Committee Convenors</i>
<i>MSPs</i>	<i>Members of the Scottish Parliament</i>

WORK OF COMMITTEES

Equality Guideline 1	Actions to identify equal opportunities issues	Actor	Tools for Implementation
Legislative Appraisal			
Do the documents accompanying the Bill set out the EO implications of the legislation for all or any groups or persons identified in the Scotland Act?	Has the Bill sponsor assessed the EO implications of the Bill for all groups or persons identified in the Scotland Act? Identify the gaps.	PS	Parliamentary Committee staff should check that an EO Appraisal (e.g. policy memorandum) has been prepared by the Bill sponsor
In the case of Executive Bills reference can be made to the Policy Memorandum.	Identify key stakeholders affected by the Bill. Identify stakeholders omitted.	MSPs	
	Identify and record the benefits and disbenefits of the Bill for all relevant groups / stakeholders.	PS	Stakeholder analysis
	Identify the cross-cutting equal opportunities issues relating to the Bill.	PS	Impact analysis Meetings

Equality Guideline 2	Actions to identify equal opportunities issues	Actor	Tools for Implementation
<p>Amendments to legislation</p> <p>If equal opportunities concerns were raised at Stage 1, have these been addressed in the form of amendments to the Bill?</p> <p>Do any of the amendments brought forward at Stages 2 or 3 have equal opportunities implications, as set out in the Scotland Act, not already considered at Stage 1?</p>	<p>Specify how the equal opportunities concerns have been addressed by amendments.</p> <p>Assess the equal opportunities implications of all amendments for all groups or persons identified in the Scotland Act.</p> <p>Identify key stakeholders affected by the amendments. Identify stakeholders omitted.</p> <p>Identify and record the benefits and disbenefits of the Bill for all relevant groups / stakeholders.</p>	<p>MSPs</p> <p>PS</p> <p>PS</p> <p>MSPs</p>	<p>EO Appraisal</p> <p>Checklist / Stakeholder analysis</p> <p>Impact Analysis</p>

Equality Guideline 3	Actions to identify equal opportunities issues	Actor	Tools for Implementation
<p>Inquiries</p> <p>Has the choice of inquiry topics been informed by equal opportunity considerations as specified in the Scotland Act?</p>	<p>Specify how the inquiry programme addresses the needs of groups or persons identified in the Scotland Act.</p> <p>Identify and record gaps in the programme.</p>	<p>PS</p> <p>MSPs</p>	<p>EO Appraisal</p>

METHODS FOR INFORMING COMMITTEE WORK

Equality Guideline 4	Actions to identify equal opportunities issues	Actor	Tools for Implementation
<p>Information base line</p> <p>What information is available to Committee members on the equal opportunity dimensions of legislation?</p>	<p>Assess the adequacy of the information available. Prepare a summary of what is known.</p> <p>Identify and record significant gaps in the information base.</p>	<p>PS</p> <p>MSPs</p>	<p>Information database available to MSPs and staff about all equalities including:</p> <ul style="list-style-type: none"> i) EO dimensions of key legislation ii) Disaggregated statistics / information on the groups or persons identified in the Scotland Act, and other relevant groups such as carers/ dependants, as in the Northern Ireland Act. iii) Briefing notes on forthcoming equality legislation (EU / UK) iv) Relevant papers from external groups <p>Parliamentary staff forum (meetings or web based) to share information on equal opportunities.</p>

Equality Guideline 5	Actions to identify equal opportunities issues	Actor	Tools for Implementation
<p>Committee Expertise</p> <p>Does the committee have sufficient expertise within its membership to be able to reach an equal opportunities judgement for all or any of the groups or persons identified in the Scotland Act?</p>	<p>Assess whether any deficit could be addressed through the use of expert advice.</p> <p>Use equal opportunities criteria for adviser selection, to enhance committees' knowledge and expertise.</p>	<p>MSPs</p> <p>PS</p>	<p>EO Audit</p> <p>EO selection criteria</p>

Equality Guideline 6	Actions to identify equal opportunities issues	Actor	Tools for Implementation
<p>Selection of Witnesses</p> <p>Have equal opportunity criteria for selecting witnesses and or advisers been followed?</p>	<p>Use equal opportunities criteria when calling for witnesses, to ensure representation of groups or persons identified in the Scotland Act.</p> <p>Access an Equal Opportunities database of contacts as appropriate.</p>	<p>PS</p> <p>PS</p>	<p>EO selection criteria</p> <p>Equal Opportunities database of contacts (to be developed)</p>

Equality Guideline 7	Actions to identify equal opportunities issues	Actor	Tools for Implementation
<p>Open calls for evidence</p> <p>Has the call for evidence taken equal opportunities into consideration in the selection of channels of communication used?</p>	<p>Specify the channels of communication used.</p> <p>Specify and monitor the response from each group or person by channel of communication used.</p> <p>Record response achieved.</p>	<p>PS</p> <p>PS</p> <p>PS</p>	<p>Communications checklists</p>

Equality Guideline 8	Actions to identify equal opportunities issues	Actor	Tools for Implementation
<p>Consultation</p> <p>Have the Equality Commissions and all or any groups or persons identified in the Scotland Act been consulted in the preparation of the Bill?</p> <p>Has external consultation been guided by equal opportunities considerations in terms of the choice of location, group or persons consulted?</p>	<p>Specify Commissions, groups or persons consulted, and summarise their responses.</p> <p>Identify and record any omissions of groups or persons identified in the Scotland Act among consultees.</p> <p>Monitor and evaluate levels of participation from groups and persons specified in the Scotland Act, achieved in external consultation practice.</p>	<p>PS</p> <p>MSPs</p> <p>PS</p>	<p>Checklist</p> <p>Develop a committee-wide compendium of best practice examples / innovative techniques.</p> <p>Train staff on use of technology,</p>

	Record participation achieved.	MSPs	expenses, locations, styles of meetings.
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Recommendations for implementation

24. Appendix 2 includes examples of analytical, consultative and educational tools, mostly developed in other arenas, which could be adapted to fit the context of Scottish Parliament Committee work. It is suggested that effective implementation of the Equality Guidelines may require the commitment of parliamentary resources in the following areas:

Evaluation / Review

- Pilot the operation of the Equality Guidelines and associated tools for a specified period
- Review their operation
- Amend / adjust the guidelines as appropriate.

Procedures

- Incorporate the guidelines within the Standing Orders governing parliamentary procedures.
- The procedures should be web-based to increase access.

Information

- Prepare briefing papers on the equal opportunities implications of forthcoming legislation.
- Disseminate briefing papers on changes to equality legislation to all committees.
- Develop the informal Equal Opportunities Committee's list of consultees into a database of Equal Opportunities contacts, accessible to all committees to use as appropriate.

Knowledge / Expertise

- Develop EO criteria for the selection of expert advisers to committees to ensure selection is inclusive and represents the full range of equality areas named in the Scotland Act.
- Set up a parliamentary staff forum to share good practice, knowledge and experience.
- Ensure that the Convenors Liaison Group identifies cross-cutting equal opportunity issues as a routine part of its remit.
- Develop a committee-wide compendium of best practice and innovative techniques on consultation.
- Explore methods for working in partnership with the existing equality commissions in Scotland.

Rationale for the introduction of the Equality Guidelines

25. Governments, legislators and policy makers have taken a range of actions to prohibit and remove discrimination and to ensure full respect for equal treatment of people in society. These include legislation outlawing certain forms of discrimination, and positive action measures which target resources on groups which have routinely and traditionally been discriminated against. In the UK and EU these actions have most notably addressed discrimination in the areas of sex, race and disability¹¹.

26. Both legislation and positive action measures have brought about a change in public attitude, raising awareness of discrimination and encouraging acceptance of government action to tackle social injustice¹². Despite the use of these approaches, inequality continues to constrain people's opportunities. Thus it has become increasingly clear that a new approach is needed to reach the goal of equality. Mainstreaming was introduced in the mid 1990s as a new way forward (see Chapter 3). Early attempts to mainstream equality by national governments and within local authorities have demonstrated that mainstreaming cannot succeed without the support of legislative and positive action measures. It is the legislative framework which provides the rationale for pursuing equality, and places an obligation on policy makers to comply. Positive action measures can offer a medium term strategy which builds expertise, understanding and awareness of equality objectives. Only when both are in place can the transformative strategy of mainstreaming be attempted¹³.

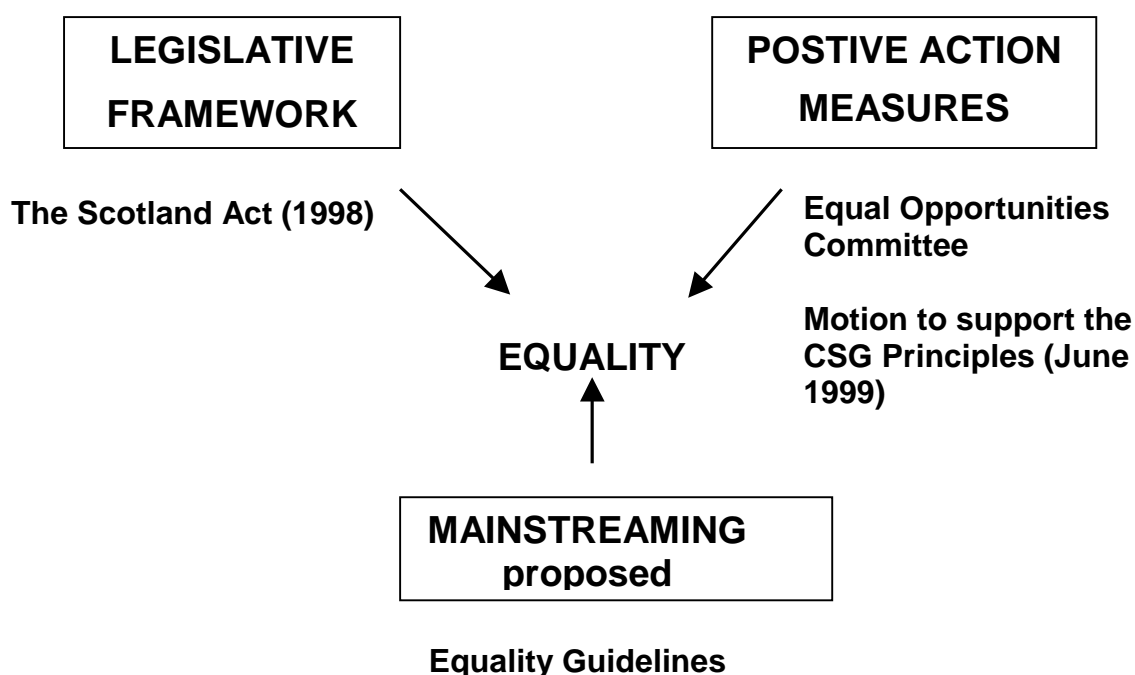
27. The Scottish Parliament already has a robust legislative framework and a number of positive action measures (see Figure 1 below). These aspects are outlined in the next section of the report, which explores developments in other, comparable, parliamentary settings: the Northern Ireland Assembly, the Welsh Assembly and the UK Government.

¹¹ Webber, S (1996) paper on mainstreaming in UK national government, given to seminar 'From Equal Opportunities to Mainstreaming Equality', SPS University of Bristol.

¹² Hepple B, Coussey M and Choudhury T (2001) *'Equality: A new framework. Report of the Independent Review of the Enforcement of UK Anti-discrimination Legislation'* Cambridge: Centre for Public Law.

¹³ Yeandle, S, Booth, C and Bennett, C (1999) *Criteria for the success of a mainstreaming approach to gender equality* Report for the European Commission, DGV, Brussels, unpublished.

Figure 1: The Scottish Parliament's Equality Infrastructure



28. These legislative and positive action measures need to be supported by changes in everyday practice (mainstreaming) if equality objectives are to be achieved. However the **transformative** nature of mainstreaming¹⁴ means it cannot be implemented overnight. Cultures and structures of organisations have to change so that all individuals are encouraged to think differently and to bring equality objectives into their routine working duties¹⁵. To sustain and drive forward these changes over time, **commitment from politicians** and senior executives is crucially important. Most institutions also need to call on **equality experts** to advise them. Such experts can run training programmes, or devise tools that enable a transfer of expertise to take place¹⁶. The aim in the long term is for everybody in the organisation to be an equality 'expert'. The Equality Guidelines proposed in this report are an important step towards achieving this goal.

The Legislative Framework

29. As described above, the legislative framework provides the context in which mainstreaming is implemented. It offers the underlying rationale for the actions to be taken and ensures that these actions are given high priority by legislators and policy makers.

¹⁴ Rees, T (1998) *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*, London: Routledge.

¹⁵ Bennett, C (2000) *Mainstreaming in Organisations: strategies for delivering women's equality in UK local government*, unpublished PhD thesis, Sheffield Hallam University.

¹⁶ op. cit.

30. The Northern Ireland Assembly and the Welsh Assembly, in their founding legislation, have made an explicit commitment to promote equality of opportunity. The fact that equality is an underlying principle of the Assemblies means that it is at the centre of all activities and is a major responsibility of senior Ministers. For example, in Northern Ireland responsibility for promoting equal opportunities rests with the First Minister and Deputy First Minister and in the Welsh Assembly the Cabinet has indicated its support by appointing the Minister of Finance to chair the Committee on Equal Opportunity. In the UK the commitment to promote equality is absent in legislation, hence in contrast to the Assemblies in Wales and Northern Ireland, equality and a mainstreaming strategy is the responsibility of a number of government policy units and Departments. A recent change to this flows from the Race Relations Act 1976 as amended in 2000 which places a statutory duty, 'the general duty', on specified public authorities to promote race equality¹⁷.

31. The legislative frameworks in all three of these cases aim to tackle discrimination in the areas of sex, race and disability. The Northern Ireland and Welsh legislation extends the definition of equal opportunities further to include a greater number of groups in society. This commitment ensures that their mainstreaming strategies encourage legislators and policy makers to consider the needs of people in their diversity as they formulate and implement legislation.

32. The Scottish Parliament is most comparable to the Northern Ireland and Welsh Assemblies. The Scotland Act enables the Scottish Parliament to encourage the observance of equal opportunities requirements, although it reserves the subject matter of these requirements to the jurisdiction of the United Kingdom Parliament. At present these requirements include adherence to the following: the Equal Pay Act (1970), the Sex Discrimination Act (1975), the Race Relations Act (1976), the Disability Discrimination Act (1995) and the Race Relations Amendment Act (2000). Although the Scotland Act does not explicitly commit the Scottish Parliament to promote equal opportunities, it offers a number of ways of taking the agenda forward.

33. First, the Scotland Act includes an exception to the reservation, which could be applied to the Scottish Parliament as a Scottish Public Authority (Schedule 5 (L2) Scotland Act). This exception allows the Parliament to encourage the pursuit of equal opportunities, except by prohibition or regulation. Second, equality has been part of the discussions about the operation of the Scottish Parliament from the beginning. In June 1999 the Parliament passed a motion agreeing that its operations should "*embody the spirit of the CSG principles*". The fourth of these principles can be considered to underpin the other three: it provides a critical perspective to ensure that equal opportunities is integral to the pursuit of openness, power sharing and accountability. This prompts the Scottish Parliament to ask questions about how diverse groups participate in power sharing, which groups are able to

¹⁷ Home Office (2001) *Race Relations (Amendment) Act 2000 New Laws for a Successful Multi-Racial Britain: Proposals for implementation*, London: HMSO.

communicate their views and questions to the Executive and how far they engage with Parliamentary processes, such as consultation events.

34. Like those of the Northern Ireland and Welsh Assemblies, the Scottish Parliament's definition of 'equal opportunity' is wide ranging and can be used to ensure that a mainstreaming approach is inclusive of people's diverse needs.

“Equal Opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

The Scotland Act (1998)

Positive Action Measures

35. Positive action measures come in many forms, including targeted programmes and resources, dedicated staff and dedicated equality structures. They operate in the medium term to improve the level of expertise and awareness about a particular form of discrimination. They may also attempt to improve the situation of a group which is excluded from mainstream activities. Positive action measures have often been greeted with hostility, as they appear to be favouring certain groups over others. For this reason equality practitioners emphasise that once lasting improvements have been achieved and discrimination has ended, such measures can be dismantled.

36. All three UK examples have adopted positive action measures in the form of dedicated staff and structures. The status and powers of these structures depend on the legislative context that gives them their legitimacy. However, all three vary in their form and ways of operation. In Wales, the Assembly has created a Parliamentary Committee with a remit to promote equal opportunities, chaired by one of the most senior Ministers, the Minister of Finance. The Committee has been given explicit powers in the Standing Orders to audit the Assembly's progress on promoting equal opportunity in the exercise of all its functions. Its role is one of scrutiny and enforcement of the strategic targets on equality that the Assembly sets itself. The Northern Ireland Assembly has taken a different approach. To ensure that the Assembly meets its annual strategic targets on equality, the Standing Orders allow for the setting up of an 'Ad Hoc Committee on Conformity with Equality Requirements' to consider and report on whether a Bill or proposal conforms to the equality requirements. This degree of positive action is adequate as there are many other mechanisms operating during the policy and pre-legislative stages of drafting Bills to ensure that equality has been taken into account. The UK government has adopted a similar approach, directing its

central efforts at producing guidelines for policy makers. Its one positive action measure is the Women's and Equalities Unit in the Cabinet Office, which since 1997 has co-ordinated the design and implementation of policy appraisal guidelines.

37. In the Scottish Parliament the establishment of the Equal Opportunities Committee reflects an understanding that dedicated support is needed to facilitate the development of skills and expertise about equal opportunities. The remit of the Equal Opportunities Committee is to consider and report on issues which relate to equal opportunities and encourage the observance of equal opportunities in the Parliament as a whole (Rule 6.9 of the Parliamentary Standing Orders). The CSG report emphasised that although the Equal Opportunities Committee is responsible for monitoring Parliamentary observance it can be seen as a catalyst to encourage other committees, in time, to carry out their own monitoring, and in effect mainstream this activity.

38. The role of catalyst is not an easy one. The Committee does not have the same powers of audit and enforcement over departments as its counterpart in the Welsh Assembly. However, there are a number of mechanisms, which the Welsh Assembly's Committee on Equality of Opportunity has used, which are within the scope of the Scottish Equal Opportunities Committees to adopt. The Welsh Committee on Equality of Opportunity, using its overview knowledge of the Assembly's progress on equality, formally writes to Subject Committees to request that they apply their expertise to certain strategic or topical issues which have arisen. The Committee has also played a proactive role in commissioning research into selection and appointments to public office in Wales, to ensure that equality criteria are embedded in this process.

Mainstreaming

39. Over-reliance on positive action measures has been one of the drivers for the development of a mainstreaming approach¹⁸. Experience in UK local government suggests that rather than equality expertise being used effectively as a resource by other committees to improve their own practice, the tendency has been to give up on equality altogether on the assumption that the experts are taking care of it¹⁹ (see Chapter 3). A mainstreaming approach aims to counter this tendency by encouraging partnerships (so that expertise can be shared and understanding deepened) and by developing appraisal tools.

40. Both the Welsh and Northern Ireland Assemblies have adopted formal partnerships with the equality commissions (EOC, CRE). These partnerships

¹⁸ Booth, C (1999) Gender Mainstreaming in the European Union: towards a new conception and practice of equal opportunities. Paper presented to the 2nd meeting of the ESRC Seminar Series *The Interface between Gender Equality and Public Policy*, Centre for Regional Economic and Social Research, Sheffield Hallam University.

¹⁹ EOC (1997) *Mainstreaming gender equality in local government: A framework*, Manchester: Equal Opportunities Commission UK.

ensure that the Assemblies have access to high quality advice and are receptive to the subtleties of diverse people's needs and situations. In the Welsh Assembly, the Commissions have a standing invitation to attend the Equality of Opportunity Committee. They are also invited to sit on the Committee's working groups. In Northern Ireland the Commissions' role is even more central, since they approve the Equality Schemes produced by all public bodies, including those of the government's departments. They also scrutinise and report on all Bills. Such constructive partnerships could be a model for the Scottish Parliament's approach.

41. Another aspect of mainstreaming has been to develop user-friendly appraisal tools so that policy makers and legislators can easily apply them in their routine practice. This enables them to assume responsibility for equality proofing in the process of legislative scrutiny. All three UK examples have put the development of such tools at the centre of their mainstreaming approach. Significantly, the mainstreaming tools are directed at the work of departments. In the Northern Ireland and Welsh Assemblies, equal opportunities appraisal of policies and legislation occurs at the drafting stage, carried out by the sponsoring department or policy unit. Politicians become involved later in the process in scrutinising and recording the results of the appraisal.

42. In Northern Ireland, an Equality Impact Assessment tool (EIA) has been developed and is applied at all levels: the Programme for Government (which describes the work of the Assembly over a 2-3 year period) is subject to EIA. Similarly, each Department must develop a Programme of Action and an Equality Scheme (i.e. policy development). The Statutory Duty Unit makes a preliminary judgement about whether the scheme is sufficient. If it is found to be lacking an EIA is performed. The results are considered by the Committee of the Centre (i.e. the scrutiny stage). An EIA may also be carried out on draft Bills and the results scrutinised by the relevant parliamentary committee. In Wales, the Equality of Opportunity Committee has responsibility for the daily business of all policy divisions. It has commissioned a series of Equality Audits, starting in the Assembly's first year with a baseline survey which ranked each division against a series of criteria. Subsequent audits are then able to compare divisions' progress against this baseline. In the UK Government, the Policy Appraisal for Equal Treatment Guidelines have been developed for use by all government departments and regional public bodies. They detail good practice in policy making, but at present their application is not required. There is no sanction if they are not followed, and no political scrutiny of the results.

43. Lessons from these and other organisational contexts suggest that mainstreaming tools are only effective if they are implemented in a legislative context which upholds their application²⁰. Positive action measures such as specialist training and resources are also frequently required to ensure that all those using the tools understand their purpose and how to use them

²⁰ Bennett, C (2000) *Mainstreaming in Organisations: strategies for delivering women's equality in UK local government*, unpublished PhD thesis, Sheffield Hallam University.

meaningfully²¹. The appraisal tools mentioned above have the added effect of raising organisational awareness of the issues surrounding equality and hence, over time, of strengthening understanding, so that equality considerations become second nature in policy making²².

44. This report focuses on how mainstreaming equality can be achieved through Committee work within the Scottish Parliament. The Equality Guidelines proposed aim to enhance the integration of an equality perspective into the work of the Parliamentary Committees, complementing ongoing work in the policy making arena directed by the Scottish Executive. The legislative framework for equality and the type of equality structures which the Parliament has put in place suggest that it is not appropriate to adopt a mainstreaming tool to be implemented by the Equal Opportunities Committee alone, since it does not have the powers to enforce its use. For this reason the Equality Guidelines are inclusive of all Committees' practice. They aim to pose the 'big' questions, which can apply to all committees' subject areas. In so doing so they will enable committees to stop and think about the equality implications of their work, to refine their practice and to demonstrate their commitment to equality to the Scottish people.

45. To conclude, the boxes below summarise the challenges and actions required to implement an effective mainstreaming approach within the Scottish Parliament and to sustain its development over time.

²¹ Yeandle, S, Booth, C and Bennett, C (1999) *Criteria for the success of a mainstreaming approach to gender equality* Report for the European Commission, DGV, Brussels, unpublished.

²² Eurofem (1998) *Proceedings of the Eurofem international conference on local and regional sustainable human development from the gender perspective*, June 1998, Hameenlinna, Finland.

THINKING

Tackling the cultures of the Scottish Parliament: changing the way the Scottish Parliament thinks (and hence acts) by having issues about people and their diverse needs high on the agenda

THIS REQUIRES

- **Awareness** through training or ‘hands on’ experience, sharing good practice, and understanding the objectives
- **Tenacity and commitment** on the part of MSPs and parliamentary staff
- **Openness and access to alternative views** in relation to legislative advisers, contractors, and consultation with constituents

DOING

Tackling legislative drafting at the policy making level to initiate, frame and proof all proposals in terms of ‘the realities of people’s daily lives’²³

THIS REQUIRES

- **Development of appropriate appraisal tools which fit the context**
- **Expertise** provided by dedicated staff and MSPs
- **Knowledge of the baseline data** on different areas of inequality
- **Consultation with stakeholders** which is robustly organised and allows meaningful dialogue
- **Systematic application of equality criteria at every stage** monitored by those invested with responsibility
- **Openness and equal treatment of all views** practised during the process

²³ Council of Europe (1998) “*Gender Mainstreaming: conceptual framework, methodology and presentation of good practices*” Final Report of the Group of Specialists on Mainstreaming, Strasbourg.

Existing equality practice in the Scottish Parliament

46. This chapter provides additional detail about the concept of mainstreaming. It offers a more in-depth analysis of current equality practice in the Scottish Parliament, to demonstrate the ways in which the context could support a mainstreaming approach. The chapter begins by outlining the definition of equality as it relates to the human rights and mainstreaming agendas. It defines a mainstreaming strategy before reviewing the infrastructure which the Scottish Parliament already has in place to support its successful development.

What is equality?

Equality means an equal visibility, empowerment and participation of all people in all spheres of public and private life.

Council of Europe 1998

47. Equality is the opposite of inequality, not of difference. The aim of any equality strategy is not to remove all differences, only to address those that have a negative impact²⁴. These negative differences can be physical, economic, cultural and social. An equality strategy stresses that discriminatory actions and situations must be changed, as well as any stereotypes or attitudes which cause people to view or to treat others as inferior. Discriminatory actions and prejudiced perceptions can occur at a personal and group level as well as at a political and institutional level. It is widely accepted that discriminatory practice and constraining roles are unconsciously written into the everyday routines and policies of organisations²⁵.

How is equality different from human rights?

48. Human rights make up **one** part of a commitment to equality. Aiming for equality involves:

- Establishing full recognition of an individual's right to **personal dignity and liberty**. This is equivalent to a commitment to people's human rights.

²⁴ Bennett, C (2000) *Mainstreaming in Organisations: strategies for delivering women's equality in UK local government*, unpublished PhD thesis, Sheffield Hallam University.

²⁵ Council of Europe (1998) "Gender Mainstreaming: conceptual framework, methodology and presentation of good practices" Final Report of the Group of Specialists on Mainstreaming, Strasbourg.

- Promoting **representative democracy** by challenging the persistent absence or under-representation of certain types of people in decision-making at all levels and all fields of life.
- Achieving **economic independence** through equal pay, equal access to credit, equal conditions in the labour market, and equal distribution of assets taking people's different starting points into account.
- Providing equal access to education, which upholds equal opportunities. **Education** is the cornerstone since it involves the way in which a society transfers its social expectations, knowledge and skills.
- Insisting on a **shared responsibility** on everybody as individuals and as members of institutions to tackle inequality in public and private life.

A commitment to equality:

- Recognises an individual's right to personal dignity and liberty.
- Promotes representative democracy
- Supports economic independence, taking people's different starting points into account
- Champions access to education which promotes a diversity of knowledge
- Insists on the shared responsibility of individuals and institutions to act

Adapted from Council of Europe 1998

What is mainstreaming equality?

49. Governments, legislators and policy makers have taken different actions in order to prohibit and remove discrimination and ensure full respect for equal treatment of people in society. There are three key building blocks which institutions have adopted to tackle inequality. These are legislation, positive action measures and mainstreaming²⁶. These three building blocks together form a three pronged approach to tackling inequality.

²⁶ Yeandle, S, Booth, C and Bennett, C (1999) *Criteria for the success of a mainstreaming approach to gender equality* Report for the European Commission, DGV, Brussels, unpublished.

50. **Legislation:** Many institutions have developed equality legislation in order to achieve an absolute prohibition on discrimination and a full respect for equal treatment of people in society. However, this has proved to be insufficient. First, protection against discrimination is not always enforced, and second, some forms of discrimination are indirect and arise from deeply ingrained social norms and values²⁷.

Strengths	<ul style="list-style-type: none"> • Legal protection, right to appeal to highest level
Limitations	<ul style="list-style-type: none"> • Lack of enforcement • Individualised judgements • Difficult to obtain evidence when discriminatory action is unintentional (indirect discrimination)

51. **Positive action:** Methods have been developed that take proactive steps to make reparation for the differences suffered by certain groups of people. This strategy of positive action involves targeting resources or employing specialist personnel and experts to address the needs of named groups. It has the advantage of having an immediate impact on the quality of the lives of the individuals on whom money or support is targeted²⁸.

Strengths	<ul style="list-style-type: none"> • Immediate impact on the quality of the lives of those suffering disadvantage
Limitations	<ul style="list-style-type: none"> • Expensive if applied on a large scale • Appears to contradict legal principle of equal treatment, some receive exclusive treatment

52. Both legislation and positive action measures have brought about a change in public attitude, bringing greater awareness of discrimination and acceptance of government action to tackle social injustice²⁹. Despite these developments inequality continues to constrain people's opportunities in all

²⁷ Lester, A (1998) 'From Legislation to Integration - 20 years of the Race Relations Act', in Blackstone, T, Parekh, B, and Saunders, P *Race Relations in Britain: a developing agenda*, Routledge: London.

²⁸ Halford, S and Duncan, S (1991) *Implementing Feminist Policies in British Local Government*, Centre for Urban and Regional Research, University of sussex, Working Paper 78.

²⁹ Booth, C (1999) 'Gender Mainstreaming in the European Union: towards a new conception and practice of equal opportunities.' Paper presented to the 2nd meeting of the ESRC Seminar Series *The Interface between Gender Equality and Public Policy*, Centre for Regional Economic and Social Research, Sheffield Hallam University.

walks of life, indicating that new approaches are needed to reach the goal of equality. Mainstreaming is one solution.

Mainstreaming equality is a strategy which aims to 'integrate equal opportunities principles and practices into the everyday work of Government and other public bodies in all policies, at all levels and at all stages in a routine way.

EOC CRE Scotland undated and Council of Europe 1998

53. Mainstreaming equality makes three important innovations to the practice of equal opportunities³⁰. First, new tools have been developed to enable every legislator and policy maker to check, proof and scrutinise the decisions they make to highlight the equal opportunities implications. To this end the Consultative Steering Group made the following recommendation in their report, 'Shaping Scotland's Parliament'.

... to ensure the effectiveness of mainstreaming it will be necessary for all MSPs and for all officials to receive training on equal opportunities with the emphasis on policy appraisal.

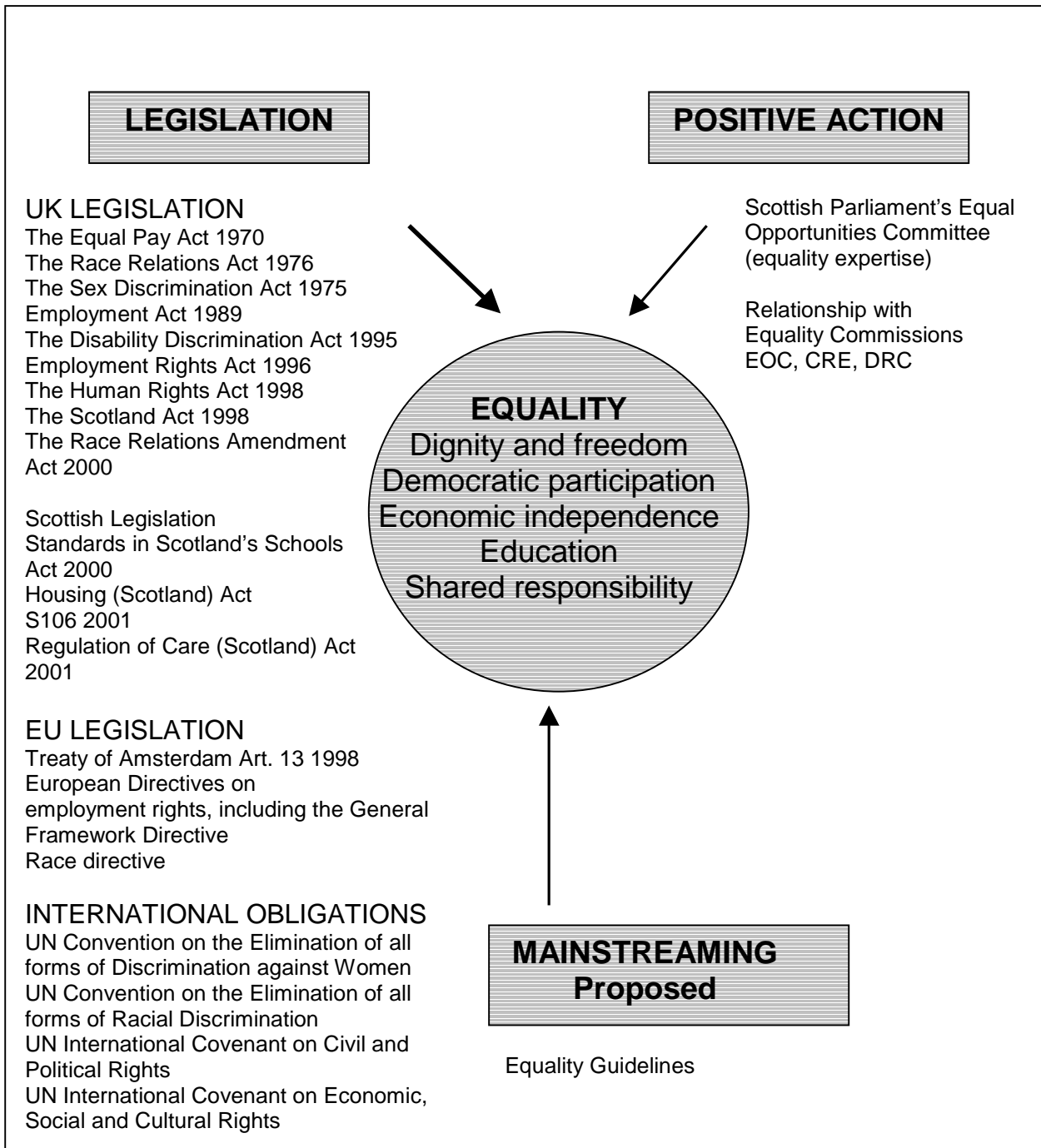
Shaping Scotland's Parliament CSG 1999

54. Second, mainstreaming broadens the focus from looking at the usual groups facing discrimination to looking at everybody in society. For example, it recognises that an exclusive focus on women overlooks the difficulties faced by many groups of men in society. Real equality cannot be achieved unless both men and women work together to improve the quality of their lives. Third, mainstreaming is compatible with the other building blocks; it does not aim to replace them. Legislation, positive action and mainstreaming are mutually supportive. For example, by mainstreaming equality into the policy making process it may become apparent that a positive action measure is needed to secure an outcome for a particular group, or that equality legislation is not watertight and requires an amendment to make protection for a particular group more effective.

55. Figure 2 illustrates the three pronged approach, which the Scottish Parliament could adopt. It identifies the specific measures the Parliament has established under each approach.

³⁰ Bennett, C (2000) *Mainstreaming in Organisations: strategies for delivering women's equality in UK local government*, unpublished PhD thesis, Sheffield Hallam University.

Figure 2: Legislation, positive action measures and mainstreaming tools in the Scottish Parliament



Equality infrastructure in the Scottish Parliament

56. The current equality infrastructure of the Scottish Parliament consists of many elements which could support the introduction of a mainstreaming approach, driven forward by using the Equality Guidelines in Committee work. These include the legislative framework, a supportive policy environment, positive action measures, equality champions, external catalysts and organisational knowledge and information about equality. Previous research into the experience of mainstreaming in UK local government confirms that these types of infrastructure are important if mainstreaming is to be successful³¹. The nature of each of these elements is explored below.

Legislative framework

57. Within the UK, legislation establishes duties on politicians and policy makers to address equal opportunities. This can provide the rationale for a mainstreaming strategy to be adopted and the momentum for the strategy to be sustained.

58. The Scotland Act (1998) permits the **encouragement of the observance** of equal opportunities requirements. It reserves the subject matter of these requirements to the United Kingdom Parliament. 'Equal opportunities requirements' include the subject matter of the following Acts; the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995 and the Race Relations (Amendment) Act 2000. Although the Scotland Act does not explicitly commit the Parliament to promote equal opportunities, it offers a number of ways of taking the agenda forward.

59. First, the definition of 'equal opportunity' is wide ranging:

“Equal Opportunities” means the prevention, elimination or regulation of discrimination between persons on the grounds of sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

The Scotland Act (1998)

60. Existing UK legislation does not adequately cover the equality categories included in the Scotland Act. Any subordinate legislation or Acts initiated for this purpose must be compatible with the rights laid down by the European Convention of Human Rights and with European Community Law (Section 57

³¹ EOC (1997) *Mainstreaming gender equality in local government: A framework*, Manchester: Equal Opportunities Commission UK.

(2) Scotland Act). However, legislation on these equality areas would be reserved to Westminster and outwith the competence of the Scottish Parliament.

61. Second, an exception to the reservation has been included, which could be applied to the Scottish Parliament as a Scottish Public Authority (Schedule 5 (L2) Scotland Act).

The encouragement (other than by prohibition or regulation) of equal opportunities, and in particular of the observance of the equal opportunity requirements.

Imposing duties on:

a) any office-holder in the Scottish Administration, or any Scottish Public Authority with mixed functions or no reserved functions, to make arrangements with a view to securing that the functions of the office-holder or the authority are carried out with due regard to the need to meet the equal opportunity requirements

The Scotland Act 1998

62. This exception suggests that the Scottish Parliament is able to take a proactive role to interrogate its own procedures and practices with a view to encouraging equal opportunities.

Supportive Policy Environment

63. Mainstreaming has been shown to be more effective when there is understanding and support for the concept in the wider policy context³². Mainstreaming equality has been part of the discussion about the operation of the Scottish Parliament from the beginning. By passing the motion agreeing that the Scottish Parliament's operations should "embody the spirit of the CSG principles" (9th June 1999) MSPs made a commitment to promote equal opportunities and to mainstream this commitment. The remaining three CSG Principles, of power sharing, accountability and open and accessible procedures, are important for achieving mainstreaming.

³² Yeandle, S, Booth, C and Bennett, C (1999) *Criteria for the success of a mainstreaming approach to gender equality* Report for the European Commission, DGV, Brussels, unpublished.

The Scottish Parliament in its operation and its appointments should recognise the need to promote equal opportunities for all.¹

Equal opportunities should be mainstreamed into the work of the Parliament and through the demands of and scrutiny by the Parliament, into the work of the Executive.

4th principle, CSG *Shaping Scotland's Parliament* 1999

64. Evidence from the workshops held as part of this research indicates that these three alone may not be sufficient. Without a critical perspective to promote equal opportunities certain groups may be unintentionally excluded. Positive action measures may be needed to encourage excluded groups to engage and, once they have become involved, to sustain their involvement. The CSG report identified that all Scottish Parliamentary Committees have the scope to act. It specifies mainstreaming equal opportunities as the task of all committees which undertake policy development, legislation and evaluation practices.

Equality Champions: MSPs

65. The difficulty of the task of mainstreaming equality means that it is critically important to have the support of key individuals. A successful mainstreaming strategy requires strong advocates³³. There are a number of opportunities for MSPs to promote the mainstreaming strategy in the Scottish Parliament.

66. The first of these opportunities is the Code of Conduct for MSPs, adopted in February 2000 through a resolution of the Parliament, which outlines the standards expected of MSPs undertaking parliamentary duties.

The Scottish Parliament is an equal opportunities organisation, firmly committed to providing equal opportunities for all staff regardless of age, disability, gender, marital status, sexual orientation, race, colour, nationality, religion, ethnic or national origin. Members and their staff must adhere to this policy in their dealings with all the Parliament and behave appropriately.

Section 9.2.2 Code of Conduct

67. In addition, the Parliament's commitment to uphold the 'spirit of the CSG principles' in its operation suggests that all MSPs may act as mainstreaming advocates. The Equal Opportunities Commission (EOC) and the Commission for Racial Equality (CRE) in Scotland have detailed the role which all MSPS

³³ op. cit.

can play in integrating an equality perspective into the appraisal of their own and the Executive's legislative proposals.

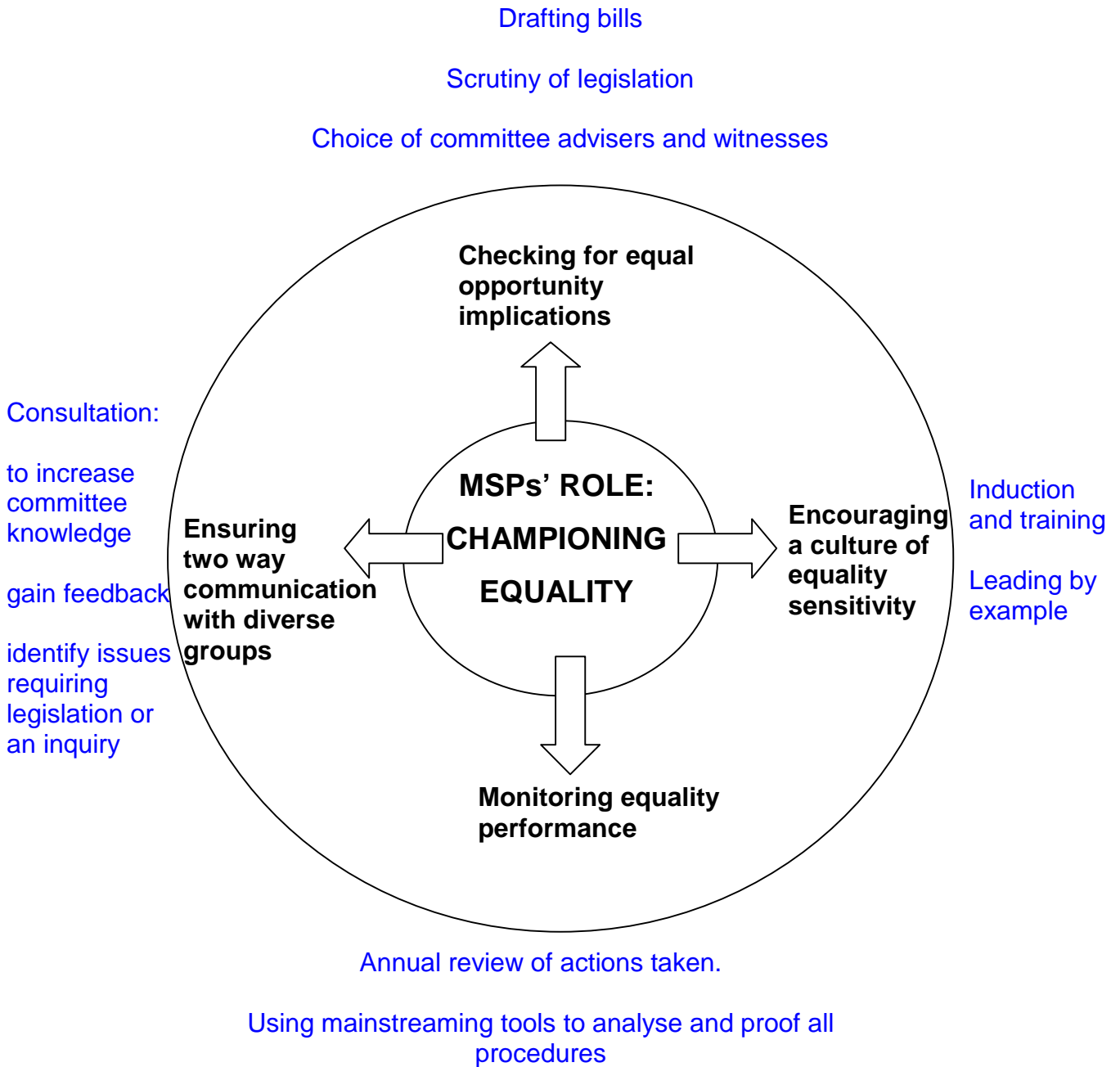
MSPs can act as visible champions of equality:

- ***scrutinising the equality implications of policies and legislative programmes***
- ***encouraging a culture of equality sensitive governance***
- ***monitoring the performance of policy makers***
- ***ensuring two way communication between public and political decision makers***

EOC CRE Scotland (undated)

68. Figure 3 matches the different aspects of MSPs' role to the areas of committee practice where they could be applied (committee practice is described in the text outside the circle).

Figure 3: MSPs as equality champions



69. Membership of Parliamentary Committees offers MSPs the opportunity to scrutinise policies and legislation for equality implications. This can be done through their powers to examine legislative proposals and to initiate inquiries. An equality-aware culture is facilitated by the 'newness' of the Parliamentary structures, protocol and procedures and by the common desire of those involved in setting up the Parliament to avoid the shortfalls of the Westminster

model. A study of mainstreaming in local government³⁴ has shown that changes to the structures of an organisation, its hierarchy and workforce create an opportunity for proponents of equality to raise questions about long held assumptions or traditions, which exclude groups from decision-making³⁵. Parliamentary Committees have the power to call Ministers and their staff to account for their actions through the inquiry capacity, hence MSPs as Committee members are able to monitor the performance of policy makers and the Scottish Executive. Finally, workshop participants indicated that the commitment of the Parliament to openness and accessibility means that Committees can initiate dialogue with a number of different sources. They can meet outside Edinburgh, offering the opportunity for MSPs to engage in dialogue first hand with local constituents. Committees routinely hear constituents' opinions and concerns raised through petition, and given as written and oral evidence. The Parliament's evidence generating activities also put MSPs in contact with Scottish expertise provided by the Equality Commissions, equality advocacy groups and research centres. The Scottish Parliament's website provides another opportunity for two-way dialogue with interested parties.

External catalysts

70. External organisations provide impetus for the continuation of a mainstreaming strategy. In Scotland there are many external organisations which by lobbying parliament and collaborating with the legislature as advisers or consultants, provide a positive pressure. These organisations such as the EOC, CRE, and DRC in Scotland, third sector campaign groups and think tanks, are able to make a valuable contribution to enhance the levels of equality expertise and awareness in the Parliament³⁶. They can give a steer to future policy and legislation, hold the Parliament to account on its own equality commitments, and contribute specialist or hidden knowledge through engagement with the consultative processes. Their participation should be encouraged and enhanced where possible.

Specialist equality structures

71. To undertake mainstreaming, most institutions need to call on equality experts to advise them³⁷. Experts can run training programmes, or devise tools which enable a transfer of expertise to take place. The aim in the long term, is for everybody in the organisation to be an equality expert. The establishment of an Equal Opportunities Committee reflects an understanding

³⁴ EOC (1997) *Mainstreaming gender equality in local government: A framework*, Manchester: Equal Opportunities Commission UK.

³⁵ *op. cit.*

³⁶ e.g. EOC/CRE Scotland (undated) *Questions of Mainstreaming: examining policy and legislative proposals within an equalities framework in Scotland*.

³⁷ Yeandle, S, Booth, C and Bennett, C (1999) *Criteria for the success of a mainstreaming approach to gender equality* Report for the European Commission, DGV, Brussels, unpublished.

that specialist support can facilitate the development of skills and expertise to mainstream equality effectively³⁸. Rule 6.9 of the Parliamentary Standing Orders defines the remit of the Equal Opportunities Committee as follows;

The remit of the Equal Opportunities Committees is to consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament.

Rule 6.9 Parliamentary Standing Orders

72. The CSG report is clear that the Equal Opportunities Committee could be considered as a means to an end, not the end result.

The role of the Equal Opportunities Committee would be to act as a catalyst to ensure that, for instance, equality plans and targets are outlined for each committee and effective monitoring systems are put in place by committees ...

CSG 'Shaping Scotland's Parliament (1999)

73. The role of catalyst is not an easy one. Experience in UK local government (one of the few other arenas where mainstreaming has been strategically attempted in the UK) suggests that rather than equality expertise being used effectively as a resource by other committees to improve their own practice, the tendency has been for committees to rely on the equality committee to meet the organisation's equality commitment³⁹ (see Chapter 3). The Equality Guidelines presented in this report aim to counter this tendency to leave equality to the experts. They offer a user-friendly resource, which committees can apply in their routine practice, to enable MSPs to assume responsibility for equality proofing in the process of legislative scrutiny.

Information and knowledge

74. For mainstreaming to be effective the cultures and structures of organisations have to change to enable all individuals to bring equality objectives into their routine working duties⁴⁰. Changing cultures involves

³⁸ op. cit.

³⁹ EOC (1998) *Mainstreaming Sex Equality in the Public Sector*. Report of a Joint Equal Opportunities Commission and European Commission Conference held on 22 June 1998, London.

⁴⁰ Bennett, C (2000) *Mainstreaming in Organisations: strategies for delivering women's equality in UK local government*, unpublished PhD thesis, Sheffield Hallam University.

raising the level of awareness and understanding about equality of the institution as a whole. During the research workshops parliamentary staff expressed a strong willingness to engage with the equal opportunities agenda, but indicated their limited specialist knowledge. Many fear making mistakes due to lack of information. The Scottish Parliament has many potential sources of information about equal opportunities which could be shared among MSPs and staff, but at present no mechanism exists to enable this to happen routinely.

75. These sources of knowledge were identified by MSPs and Parliamentary staff during the workshops conducted as part of the research for this report (see Chapter 4). The knowledge they identified is both specialist and generalist:

- knowledge held by the EO committee and its staff (specialist)
- the research and investigation capacity offered by SPICe (generalist)
- disaggregated statistics provided by the Equality Unit of the Executive, research commissioned by the Parliament from the Scottish EOC, CRE and others (specialist)
- experiences of all Parliamentary Committees in attempting to engage a diverse and representative population of electors, experts, advisers and organisations in their daily work (generalist).

76. Mechanisms which allow transfer of knowledge, and raise levels of equality awareness, need to be developed as part of the mainstreaming equality process.

77. The evidence presented in this chapter suggests that the Scottish Parliament is ready to take forward a mainstreaming strategy. Its current infrastructure offers many elements which could support the introduction of the Equality Guidelines.

Mainstreaming equality: the wider context

78. This chapter provides background information about the development and implementation of the mainstreaming concept in the European Union and the UK, to enhance understanding of the approach which this research is proposing.

Mainstreaming gender equality in the European Union

79. Equality policy in the European Union (EU) originated from Article 119 of the founding Treaty of Rome (1957), a single article that guaranteed women the same rights in law and the same opportunities in the public sphere as men. The article arose not from a commitment to social justice but from French concerns for fair market competition between national workforces⁴¹. Unintentionally, Article 119 provided the basis for equality legislation in the EU, and this in part explains the lack of attention to equalities other than gender. The early lack of commitment meant that a policy agenda was slow to emerge and was primarily driven from outside the institutions of the EU by women's campaign groups. During the 1970s these groups brought an increasing number of cases before the European Court of Justice, supported by a growing number of women MEPs in the European Parliament⁴². This combined pressure provoked a response from the Council of Ministers in the form of a series of directives and recommendations aimed at improving women's and men's rights in the European workplace.

80. The political momentum for an equality agenda has been sustained by the Equal Opportunities Unit of the Employment and Social Affairs Directorate of the European Commission (formerly DGV). From its own budget the Commission has funded a series of Community Action Programmes running consecutively from 1974-2005. These programmes support positive action measures to promote gender equality. In policy terms, they represent an equality agenda which has been steadily moving towards the pro-active involvement of policy-makers in the achievement of gender equality outcomes⁴³.

81. The commitment to equal opportunities, until the 1990s, has been described in terms of 'vertical priorities', i.e. priorities which are contained

⁴¹ Rossilli, M (1997) The European Community's Policy on the Equality of Women: From the Treaty of Rome to the Present *European Journal of Women's Studies* Vol. 4 pp63-82, London: Sage.

⁴² Green, P (1998) *Development in Mainstreaming Sex Equality in Europe*, speech to Mainstreaming Sex Equality in the Public Sector, Equal Opportunities Commission and European Commission Conference, London, 22 June.

⁴³ Booth, C (1999) Gender Mainstreaming in the European Union: towards a new conception and practice of equal opportunities. Paper presented to the 2nd meeting of the ESRC Seminar Series *The Interface between Gender Equality and Public Policy*, Centre for Regional Economic and Social Research, Sheffield Hallam University.

within a particular programme's aims and activities⁴⁴. Alongside the European Commission's Community Action Programmes (CAPs), there have also been programmes within the Structural Funds, which target specific communities of women, for example the NOW programme (New Opportunities for Women) which aims to enhance women's training and managerial opportunities⁴⁵. The reliance on vertical priorities has meant that the early equality commitment has been expressed in ad hoc practice, dependent on individual advocates in member states to apply for funding for a local area⁴⁶.

82. A significant shift in policy came in 1996, reflecting a parallel movement in the field of development⁴⁷. The Commission used the 4th CAP to launch a new strategy to mainstream gender equality, so that equality became the priority of all policy makers. The 4th CAP funded national projects which were trying to integrate their equality agenda into mainstream procedures and politics⁴⁸. The Council of Ministers simultaneously issued the 'Communication on Mainstreaming', which recommended that national governments should begin to mainstream a gender perspective into their work, and committed the institutions of the EU to adopting a mainstreaming strategy.

83. The commitment to equal opportunities between women and men in the EU has been further strengthened in Articles 2 and 3 of the Treaty of Amsterdam (1998). It reinforced the use of vertical priorities by underpinning them with a horizontal commitment to mainstreaming equal opportunities throughout the Union's activities. The Treaty moves equal opportunities on from a focus on equal pay to become a central objective of EU political commitment. Equal treatment between women and men now represents a fundamental right enshrined in EU law. This has led to new legislation in member states on equal pay, equal treatment, parental leave and maternity rights, sexual harassment at work and protection of part-time and fixed term and contracted work⁴⁹.

84. To support and encourage the development of mainstreaming throughout the EU activities, the 5th Community Action Programme (2001 – 2005) will fund projects in member states which aim to co-ordinate all their activities and policies to promote gender equality through a dual and complementary approach. A dual and complementary approach recognises the need for the

⁴⁴ HERA, EOC, Scottish Executive (2001) *Toolkit for Mainstreaming Equal Ppportunities in the European Structural Funds*.

⁴⁵ Rossilli, M (1997) The European Community's Policy on the Equality of Women: From the Treaty of Rome to the Present *European Journal of Women's Studies* Vol. 4 pp63-82, London: Sage.

⁴⁶ Pollock, M A, Hafner-Burton, E (2000) Mainstreaming Gender in the European Union *Journal of European Public Policy* 7:3, pp432-56.

⁴⁷ Mainstreaming first appeared as a strategy after the UN Third World Conference on Women in Nairobi in 1985 (Council of Europe 1998). Mainstreaming a gender perspective was put forward by those in the economic development field as a way of ensuring full integration of women and men in project work with developing countries.

⁴⁸ Rees, T (1998) *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*, London: Routledge.

⁴⁹ Booth C (2001) '*Pathways to Social Cohesion: Extending Equal Opportunities between women and men*' paper prepared for the European Foundation for the Improvement of Living and Working Conditions. Office of Publication Luxembourg.

continued use of vertical measures to target resources on particular communities of women to redress disadvantage, as part of the broader strategy to introduce a gender perspective into the work of policy makers⁵⁰.

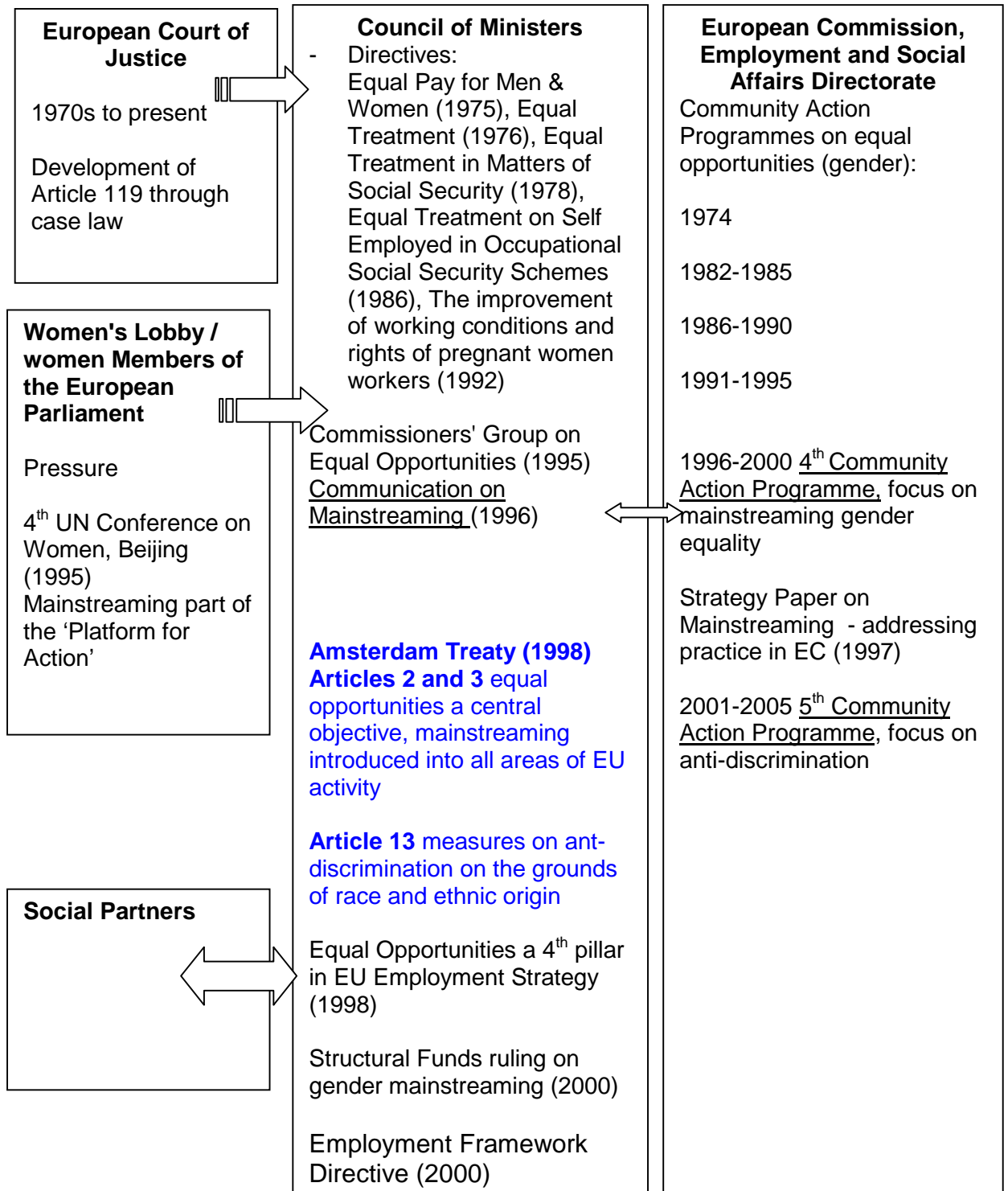
85. The Treaty of Amsterdam not only brought gender equality to the centre stage of EU policymaking, but in Article 13 it also introduced measures to tackle anti-discrimination. The first measure under these new powers has addressed the issue of discrimination on the grounds of race and ethnic origin. The inclusion of equality perspectives other than gender has been driven by the desire for a socially inclusive Europe and the business case for managing diversity that rests on increased productivity in the workforce⁵¹. The Article has prompted the social partners (including employers' organisations, trade unions, third sector agencies) and governments to embrace a wider equalities agenda engaging in inclusive social and civil dialogue. National governments are committed to implementing stronger legislative measures to outlaw discriminatory behaviour. There is increased momentum for new employment legislation and collective agreements which reflect the concerns of previously marginalized voices.

⁵⁰ Council of Europe (1998) "Gender Mainstreaming: conceptual framework, methodology and presentation of good practices" Final Report of the Group of Specialists on Mainstreaming, Strasbourg.

⁵¹ Rees, T (1999) *Managing Diversity and Mainstreaming Equality*, Paper presented to the 2nd meeting of the ESRC Seminar Series 'The Interface between Gender Equality and Public Policy', Sheffield : Centre for Regional Economic and Social Research, Sheffield Hallam University.

Figure 4: The European Union's Equality Policy Development

Founding Treaty of Rome (1957)
 Article 119 'equal pay for equal work'



86. Since 1998 the EU Employment Strategy has promoted equal opportunities as one of its four main pillars⁵². Member states' governments, working with social partners, have been required to develop action plans and targets which include equal opportunity criteria. The social partners are major players in the implementation of the European Employment Strategy as well as broader EU economic and social policy. EU directives and communications and community action programmes have explicitly encouraged them to play a key role in the implementation of equal opportunities policies through their involvement in collective agreements. Examples of the involvement of the social partners has been the EU agreements on parental leave, part-time work and fixed-term contracts. Social dialogue between local and regional government bodies and the Council of European Municipalities and Regions, has produced two important joint statements on the modernisation of local public services (1996 and 1997) to ensure high quality public services organised to optimise efficient and effective delivery⁵³.

87. One of the most direct ways in which the EU's horizontal commitment to mainstreaming has impacted on the UK has been via Structural Funds interventions which, in accordance with the mainstreaming strategy, require recipients of funding to demonstrate compliance with gender equality criteria⁵⁴.

The mainstreaming concept

88. The Fourth Community Action Programme for Women and men proposed that '*methods aimed at integrating an equal opportunities dimension into all policies and activities*' should be developed and promoted by member states. In 1995, Jacques Santer, the President of the Commission, set up and chaired a Commissioners' Group on equal opportunities for women and men. The primary function of this group was to ensure that a gender perspective was built into all Community activities in a '*coherent and systematic way*' as outlined in the Communication on Mainstreaming⁵⁵, which followed in 1996. The Communication states that equal opportunities must become a horizontal policy objective, which should intersect all other policies. The Communication defined mainstreaming as follows.

⁵² Booth C (2001) '*Pathways to Social Cohesion: Extending Equal Opportunities between women and men*' paper prepared for the European Foundation for the Improvement of Living and Working Conditions. Office of Publication Luxembourg.

⁵³ Booth C (2001) '*Pathways to Social Cohesion: Extending Equal Opportunities between women and men*' paper prepared for the European Foundation for the Improvement of Living and Working Conditions, Dublin.

⁵⁴ Reeves, D (2000) *Mainstreaming Equality to achieve Socially Sustainable Development: an examination of the gender sensitivity of strategic plans in the UK, with implications for practice and theory*, paper presented to ESRC Seminar, Women in Local and Regional Development, Sheffield Hallam University, April 2000.

⁵⁵ Commission of the European Communities CEC (1996) "Incorporating equal opportunities for women and men into all community policies and activities", COM(96) final, Brussels

Gender Mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.

Council of Europe, 1998

89. As practitioners began to engage with the Fourth Community Action Programme and the Communication, a number of concerns were raised. The lack of clear practice guidelines resulted in many different versions of mainstreaming being adopted. Equality specialists were among the most vocal critics. They complained that the call for the mobilisation of all policy-makers had been interpreted by governments as a shift to generic responsibility. The mainstreaming rationale had been used to end specialist equality provision for women and dispense with dedicated equality advisers, producing a situation where nothing was provided and no one was responsible. Practitioners defended the need for legislation and positive action methods to provide direction and outcomes⁵⁶.

90. In January 1997, however, a Strategy Paper on Mainstreaming following up the Communication was published. It emphasised that a mainstreaming strategy does not entail the discontinuation of positive action, because a gender approach to 'neutral' policies may reveal discrimination which can only be changed by developing '*specific action to accommodate the specific needs of either women or men in the area in question*'⁵⁷. The paper explicitly argues that a dual and complementary approach is needed.

On one side the systematic application of gender impact analysis and its continuous monitoring and evaluation of all community policies and activities. On the other side, the continuation, and when feasible, strengthening of the specific positive measures which are currently being applied.

Strategy Paper, EQOP 02-97rev DG V/D/5 Jan 1997:section 1

91. Similarly, in discussing the implications for personnel, the paper recommends that responsibility for implementation in the Commission's own

⁵⁶ Bennett, C (2000) *Mainstreaming in Organisations: strategies for delivering women's equality in UK local government*, unpublished PhD thesis, Sheffield Hallam University.

⁵⁷ Commission of the European Communities CEC (1997) Strategy Paper on Mainstreaming following up the Communication on "Incorporating equal opportunities for women and men into all community policies and activities", COM(96) final, (EQOP 02-97rev DG V/D/5 Jan 1997)

directorates 'should be clearly anchored' in specific personnel at an appropriate organisational level and that these individuals should be sufficiently trained. It does not therefore support generic responsibility, but instead clearly states that the implementation of mainstreaming is a management responsibility. The long-term objective of the implementation process should be that 'all staff incorporate the gender and equal opportunities approach as a basic reflex in their work'⁵⁸, at which point specialist staff would no longer be required. Mainstreaming therefore provides a coherent framework for practitioners by combining positive action, legislative and managerial instruments.

92. The EU 1997 Strategy Paper resolves the confusion which had arisen about whether mainstreaming is a tool or a strategy or both. By demonstrating the interconnecting nature of mainstreaming with previous approaches to achieving greater gender equality it defines mainstreaming as a *transformative strategy*⁵⁹. The gender perspective is not an end in itself, and mainstreaming is not simply a set of gender tools. Gender tools are needed to educate and enable all policy makers and implementers to apply a gender perspective to their work which in combination with existing methods such as positive action programmes and legislation will contribute to the success of a mainstreaming strategy⁶⁰.

93. The new tools which mainstreaming has added to the delivery of equal opportunities are concerned with women's and men's relative situations⁶¹. They are focused on policy-making processes due to the new emphasis mainstreaming has placed on governments as key actors for achieving change. These instruments are couched in language that everybody can understand, which helps to make the prospect of gender awareness less threatening and more accessible⁶².

Mainstreaming in all equality areas

94. Largely due to the way in which the equality agenda emerged in the EU, the primary focus of EU mainstreaming is to address gender inequality⁶³. However, as mentioned above, Article 13 of the Treaty of Amsterdam (1998) introduced explicit powers, for the first time, to take appropriate action to

⁵⁸ op. cit. (Section 3.1)

⁵⁹ Rees, T (1998) *Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies*, London: Routledge.

⁶⁰ Yeandle, S, Booth, C and Bennett, C (1999) *Criteria for the success of a mainstreaming approach to gender equality* Report for the European Commission, DGV, Brussels, unpublished.

⁶¹ Council of Europe (1998) "Gender Mainstreaming: conceptual framework, methodology and presentation of good practices" Final Report of the Group of Specialists on Mainstreaming, Strasbourg.

⁶² Braithwaite, M, Freis, R & Fitzgerald, R (1999) *Mainstreaming Equal Opportunities for Women and Men into Structural Funds*, EC, DGXVI, Brussels.

⁶³ Rossilli, M (1997) *The European Community's Policy on the Equality of Women: From the Treaty of Rome to the Present* *European Journal of Women's Studies* Vol. 4 pp63-82, London: Sage.

combat discrimination. The rejection of any form of exclusion or discrimination was reaffirmed as an essential value of the European Social Model at the Council of Ministers' meeting in Lisbon in March 2000. In June, the same year, the first measure under the new powers was achieved when the Council unanimously agreed a Directive banning racial discrimination. This provides a minimum level of protection against racial discrimination in all member states, and implements the principle of equal treatment between persons irrespective of their racial or ethnic origin. Equal treatment applies to access to employment and training, working conditions, membership of employers' and workers' organisations, access to social protection, social security and access to educational goods and services⁶⁴.

95. In December 2000 the Council of Ministers announced the Charter of Fundamental Rights following the Nice summit. The charter combines in a single text the civil, political, economic and societal rights hitherto laid down in a variety of international, European and national sources. There has been mixed reaction from social partners⁶⁵. The European Trade Union Congress (ETUC) and non-governmental organisations, while supporting the Charter in principle, have expressed concerns about its enforceability in practice. To advance policy in respect of the Charter, the Council initiated a Community Action Programme (2001-6) to support measures to combat direct or indirect discrimination based on racial or ethnic origin, belief, disability, age or sexual orientation.

96. The new initiatives taken to broaden the equality perspective in the EU fit within the EU Social Policy agenda which promotes an inclusive society open to all via social and economic renewal. This agenda is supported by the ETUC and has been given prominence under the Swedish Presidency⁶⁶. The Directive and Charter also resonate with the EU Employment Strategy which is stimulated by a growing awareness of population ageing and the need to increase employment rates, particularly of those who are disengaged or peripheral to the labour force due to discrimination.

97. To this end, the Employment Framework Directive (November 2000) lays down a general framework for combating discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation, with the intention of enacting the principle of equal treatment in Member States. This Directive lays a duty on national governments to tackle the effects of direct and indirect discrimination suffered by these persons or groups in both the private and public sectors of employment. It specifies that practical measures should be adopted to address discrimination in terms of access and progression in occupations or employment, access to vocational training and work experience, terms and remuneration of work, and membership of organisations of workers, employers or professional groups.

⁶⁴ Yeandle S (2001) '*Pathways to Social Cohesion: Managing Diversity*' paper prepared for the European Foundation for the Improvement of Living and Working Conditions, Dublin.

⁶⁵ Booth C (2001) '*Pathways to Social Cohesion: Extending Equal Opportunities between women and men*' paper prepared for the European Foundation for the Improvement of Living and Working Conditions. Office of Publication Luxembourg.

⁶⁶ op. cit.

The Directive lays down minimum requirements, giving the Member States the option of introducing more favourable provisions than already exist, in their national legislation. The Commission will monitor Member States progress at five yearly intervals reporting to the European Parliament and the Council.

98. The acceptance among social partners of the need for specific measures to ensure non-discrimination has been influenced by two main arguments, as indicated in the Employment Framework Directive (2000).

Discrimination based on religion or belief, disability, age or sexual orientation may undermine the achievement of the objectives of the EC Treaty, in particular the attainment of a high level of employment and social protection, raising the standard of living and the quality of life, economic and social cohesion and solidarity, and the free movement of persons.

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation

99. There can be a tension between these two arguments with some differences of emphasis for different social partners⁶⁷.

100. The **social justice argument** focuses on questions of individual rights and quality of life and is concerned to give everyone equal access to social goods such as education, employment or services. Using legislative, policy and cultural information processes, this argument seeks to promote both acceptance and celebration of human difference and to outlaw behaviours which damage individuals or groups because of their age, sex, race, religion, disability or sexual orientation. The changing demographic profile of European populations further emphasises the need for a more sophisticated understanding and approach to forging a common European citizenship.

101. The **managing diversity argument** is concerned with employability and the maximisation of human capital, expressed in the business case in favour of managing people's diversity so that full advantage is taken of the potential abilities of all. This argument is mainly focused on the workplace, its practices and cultures. It originates from corporate practice in North America and has become associated with progressive practice in human resource management. It highlights the economic price which is paid when discriminatory attitudes and practices deny specific groups the opportunity to develop their talents or to maximise their full contribution in the workplace, for example by denying older workers the opportunity to continue in employment.

102. The next section describes how mainstreaming has been put into practice at a European and UK level. There are very few examples, and those

⁶⁷ Yeandle S (2001) 'Pathways to Social Cohesion: Managing Diversity' paper prepared for the European Foundation for the Improvement of Living and Working Conditions, Dublin.

that exist are gender focused. Mainstreaming strategies to integrate a number of equality perspectives are in their infancy.

European Commission's development of tools

103. The European Commission through the 4th CAP has funded research into *gender* mainstreaming practice to identify appropriate tools which can be combined into a coherent methodological approach. The tools which have been developed to support the achievement of a mainstreaming strategy can be grouped into three broad types⁶⁸:

Analytical tools

104. These tools aim to enable an organisation to describe what its current gender relations are, by providing baseline information. Through repeated application of these tools it is possible to record the way in which gender relations are changing over time. Hence analytical tools can also provide ways of monitoring and assessing progress. The successful implementation of analytical tools depends on two important prerequisites: the prior existence in the organisation of technical expertise to install and produce meaningful outputs from complex data collection systems; and decision-makers who are already gender aware. Knowledge about gender relations enables decision-makers to commission data collection that has clear gender objectives and to interpret what that data is saying about gender relations once it is collected in a routine and systematic way. This is a crucial first step towards gender sensitive strategy formulation.

Educational tools

105. These tools are important to a mainstreaming strategy that recognises that the barriers to gender equality are not only material but also cultural. The European Commission has emphasised the need for the strategy to “win the hearts and minds” of decision-makers in order for unfair gender cultures, stereotypes and attitudes to be tackled. Educational tools have two purposes, awareness raising and knowledge transfer. Awareness raising tools aim to encourage individuals to question their gendered assumptions which they take for granted. Negative gendered assumptions can be unintentionally incorporated into legislative and policy objectives. Having learnt from the mistakes of the 1980s, when the emphasis of equality awareness training was confrontational and accusatory, these tools attempt to be inclusive. They address men and women decision makers in a supportive environment which encourages them to be reflexive. It accepts that people cannot be forced to change their views, and that this process may take time.

Consultative tools

106. The aim of these tools is to widen the pool of talented people who can contribute to the policy-making process. By drawing on the knowledge of people at all levels in the process more ideas can be considered and greater

⁶⁸ Braithwaite, M, Freis, R & Fitzgerald, R (1999) Mainstreaming Equal Opportunities for Women and Men into Structural Funds, EC, DGXVI, Brussels.

confidence can be placed in the decisions which are finally made. These tools attempt to demystify the process of legislative and policy formulation so that individuals at grass-roots level feel confident that, on the basis of their own experience they are qualified to make a contribution. They aim to demonstrate to decision makers the benefits of wide consultation and to give them strategies to cope with the complexity of ideas that consultation can present.

107. The three types of tool are not exclusive. Some tools can fulfil multiple purposes, for example an analytical tool such as a gender impact assessment, to ensure that the gender implications of a decision have been adequately evaluated, may simultaneously raise the gender awareness of those applying it. Hence it also fulfils an educative purpose⁶⁹.

108. The construction of a mainstreaming strategy involves the selection of a number of different tools applied at different levels of organisational practice. The choice of tools is dependent on the level of gender expertise existing in the organisation, the remit of the organisation and the state of gender relations in the wider social and political context in which the organisation operates⁷⁰. The evaluation of the existing equality infrastructure in the Scottish Parliamentary Committees (Chapter 2) suggests that there is already much work being done to develop consultative tools which relates to the CSG commitments to accountability, power sharing and openness. Similarly, the research findings suggest that while there is a desire for more knowledge about equality issues, there is a significant level of equality awareness among Parliamentary staff, and expertise enshrined in the Equal Opportunities Committee. What is lacking for mainstreaming in Committee work are analytical tools to ensure that equality issues are routinely and systematically raised in the practice of all Parliamentary Committees.

109. The next sections describe the application of specific tools in a number of UK arenas, that of the European Structural Funds interventions, the Scottish Executive and in the work of equality practitioners in local government.

Structural Funds interventions in Scotland

110. The adoption of equal opportunities as one of the four pillars underpinning all EU activities has resulted in changes to the regulations governing Structural Funds interventions. In 2000 mainstreaming equality became a requirement in the planning process of all interventions in order to achieve real change in the substance of projects supported. For the first time gender mainstreaming became a condition of receipt of funding⁷¹.

⁶⁹ op. cit.

⁷⁰ Yeandle, S, Booth, C and Bennett, C (1999) *Criteria for the success of a mainstreaming approach to gender equality* Report for the European Commission, DGV, Brussels, unpublished.

⁷¹ Reeves, D (2000) *Mainstreaming Equality to achieve Socially Sustainable Development: an examination of the gender sensitivity of strategic plans in the UK, with implications for practice*

111. The Scottish Executive, in collaboration with the Equal Opportunities Commission (EOC) Scotland and the EC 4th Action Programme, commissioned the development of a mainstreaming gender toolkit to provide the tools to write and implement Structural Funds programmes in Scotland in a fair and inclusive way. The toolkit recognises that for the new mainstreaming tools to work the ‘spanners and screwdrivers’, the necessary institutional conditions and resources, need to be assembled⁷². The toolkit outlines a phased plan addressing each of the stages of Structural Funds intervention: these are summarised in Figure 5. Figure 5 demonstrates that different types of tools may be required to embed equal opportunities at the different stages of the plan’s delivery.

Figure 5: Toolkit for mainstreaming gender in Structural Funds interventions in Scotland

Programme Stage / Objectives	Actions / Tools
<p>Programme Preparation</p> <ul style="list-style-type: none"> • Establish baseline situation • Establish expertise within the programme • Establish supportive institutional framework • Enshrine commitment / responsibility for equality throughout the programme 	<ul style="list-style-type: none"> • Identify a wide range of sources of information (<i>consultation tool</i>). Bring in equality specialist to proof framework (<i>analytical tool</i>) • Ensure partnerships are broadly representative (<i>consultative tool</i>) • Recruit equality advisers, provide mechanisms to transfer their knowledge (<i>educational tool</i>) Build in training for staff (<i>educational tool</i>) • Write mainstreaming into the terms of reference of structure involved in the programme (<i>analytical tool</i>)

and theory, paper presented to ESRC Seminar, Women in Local and Regional Development, Sheffield Hallam University, April 2000.

⁷² Scottish Executive, EOC and HERA (2001) ‘Toolkit for Mainstreaming Equal Opportunities in the European Structural Funds’.

<p>Programme Development</p> <ul style="list-style-type: none"> • Identify how each measure relates to equality opportunities • Quantify ex ante targets 	<ul style="list-style-type: none"> • (<i>analytical tool</i>) • Specify the assumptions on <i>which targets are based (analytical tool)</i>
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<p>Project Generation and Marketing</p> <ul style="list-style-type: none"> • Inform applicants about mainstreaming focus 	<ul style="list-style-type: none"> • Promote message through programme documentation, seminars, written guidance (<i>educational tool</i>)
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<p>Project Appraisal and Selection</p> <ul style="list-style-type: none"> • Appraise projects considering the wider implications (i.e. quality and quantity of outputs) 	<ul style="list-style-type: none"> • Checklist (<i>analytical tool</i>)
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<p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> • Establish and maintain a monitoring system • Inform project sponsors about what is expected • Use targets set to assess outcomes • Feedback evaluation insights to future programme developments 	<p>(<i>analytical tool</i>)</p> <p>(<i>educational tool</i>)</p> <p>Exploit monitoring information (<i>analytical tool</i>)</p> <p>Expertise maybe needed to produce evaluation with specialised components which are immediately applicable (<i>analytical tool</i>)</p>
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Adapted from the 'Toolkit for Mainstreaming Equal Opportunities in the European Structural Funds', Scottish Executive, EOC and HERA 2001

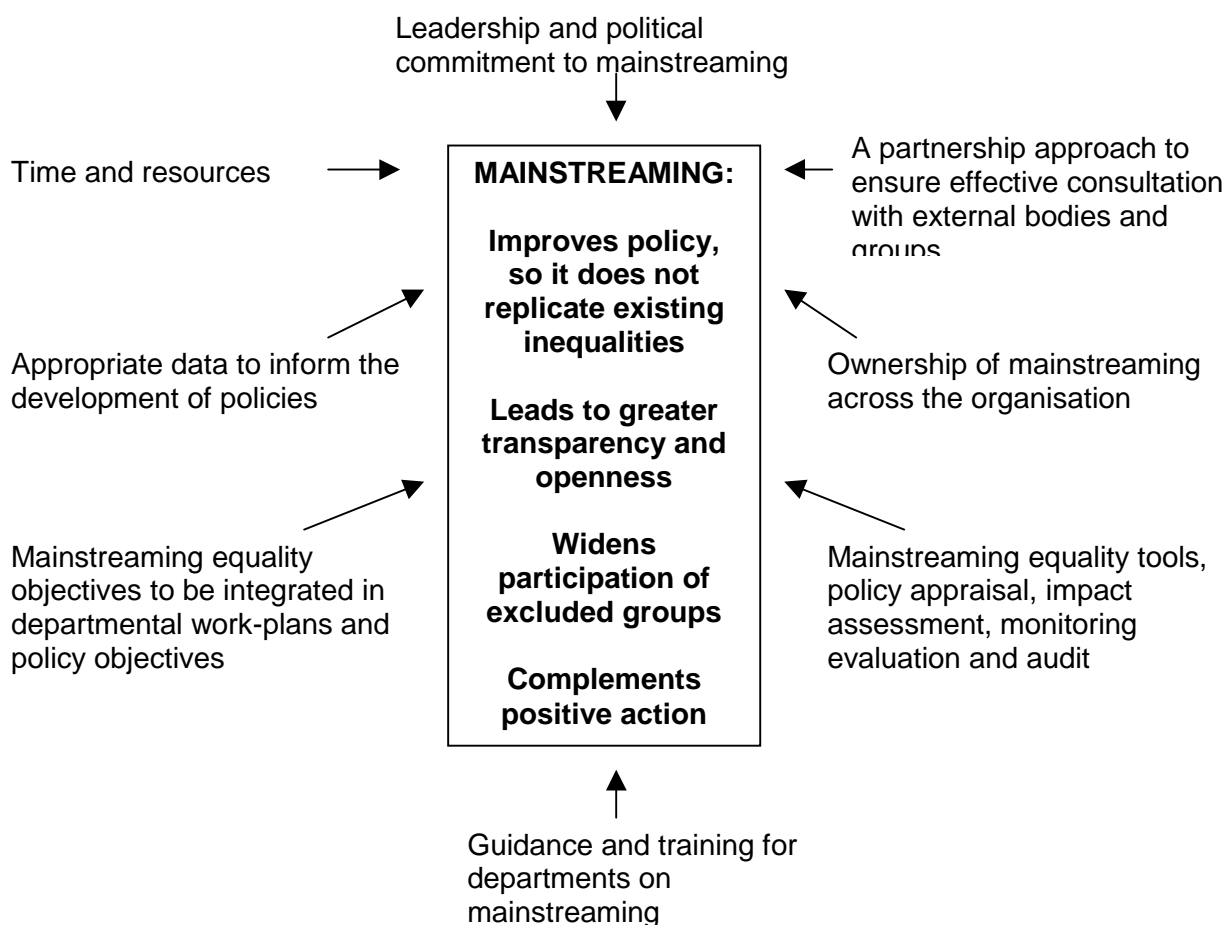
The Scottish Executive's Equality Strategy

112. In September 1999, shortly after the Scottish Parliament took up its full powers, the Scottish Executive published '**Making it Work Together: a programme for government**'. This document confirmed the Executive's commitment to place equality at the heart of policy making. In December that year the Parliament debated the first Equality Statement published by the Minister for Communities with responsibility for equality. The Executive put in place dedicated resources to take forward its work on equality by establishing the Equal Opportunities Unit. It also strengthened its existing partnerships with experts and supported the development of new fora in different areas of equalities. This resulted in partnership working with the Women in Scotland Consultative Forum, the Lawrence Steering Group, the New Deal Racial Equality Group, as well as disability groups and lesbian, gay, bisexual and transgender communities and partnerships which are addressed to people of different age groups. Through these and other contacts it consulted widely on the development of the Equality Strategy.

113. In January 2000, '**Towards an Equality Strategy**' detailed the results of the consultation. It supported a mainstreaming approach, highlighting the need for a strategic approach to equality work, which included partnership working, training, target setting, data collection, monitoring and effective consultation and communication. The paper also stressed the importance of recognising the diversity of people's experiences and circumstances of need. Further consultation with public bodies and equality organisations was undertaken before the '**Equality Strategy: working together for equality**' was published. The Equality Strategy defines mainstreaming as follows;

Mainstreaming equality is the systematic integration of an equality perspective into the everyday work of government, involving policy makers across all government departments, as well as equality specialists and external partners.

Figure 6: The benefits of and requirements for mainstreaming equality in the Departments of the Scottish Executive



114. Figure 6 summarises the benefits of a mainstreaming approach, and the elements required to effect an organisational change so that an equalities perspective becomes an integral part of all government work, as outlined in the Equality Strategy.

115. The Equality Strategy identifies three strategic objectives: making better policy and providing better services; promoting equal opportunities and tackling discrimination; and being a good employer. The first two objectives are applicable to the remit of this report. They outline the actions to be undertaken to achieve mainstreaming equality in Scottish government and the development of mainstreaming tools to carry these actions out. These actions and tools are summarised in Figure 7.

Figure 7: Actions (proposed and completed) by the Scottish Executive to achieve mainstreaming equality in policy making

Actions needed to achieve mainstreaming (as identified in Figure 6)	Tools (currently completed and proposed)
Leadership and political commitment to mainstreaming	All senior and middle management to receive initial equality training

<p>A partnership approach to ensure effective consultation with external bodies and groups</p>	<p>Development of consultative mechanisms</p> <p>Programme of public awareness activity</p> <p>Models agreed with partners for effectively sharing good practice.</p> <p>Discussions with partners to advance the mainstreaming strategy in their respective sectors</p>
<p>Ownership of mainstreaming across the organisation</p>	<p>Baseline equality audit by all departments to establish equality baseline information</p> <p>EO Objectives to be incorporated into Departmental business plans</p> <p>Equality Impact assessment of budgets and spending plans</p> <p>Departments to contribute to an Executive Equality Report to Parliament</p> <p>Executive Equality Network of internal contacts</p>
<p>Appropriate data to inform the development of policies</p>	<p>Review of progress on promotion, collection and dissemination of disaggregated statistics</p> <p>Collections of equality information and fact sheets</p> <p>Specific research projects</p>
<p>Guidance and training for departments on mainstreaming</p>	<p>Updated guidance on policy appraisal, new guidance on equality proofing legislation</p> <p>Equality performance indicators, monitoring and evaluation frameworks</p>

Mainstreaming in UK Local Government

116. As mentioned in Chapter 2 there has been a long and thoughtful process of integrating equality principles in the local government arena. This started in the mid 1980s in a minority of Labour controlled local authorities which attempted to raise the profile of those groups of their constituents who were disadvantaged by their gender, race and ethnic origin or disability. Specialist equality officers were appointed to support the work of dedicated committees. These committees pioneered equal opportunities policy-making both in terms of the local authority as an employer and as a service provider⁷³.

117. In the 1990s the equal opportunities committee movement was declining⁷⁴. This was partly attributable to the changing financial and political context in which local authorities were operating. Diminishing budgets meant that specialist equality measures were seen as a luxury which could no longer be justified to the electorate in the face of reductions in core service provision. However, the decline of individual equality committees and support staff also represented a realisation that separate structures are not the best way of effecting organisational change⁷⁵. They had resulted, in many cases, in the issue of equality becoming marginal to mainstream concerns. If the equality commitment was not understood in the organisation, then specialist officers came to be viewed with suspicion and their authority was resisted. Separate provision suggested that equality was a discrete area of expertise, with no bearing on other forms of committee work or service delivery. Other committees thus tended to leave equality to the 'experts' on the equal opportunities committee, or, if they did get involved in joint projects, viewed them as optional extras, peripheral to core business. Finally, the association of equality work with 'experts' sometimes made it seem 'mysterious', and increased individual's fears about attempting it themselves⁷⁶.

118. While consensus grew that equality should be seen as the responsibility of all policy makers in all areas, practitioners argued strongly for the need to retain specialist equality structures in some form. They advocated a new remit to facilitate the development of equality practice throughout authority practice, rather than to directly deliver equality outputs⁷⁷. Dedicated equality structures provide the following benefits:

- Maintain the organisation's equality knowledge base
- Provide a symbol of commitment - a constant reminder of equality goals to guard against complacency

⁷³ Halford, S & Duncan, S (1991) *Implementing Feminist Policies in British Local Government*, Centre for Urban and Regional Research University of Sussex, Working paper 78.

⁷⁴ op. cit.

⁷⁵ LGIU Local Government Information Unit (1991) *Priority for Equality: Report of a conference on local government and equal opportunities*, May 1991.

⁷⁶ Bennett C (2000) *Mainstreaming in Organisations: Strategies for delivering women's equality in UK Local Government*, unpublished PhD thesis, Sheffield Hallam University.

⁷⁷ op. cit.

- Provide a positive action mechanism: a remit to initiate change in acute areas of discrimination
- Ensure accountability: a mechanism for monitoring and evaluating the equality outputs
- Provide a focus point for new initiatives
- Alternative perspective: maintain a critical viewpoint on other areas' practice

119. The perceived solution to these tensions was the adoption of equality as a core organisational objective. This meant that equal opportunities became applicable to all committees, in the same way that quality and efficiency standards applied across the board. It was no longer a set of actions performed by experts but a principle which any individual member must adopt. It shifted the focus away from a single equal opportunities structure struggling alone to overcome resistance, by making it every employee's and member's responsibility to sanction and to uphold equality. In line with the EC recommendation that a dual and complimentary approach is needed, politicians and officers emphasised that this corporate commitment should not preclude a structural delivery mechanism (such as an equal opportunities committee) from providing the impetus for the adoption of responsibility for equality by everybody.

120. In recognition of the knowledge held by local government practitioners, the EOC commissioned the most comprehensive report⁷⁸ to date to examine the operation of how gender equality was being 'mainstreamed' in the public sector in the UK and other European local governments⁷⁹. This study has produced concrete practical guidelines for public bodies wishing to adopt a gender perspective at a strategic level. Below is an extract from 'The Framework for Mainstreaming Equality in Local Government', which outlines the actions necessary for successful implementation.

⁷⁸ EOC (1997) *Mainstreaming gender equality in local government: A framework*, Manchester: Equal Opportunities Commission UK.

⁷⁹ The study was commissioned in December 1996 as an action research project. It involved case study research in a number of local authorities in Britain and in three other European Union member states: Ireland, Italy and Sweden (the transnational partners). The project was jointly funded by the EOC and the European Commission as part of the Fourth Action Programme on Equal Opportunities for Women and Men (1996-2000) with additional contributions being made by the case study authorities in Britain.

Establishing mainstreaming as a corporate strategy

- *Securing support of elected members*
- *Securing support of trade unions*
- *Securing corporate agreement*
- *Defining corporate values and objectives*
- *Identifying needs through gathering and analysis of data*
- *Developing an understanding of discrimination and inequality*
- *Demonstrating the benefits of mainstreaming*
- *Establishing corporate structures internally and linkages externally*
- *Considering staffing implications*

Developing a mainstreaming policy

- *Defining a mainstreaming strategy statement*
- *Preparing a mainstreaming development plan*

Implementing a mainstreaming strategy

- *Completing departmental audits to identify areas of under representation and service usage*
- *Development of service plans with desired outcomes identified*
- *Monitoring long term development of service standards for equalities implications*

Monitoring, evaluating and policy review of a mainstreaming strategy

- *Establishing measurable equality performance indicators*
- *Measuring progress over time against initial objectives*
- *Feeding back lessons from the evaluation to amend or change the mainstreaming strategy*

EOC 1997

Mainstreaming equality: case studies of other parliamentary / assembly settings

121. The methodology for the research is outlined in Appendix 1. The first part of this chapter describes the results from an email survey of international parliamentary settings. The second part provides detailed accounts of mainstreaming equality activities in the Welsh and Northern Ireland Assemblies and UK government. These settings have been chosen as case studies because of their comparability and relevance to practice in Scotland.

Legislative Commitment

122. All parliaments / assemblies which replied to the email questionnaire are committed to equal opportunities for a wide range of persons or groups. The majority indicated that their legislation covered all groups or persons mentioned in the Scotland Act (1998). Additionally, parliaments in Finland and Canada also included categories such as those persons suffering discrimination due to criminal convictions, or due to receipt of public assistance. In the Northern Ireland Assembly protection against discrimination is given to persons with and without dependents.

Models of equal opportunities delivery

123. The replies indicate that there are 5 broad models of equal opportunities delivery in the settings surveyed.

- Model 1** named equal opportunities committees with full committee powers
- Model 2** named equal opportunities committees with additional or amended powers
- Model 3** committees with responsibility for equal opportunities within a broader remit
- Model 4** mainstreamed responsibility of equal opportunities to all committees
- Model 5** no responsibility for equal opportunity given to any committee

124. As discussed in Chapter 2, the Scottish Parliament has adopted Model 1 of a committee with named responsibility for upholding the Parliament's commitment to equal opportunities, with the same powers as other parliamentary committees. Dedicated committees, or those with named responsibility for equal opportunities, may be critical in providing a focus for a mainstreaming strategy. Here there is likely to be equality expertise and a critical perspective on the progress being made by the organisation as a whole. The model selected is likely to indicate the status and degree of political commitment to the mainstreaming strategy.

Model 1

Named equality committee	Same remit as other committees
<ul style="list-style-type: none"> • Finland Employment and Equalities Committee • Canada - Commons Justice and Human Rights Committee Human Resources Development and Status of Disabled Persons Committee Official Languages Committee. 	<p>SAME function: Including scrutinising executive, amending legislation, monitoring EO in parliamentary work, holding Inquiries, initiating legislation.</p>

Model 2

Named equality committee	Different remit to other committees
<ul style="list-style-type: none"> • Canada - Senate Human Rights Committee 	<p>ENHANCED function: Additionally can scrutinise the Executive</p>
<ul style="list-style-type: none"> • Belgium Advisory Committee on equal opportunities between men and women • Wales Standing Committee on equality of opportunity 	<p>TAILORED function: Additionally can scrutinise other parliamentary committees</p>
<ul style="list-style-type: none"> • Northern Ireland Ad Hoc Committee on Conformity with Equality Requirements 	<p>TAILORED function: Focused remit to scrutinise and report whether the provisions of the draft Bill are in conformity with the requirements for equality and observance of human rights</p>

Model 3

Committee with responsibility for equality (but not part of title)	Different remit to other committees
<ul style="list-style-type: none"> • Australia - Senate Scrutiny of Bills Committee Regulations and Ordinances Committee 	<p>ENHANCED function: to scrutinise the Executive</p>
<ul style="list-style-type: none"> • Canada Alberta Laws and Regulations Committee Committee of the Whole 	<p>ENHANCED function: to amend legislation</p>
<ul style="list-style-type: none"> • Northern Ireland Committee of the Centre 	<p>ENHANCED function: may introduce legislation and has responsibilities for equality</p>

Model 4

Mainstreamed equality - all committees responsible for equal opportunities
<ul style="list-style-type: none"> • Denmark • Canada Quebec

Model 5

No committee with responsibility for equality
<ul style="list-style-type: none"> • Canada Newfoundland • Canada Saskatchewan

Equality Training and Guidance

125. In the settings surveyed, training and guidance on equal opportunities was found to be patchy. Training and guidance was currently provided in only

five settings. In these cases, guidance was focused not on mainstreaming methods or objectives but on internal issues such as recruitment and treatment of people in their diversity. A mainstreaming strategy requires a supportive environment in which differences between employees and parliamentarians are respected, and where the concept of equal opportunities are understood. As shown in the box below, none of the examples given by respondents identified the link between their equal opportunities employment training and a wider mainstreaming agenda.

Parliamentary setting	Training / Guidance
<ul style="list-style-type: none"> • Australia - Senate 	Plans on Disability and workplace diversity
<ul style="list-style-type: none"> • Canada – Senate / Commons 	Human Rights Act Guidance from Human Resources
<ul style="list-style-type: none"> • Canada Alberta 	Codes of conduct
<ul style="list-style-type: none"> • Canada – Saskatchewan 	Racial, Ethnic and Gender Harassment Policy
<ul style="list-style-type: none"> • Finland 	Equal opportunities awareness training for committee members currently under consideration.
<ul style="list-style-type: none"> • Wales 	Training on Assembly’s equality policies and for those on promotion boards, EO Handbook, best practice notes on equal opportunities in relation to committee activities e.g. off-site visits
<ul style="list-style-type: none"> • Canada Newfoundland 	Generic staff training unspecified
<ul style="list-style-type: none"> • Belgium • Canada New Brunswick • Canada Quebec • Denmark 	No training specified

Information on equalities

126. The provision and dissemination of information was broadly similar in all the settings. None of these parliaments had structures or personnel dedicated exclusively to providing information on equalities, and none differentiated between the support and information facilities offered to

parliamentarians and to parliamentary staff (except where staff were identified as a resource for parliamentarians). This is not dissimilar to the Scottish Parliament.

- **Intranet** (access to parliamentary procedures, human resources guidance and the parliament's legislative commitments)
- **Internet** (including access to the websites of equality commissions)
- **Parliamentary library** (and in some cases policy units with a remit to provide information)

Toolkits for mainstreaming

127. The replies show little evidence that toolkits and guidelines are available in other parliamentary / assembly settings. This suggests that in commissioning Equality Guidelines, the Scottish Parliament may be at the forefront mainstreaming practice. Indeed, several respondents indicated that they would be seeking to learn from the Scottish Parliament's experience, both in the development of guidelines, and arrangements for implementation.

128. Only the Australian Senate, the Northern Ireland Assembly and the Welsh Assembly replied positively to this question (details of documents relating to the Northern Ireland and Welsh Assemblies are included in the bibliography).

Parliamentary setting	Toolkits / Guidance
<ul style="list-style-type: none"> • Australia - Senate 	<p>Provides all committees with texts of equality legislation, international commitments, discussions of courts relating to national legislation, reports of organisations established by national legislation.</p>
<ul style="list-style-type: none"> • Northern Ireland Assembly 	<p>Northern Ireland Act (1998), section 75, places an obligation on the Assembly to promote equality of opportunity in all its business.</p> <p>'Practical Guidance on Equality Impact Assessment (EIA)'. This document sets out the steps that need to be taken to ensure that the equality implications of a policy are considered. All departments must comply. The Assembly checks that the Executive has used the EIA, and uses the EIA process in its own work.</p>

<ul style="list-style-type: none"> • Welsh Assembly 	<p>Wales Act (1998) places a duty on the Assembly to consider equality of opportunity in the conduct of its daily business.</p> <p>Annual Equality Audits of all policy divisions to assess and monitor integration of equality priorities into everyday business.</p>
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129. Three case studies of mainstreaming initiatives in UK governmental and parliamentary settings are included below. Some of the ideas for the Equality Guidelines suggested in Chapter 1 have been partly informed by these examples. The case studies demonstrate the complexity of delivering a mainstreaming strategy and the drivers which are necessary for pushing it forward. They also highlight that the application of a mainstreaming strategy is limited to only a few areas of discrimination, most notably gender, then race and disability. The Scottish Parliament occupies an advantageous position in that it could make a commitment to mainstreaming equality and as a new institution may be more willing and able to revise and experiment with different tools and approaches. Thus, in many ways the Scottish Parliament could be a pioneer in the field of mainstreaming equality.

Introducing the case studies

130. Committee practice in the Welsh and Northern Ireland Assemblies was chosen for the case studies because their context is very similar to that of Scotland. They share a relationship to the UK Parliament and as new institutions are implementing equality strategies with no precedents. The initiative by the UK government was also included as a case study as it provides part of the backdrop to developments in the Scottish Parliament and offers another example of a mainstreaming tool.

131. It was expected that an examination of committee practice in the Welsh and Northern Ireland Assemblies would yield useful examples of guidelines or tools that could be adopted by Scottish Parliamentary Committees. However, the legislative framework in which these Assemblies are pursuing equal opportunities is different to that in Scotland. The founding legislation of both Assemblies is explicit in the duty it lays on them to *promote* equal opportunities in every aspect of their practice. As a result both Assemblies have established equality delivery models which differ from arrangements in the Scottish Parliament.

132. Both Assemblies use named equality committees to drive forward their mainstreaming strategies. The powers of these committees are different from those available to other parliamentary committees (see Model 2). This is

significant because their work addresses not only other committees but also policy divisions and departments within each Assembly. This is not the case in Scotland where the Equal Opportunities Committee has the same powers as other committees and a remit to act as a catalyst to encourage observance of equal opportunities. The Scottish Executive has taken the lead in defining an equality strategy for the departments. For this reason the tools which are used in the three case studies cannot easily be transposed onto Scottish Parliamentary practice. For mainstreaming to be effective and efficient, the tools which are adopted must be relevant and sensitive to the particular context in which they will be used.

Northern Ireland Assembly

133. In Northern Ireland, the current legislative context has been in place since May 1998. Four bodies of law prohibit discrimination. The Fair Employment Act 1989 places a duty on Northern Ireland employers to monitor their workforces and to undertake regular reviews of their employment composition and practices. This Act also established the Fair Employment Commission and the Fair Employment Tribunal. Subsequently, this legislation was subjected to extensive revision in the Fair Employment and Treatment (NI) Order 1998. The UK's Disability Discrimination Act 1995 makes it unlawful to discriminate against disabled people; its provisions extend to Northern Ireland. The Race Relations (NI) Order 1997 made discrimination on grounds of race illegal, for the first time, in Northern Ireland.

134. The Northern Ireland Act 1998 (section 75) has created a broader range of categories in relation to the promotion of equality of opportunity than currently exists in the rest of the UK.

Under section 75 public authorities in Northern Ireland are under a duty in carrying out their functions to have due regard to the need 'to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally, between persons with a disability and persons without and between persons with dependants and persons without.'

Section 75 Northern Ireland Act 1998

135. Without prejudice to this duty, public authorities must also have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. It is the operation of Section 75 across the nine identified categories, and its implications for the work of Parliamentary Committees and Departments, which is of particular interest to Scotland. The tools and procedures which have been used over the last two years offer useful lessons for Scotland.

Drivers for an equality agenda

136. The fact that equality was an underlying principle in the Good Friday Agreement which led to the establishment of the Assembly, has meant that equality issues are central to the work of the Assembly. Indeed equality is among the major responsibilities of the Office of the First Minister and Deputy First Minister. The Programme for Government has as one of its priorities 'Growing as a Community' which includes, as a specific programme for action, the promotion of equality and human rights. Despite this, equality issues have not figured highly in the legislative or policy development work of the Committees to date. This may partly reflect the nature of the business

undertaken, although the Northern Ireland Human Rights Commission has expressed concern that there is no Standing Committee on equality. It may also reflect the fact that the Section 75 obligations mean that equality issues are considered by Departments at an early stage.

Delivery Model

137. The Northern Ireland model involves a key role for the Equality Commission which approves the Equality Schemes produced by all public authorities. (These set out the potential effects of policies on equality of opportunity and are carried out in line with the detailed guidelines published by the Equality Commission). Equality Schemes set out those policies which will be subject to full Equality Impact Assessment. Within the Northern Ireland Assembly's Office of the First Minister and Deputy First Minister, the Statutory Duty Unit plays a key role in ensuring that reports to the Assembly include equality statements and that, if necessary, they can be returned to Departments for further work. The Statutory Duty Unit may direct Bill teams to their own Departmental expertise where that has not been used. Over a two year period (1999-2001) 6 EIAs have been completed and a further 40 are underway. 43 are due to complete by March 2002 and 72 are planned for 2002-2003. The resources required to conduct an EIA, and therefore the costs associated with it, vary considerably depending on the nature of the legislation or policy proposal. No indication of the full costs of the EIA process is currently available.

Procedures and Remits

138. In terms of remits and procedure, it is useful to start with the Programme for Government and then look at the way in which a particular piece of legislation would be handled by Committees.

1. The Programme for Government, which is prepared annually and looks at the work of the Assembly over a 2-3 year period is itself subject to an Equality Impact Assessment, although it is acknowledged by the Equality Commission that it is not a conventional policy or programme to which a standard Equality Impact Assessment can be applied. Work is ongoing to establish a means of assessing the impact of the programme for government in terms of equality.
2. The Minister of each of the 11 individual Departments must seek approval from the Assembly to proceed to prepare specific legislation outlined in the Department's Programme of Action and Equality Scheme. Before going to the Assembly for approval, the Statutory Duty Unit of the OFMDFM comments on the statements prepared by Ministers, and if they do not include a reference to equality, or it is not adequate, the relevant departmental policy divisions are contacted and asked to make amendments. It may be that the department should be committing itself to a full EIA, and this has not been reflected in the draft statement. Alternatively, it may be that equality has not been

referred to at all, in which case a major revision would be necessary. The policy divisions will be encouraged to work with their respective equality divisions. The Statutory Duty Unit reports to the Committee of the Centre.

3. When a Bill is drafted by the relevant Department, it is then introduced to the Northern Ireland Assembly with a memorandum or equality statement and, where appropriate, a full Equality Impact Assessment. Prior to introduction, the legislative competence must have been established and this includes compliance with legislation on human rights.
4. At the next stage, the Bill is subject to the scrutiny of the Equality Commission, Statutory Duty Unit and the Community Relations Council.
5. The Standing Orders 33 and 55 of the Northern Ireland Assembly allow for the setting up of an Ad Hoc Committee on Conformity with Equality Requirements. The role of this committee is to consider and report on whether the provisions of the draft Bill or proposal are in conformity with the requirements for equality and observance of human rights and shall report its opinion thereon to the Assembly within the period of thirty days after the motion is agreed to or at a time agreed by the Assembly.
6. Committee Clerks and Departmental civil servants responsible for a Bill keep in close communication. When a Bill is received by a Committee, it is sent to the Research Office for scrutiny, including scrutiny relating to equal opportunities. The Research Office has staff expertise in equality issues
7. The Committee Clerk posts a public notice about the Bill in the four main Northern Ireland newspapers calling for consultations and puts together a list of consultees by a) liaising with the originating department, b) taking advice from Committee members and the researcher assigned to the Bill.
8. A Committee Clerk is expected to alert Committee members to issues raised in relation to a Bill and to write covering reports with recommendations for Committees to consider. (To date Committees have tended to spend time on the details of policy and have not spent much time on the equal opportunity issues.)
9. Briefings may be given to Members of the Legislative Assembly at the instigation of the Department or the relevant Committees.

Guidance and Tools Used

139. The main tool used in the Northern Ireland Assembly is the 'Practical Guidance on Equality Impact Assessment' which Departments' are obliged follow. This document sets out the steps that need to be taken to ensure that the equality implications of a policy are considered. The advantage of this is that the guidance ensures consistency between public authorities and eases the Equality Commission's task of vetting the Equality Schemes and Equality Impact Assessments. An acknowledged difficulty, however, is that the information on which to base a full Equality Impact Assessment may not exist. There is also a danger of voluntary, community and trade union groups being overwhelmed by opportunities to engage in the legislative process. In time, and by working together it should be possible to overcome these difficulties.

140. Officials working to Committees do not use particular templates when scrutinising legislation but there is a process of interrogation to ensure that Equality Statements and Equality Impact Assessments have substance. During the Committee Stage of a Bill, there is a facility to call for papers and evidence. Public Notices are used to alert the public, and individual consultees may be contacted. Standing Orders 33 and 55 of the Northern Ireland Assembly provide for the setting up of an ad hoc committee to consider the equal opportunities implications of a Bill, something which has not yet been invoked. The obligation to establish that legislation is consistent with Human Rights legislation prior to introduction is important, as is the duty to consult the Community Relations Council and Equality Commission.

141. Thus in this case it is the Executive / equalities commission which carries out equality impact assessments and develops equality schemes, leaving the Assembly with responsibility for checking this has been done. This model suggests that the Scottish Parliament needs the ability to scrutinise an impact assessment, rather than to commit resources to carrying one out itself.

Welsh Assembly

142. The promotion of equal opportunity for all people is a vital aspect of the vision for devolved government for Wales. This is reflected in the Government of Wales Act (1998) Section 48 which requires the National Assembly to exercise its functions and carry out its business “with due regard to the principle that there should be equality of opportunity for all people”. The Act requires the Assembly to publish an annual report stating the arrangements made to fulfil this statutory obligation and also to evaluate how effective those arrangements have been in promoting equality of opportunity (Section 120 Wales Act 1998).

Drivers for an equality agenda

143. Within the Assembly, there is a clear, top-level commitment from the Cabinet, with all party support to see that equality of opportunity is promoted within Wales⁸⁰. An Assembly Standing Committee dedicated to equal opportunities has been established to ensure that the legal obligations are met and to focus the Assembly’s attention on the need to promote equality. The Minister for Finance chairs the Committee on Equality of Opportunity, securing a high profile and influencing other Committee and Policy Divisions.

144. The Assembly’s Standing Orders provide for the Committee on Equality of Opportunity to audit the Assembly’s progress.

There shall be a Committee on Equality of Opportunity, which shall audit the Assembly’s arrangements for promoting, in the exercise of its functions and conduct of its business, the principle that there should be equality of opportunity for all people. The Committee shall also have particular regard to the need for the Assembly to avoid discrimination against any person on grounds of race, sex or disability.

The Committee shall submit an annual report to the Assembly on those arrangements and their effectiveness. It shall also review and report to the Assembly its conclusions on the Annual Reports submitted to the Assembly by public bodies concerned with the promotion of equal opportunities.

Standing Order 14

145. There is also support for equal opportunities from senior management. The Permanent Secretary has publicly stated his intention that the administration of the Assembly should set an example of best practice on

⁸⁰ The National Assembly’s arrangements to secure equality of opportunity, Annual report 2000-2001

equal opportunities for public institutions in Wales. He has stressed the managing diversity argument for equality.

The Assembly is a major employer and its work affects the lives of everyone in Wales. An Assembly that is staffed by people from all sections of the community will be more receptive and responsive to their needs. An organisation that is diverse is better able to respond to change. It will be more dynamic because it contains people who can see issues from a range of points of view.

Permanent Secretary, June 2001, The National Assembly's arrangements to secure equality of opportunity, Annual report 2000-2001

146. The first strategic plan for the National Assembly 'Better Wales', endorsed by the Assembly in April 2000, establishes a detailed programme of targets and actions for the administration to pursue over the next 3 years. These targets in the areas of learning, economic development, health, quality of life and governance, are underpinned by three cross cutting themes, one of which is "the promotion of a culture in which diversity is valued and equality of opportunity is a reality"⁸¹.

147. An Equality Policy Unit has been set up to assist the Assembly administration to take forward its equality obligation in a coherent and consistent manner. The Unit was established in the Public Administration, Equality and Public Appointments Division (PEP) in June 1999. It acts as a general resource for all officials in the Assembly, providing policy guidance and advice on equality issues. The Equality Policy Unit's main role is to assist the Assembly in meeting its statutory obligations in respect of equality and in meeting the equality objectives in "Better Wales", in particular delivering the targets concerning better government. It is also empowered to assist and support the work of the Equality of Opportunity Committee, Cabinet Ministers and the Permanent Secretary.

Delivery Model

148. The approach to mainstreaming equality in the Welsh assembly is different from that of the Scottish Parliament owing to its different organisational context. The Assembly is a corporate body; power is not held centrally by the Cabinet over the government departments, as in the Westminster model. Hence the remit of the Committee on Equality of Opportunity is focused on the daily business of the policy divisions and the public bodies, which work in partnership with them to deliver public policy. The function of the committee reaches beyond merely ensuring that the Assembly does not fall foul of the law. It is also a proactive committee that seeks to shape the equality agenda of the Assembly. It does this in a number of ways.

⁸¹ Better Wales.com National Assembly Edition, April 2000, www.wales.gov.uk

- **Membership**

The committee has members from all political parties represented in the Assembly and has extended a standing invitation to senior representatives of the Commission for Racial Equality, Equal Opportunities Commission and the Disability Rights Commission to attend. The advice of these representatives is called upon during committee discussion⁸². The committee is characterised by the consensual and hence constructive way in which it discusses issues before it.

- **Scrutiny of Assembly Sponsored Public Bodies (ASPBs)**

The committee can call ASPBs to explain their equality policies. This supports the leadership role, which the Assembly seeks to exercise in this area. The Committee's aim is to encourage these bodies to adopt equality strategies, which are consistent with its own. The financial relationship which exists between the ASPBs and the Assembly acts as a strong incentive to ensure compliance.

- **Use of Working Groups**

The Committee has set up working groups to enable very detailed considerations to be made of substantial and complicated issues which arise for the Assembly. Organisations such as the equality commissions and the Trade Union Congress have been asked to participate as advisers to the working groups to ensure that decisions are informed by as many relevant sources as possible. The report produced by the working group provides the basis on which the Committee monitors implementation and change over the next year. It is common practice for the Permanent Secretary to be called to Committee to comment on a report and to prepare an Action Plan for the administration and subsequent progress updates.

An example of the use of a working group arose during the Assembly's consideration of the implications of the McPherson report (reporting on the Stephen Lawrence Inquiry) for its own practice. A paper '**Lifting Every Voice**' was prepared through a unique partnership between the Assembly and the Public and Commercial Services Union, a major stakeholder in Wales. This explored what the Assembly regarded as institutional racism, and identified the steps required to eliminate discrimination and how to promote racial equality positively. The paper was presented for consideration by the Committee on Equality of Opportunity in March 2001. It recommended that officials should be charged with developing a written implementation plan to deliver the actions identified in the paper, and that the CRE should be funded to carry out an independent audit of progress on the action plan following its endorsement and enactment by the Assembly. The Committee initiated the first part of this process by asking officials to begin preparation of an action plan with a working party of volunteers from the Committee.

⁸² Committee on Equality of Opportunity Lifting Every Voice: A report and action programme to address institutional racism at the National Assembly for Wales, by Roger McKenzie on behalf of the Public and Commercial Services Union. (EOC-03-01) March 2001

Procedures and remits

▪ **Baseline Survey**

To begin the process of mainstreaming equality in administrative business the Committee on Equality of Opportunity commissioned a baseline survey in 1999 to establish to what extent race, gender, and disability are taken into account by policy divisions in developing policies, collecting statistical information and setting targets and objectives. The assessment of the results was carried out by the equality advisers to the Committee (CRE, EOC and Disability Wales). For each policy division, they provided a correlated and moderated ranking (from 'innocence' to 'excellence') on five separate criteria: business aims, top level commitment, monitoring, training and consultation. The individual divisional assessments were combined to give a position for the assembly as a whole. The assessment provided a foundation from which the Assembly could identify practical, measurable actions over the year.

A follow-up equality audit 2000 - 2001 has been carried out, building on the work of the Baseline Survey. The audit has shown overall improvements, except in the area of training where although only a limited amount of activity has taken place, there is a growing recognition that more is required. The use of these procedures has been effective not only in changing the practice of policy divisions, but also in raising the awareness of Assembly Members and officials about equal opportunities at all levels within the organisation.

▪ **Public appointments**

The Committee has examined the processes by which public appointments are made in order to secure broader representation from across the whole community. To address concerns about a lack of representation from Black and ethnic minorities and disabled people a report was commissioned to advise on a programme of action particularly in respect of gender, race and disability. This report made a wide range of recommendations to broaden the pool of people applying for and being appointed to public positions which the Committee will flag up to public bodies. Equality training has been put in place for all those sitting on promotion boards.

▪ **Subject Committee work**

The Committee on Equality of Opportunity has not attempted to introduce formal guidelines or a systematic process for proofing legislation, nor has it intervened in the practices of other Committees. There is a belief that while guidelines may be helpful in some cases, the diversity of the issues undertaken in committees precludes the use of standardised guidelines. However, on some occasions the Committee on Equality of Opportunity has decided that it would be useful for a Subject Committee to follow up the issue to apply their expertise. In this instance communication is formalised as a written request to the relevant Subject Committee.

Guidance and tools

149. The main tools which have been developed to date are the equality audit and the use of action plans to outline the actions policy divisions will take to address any weaknesses detected by the audit. The audit has two purposes. It enables progress on equality to be evaluated and monitored for improvement over time. It also serves as a mechanism for raising awareness. It is believed that the requirement on policy divisions to report on their equality actions places pressure on them to alter the substance and methods with which they carry out their daily business.

150. The Committee on Equality of Opportunity is obliged under the Wales Act (1998) to report on its progress, as is the administration under the leadership of the Permanent Secretary.

UK PAET Guidelines

151. After the 1997 general election, the Labour administration developed new government infrastructure for delivering equality of opportunity for women and those excluded from the labour market. Ministers for Women were appointed with a remit to deliver gender equality⁸³, and a Women's Unit was established in the Cabinet Office. More recently, the Women's Unit has been renamed the Women's and Equalities Unit. This change possibly reflects the shift in the EU towards the consideration of discrimination in other areas such as race and disability (Chapter 3), and the changes to national legislation which this shift has occasioned. A parallel development is the focus on social justice, which was strengthened by the establishment of the Social Exclusion Unit and the Performance and Innovation Unit, which report to the Prime Minister.

Drivers for an equality agenda

152. The key task of the Women's and Equalities Unit in the Cabinet Office is to ensure that women's needs and interests are "first thoughts, not afterthoughts" in every department's policy making⁸⁴. It undertakes reports on issues of particular interest to women, established by wide public consultation exercises⁸⁵. While all three units are potential drivers for mainstreaming equality issues across all departments, the Women's Unit has explicitly adopted the term and developed a mainstreaming tool for departmental use.

153. Following the lead from the EC, the new Ministers and the Women's Unit are key proponents of a mainstreaming strategy in government. The 4th UN Conference on Women (Beijing) placed mainstreaming on the UK government's agenda for the first time⁸⁶. In October 1996, the Sex and Race Equality Division of the Department for Education and Employment devised a programme to "sell mainstreaming" to regional government offices "to ensure that equal opportunities is a routine consideration in developing, monitoring, evaluating and reviewing policies"⁸⁷. In doing so they developed Policy Appraisal for Fair Treatment guidelines (PAFT). All government departments were encouraged to use the guidelines to appraise the impact of policy on women, ethnic minority groups and people with disabilities.

154. In 1998 the Women's Unit expressed its intention to build on these early responses to Beijing, and argued that all government departments should adopt a gender perspective. This received reinforcement in June 2000 when the five-year follow-up to the Beijing Conference was held in the USA. At this meeting all signatory nations reported on national progress in meeting

⁸³ The Ministers for Women are currently Patricia Hewitt and Sally Morgan.

⁸⁴ www.cabinet-office.gov.uk/womens-unit/

⁸⁵ 'What Women Want', a consultation exercise undertaken 1999/2000

⁸⁶ Gender Mainstreaming is a founding principle underpinning each of the Critical Areas for Action of the 'Platform for Action' which the UK government signed up to in September 1995

⁸⁷ Webber, S (1996) paper on mainstreaming in UK national government, given to seminar 'From Equal Opportunities to Mainstreaming Equality', SPS University of Bristol.

their commitments under the 'Platform for Action'. The Women's Unit has issued new guidance to help civil servants take account of the women's perspective throughout the policy making process. Departments are accountable for their performance in this area, as part of the drive to modernise Government.

Delivery model

155. The Women's Unit in the Cabinet Office, the Home Office and the Department for Education and Employment (DfEE) (since 2001 the Department for Education and Skills) have jointly produced guidelines for Policy Appraisal and Equal Treatment (PAET). These guidelines aim to ensure that all government departments take full account of the needs and experiences of those affected by their policies. This necessitates an understanding of how a policy impacts on different groups in society. The process of identifying differential impacts and amending policy to produce fairer outcomes has been described as 'mainstreaming equality'. Mainstreaming using PAET focuses not only on gender differences but also on discrimination arising from peoples' race and ethnic origin, and their disability.

You and your Ministers need to know how your policies and programmes will affect the public and you need to make sure that they comply with the [equality] law. But policy appraisal is not just about the Law; it is about good government ... unless you find out about the impact on different groups, you cannot be sure whether policies are having the effect the Government intends.

www.women-unit.gov.uk

156. The Race Relations Amendment Act (2000) supports a broad equalities perspective in government, by strengthening the focus on racial inequality. The Act extends the 1976 Act to outlaw discrimination and victimisation on racial grounds in public authority functions. 'Public authority' is broadly defined and includes public functions carried out by private sector organisations, with few exceptions. In placing a duty on public bodies to eliminate unlawful race discrimination and a general duty on named public authorities to promote race equality, the Act supports and extends the initiative to mainstream equality concerns to all levels and stages of policy making.

Procedure and Remits

157. PAET is above all a practical guide for civil servants which details good practice in policy making. It has mandatory status. It does not include legislative drafting in the appraisal process, although, implicitly, appraisal of

policy may feed into legislative proposals. It merely draws departmental attention to the national equality legislation and international equality conventions to which the UK government is committed. To date, the mechanisms for enacting the PAET guidelines remain sketchy. The Women's Unit has recently published a Gender Impact Assessment tool on its web site but stresses that it is only in draft form and that it may not be cited without permission. The PAET guidelines have been incorporated into supplementary advice to Regional Development Agencies, to be used as part of the sustainability appraisal process.

Guidance and Tools

158. The following summarises the three stages of action identified in the PAET guidelines.

STAGES

1. Check how the policy or programme will affect, either directly or indirectly, different groups of people - for example women and men, disabled people and those from different ethnic groups.

Consider if there may be unequal impact on those groups who do not enjoy specific legal protection, such as older people or groups toward whom specific policy initiatives are being directed, such as young unemployed people.

2. Identify whether there is any adverse differential impact on a particular group or groups and then decide whether it can be justified in policy terms even if it is legally permissible.
3. Take action, if necessary.

159. The 3 stages are implemented during the development of policy proposals using an impact analysis, which clearly brings out the effect on particular sections of the population, and how relevant differences have been addressed.

IMPACT ANALYSIS

1. Assessing the potential impact of the proposal:

- Make full use of existing research and statistics; if necessary commission new data, ensuring that statistics are separated by gender, race, disability and age
- Consult the relevant equality contact on issues specific to their policy areas
- Consult established interest groups
- Consult those who are likely to use the service
- Carry out a differential impact assessment, based on this and any other relevant information.

2. Use the information collected to decide whether there is likely to be a differential impact upon a particular group or groups in society and, if so, whether this may be unfair or unlawful, or contradict overall Government policy concerning opportunities or services for certain groups.

3. If some groups will suffer an adverse differential impact:

- Ensure the proposed course of action is legally permissible
- If not amend the policy or programme
- If it is legally permissible, decide whether the difference is justifiable in policy terms.
- Ensure that Ministers and senior officials are aware that the adverse differential impact of any policy or programme has been assessed.

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The National Assembly's arrangements to secure equality of opportunity, Annual report 2000-2001 (includes as appendices Equality Audit report, Committee on Equality of Opportunity report of work undertaken)

Introduction

160. The research was commissioned in April 2001 by the Equal Opportunities Committee of the Scottish Parliament, with the requirement that the data gathering be completed by June 2001. The remit of the research was to propose practical techniques and provide draft guidelines to ensure effective mainstreaming of equal opportunities by Scottish Parliamentary Committees. It included the provision of comprehensive information on the mechanisms for mainstreaming in committees of other comparable parliaments, either national or federal, and an evaluation of their efficacy. The research design selected to fulfil this remit is described below. The research design comprised administering an email questionnaire in other parliamentary settings, interviews with key informants, case studies of three comparable parliaments, detailed documentary analysis and workshops held with MSPs and parliamentary staff in the Scottish Parliament.

Research Methodology

161. Information on mainstreaming equality in other parliamentary settings was collected via an email questionnaire. On 11th June 2001, an email questionnaire was sent to 56 participants working in parliaments and government departments in 15 countries (see list below). These parliamentary and assembly settings were chosen because of their comparability to the Scottish parliamentary context. Three features were considered in the selection: the existence of national and federal levels of parliamentary activity; a known legislative commitment to equality of opportunity; and a named equal opportunities committee. The USA was intentionally excluded from the research due its unique equality history which made it an inappropriate comparator in this case.

162. Participants in the email survey were identified using an extensive internet search of Parliamentary websites. Participants from 6 of the 15 countries replied. This response rate may have been affected by the short deadline specified for receipt of replies (3 weeks), the fact that the questionnaire was sent in English only (because of resource and time limitations), and the reliance on parliamentary internet sites for contact address which may not have been fully up to date. The participants contacted are listed below (* indicates that a reply/ies was received from these countries).

RECIPIENTS OF EMAIL SURVEY

AUSTRALIA*

Senate Community Affairs Committee

Senate Employment, Workplace Relations, Small Businesses and Education Committee

Committee Secretary, Standing Committee on Family and Community Affairs, House of Representatives

Committee Secretary, Standing Committee on Employment, education and Workplace Relations, House of Representatives

Committee Secretary, Standing Committee on Aboriginal and Torres Strait Islander Affairs, House of Representatives

Ian Faulks, Committee Manager, Committee on Children and Young People, Parliament of New South Wales

Standing Committee on Social Issues, Parliament of New South Wales

Parliamentary Education and Information Manager, Legislative Assembly of Northern Territory

Economic Development Committee, Parliament of Victoria

Family and Community Development Committee, Parliament of Victoria

Ms R Schutte, Secretary, Social Development Committee, Parliament of Southern Australia

Neil Laurie, Clerk of Committees, Parliament of Queensland

General Information, Parliament of Western Australia

AUSTRIA

Committee for Affairs of Women, Upper House of Parliament

Equal Treatment Committee, National Council

BELGIUM*

Advisory Committee for Equal Chances, Senate

CANADA*

M.Agostini, Administrative Assistant, Standing Senate Committee on Human Rights

Standing Senate Committee on Aboriginal Peoples

Standing Senate Committee on Social Affairs, Science and Technology

Standing Commons Committee on Aboriginal Affairs, Northern Development and Natural Resources

Sub committee (of Foreign Affairs and International Trade Commons Committee) on Human Rights and International Development

Standing Commons Committee on Human Resources Development and the Status of Persons with Disabilities

Sub Committee (of Human Resources Development and the Status of Persons with Disabilities Commons Committee) on Children and Youth at Risk

Mike MacPherson, Clerk, Sub Committee (of Human Resources Development and the Status of Persons with Disabilities Commons Committee) on the Status of Persons with Disabilities

Standing Commons Committee on Justice and Human Rights

Till Heyde, Clerk, Standing Joint Committee (Senate) on Scrutiny and Regulations

Standing Joint Committee (Commons) on Scrutiny and Regulations

Corinne Dacyshyn, Clerk, Standing Committee on Law and Regulations and Public Affairs, Legislative Assembly Alberta

Select Standing Committee on Women's Equality, Legislative Assembly British Columbia

General Information, Legislative Assembly Saskatchewan

Ms Patricia Chaychuk, Clerk of the Legislative Assembly Manitoba

Tom Prins, Clerk, Standing Committee on Justice and Social Policy, Legislative Assembly Ontario

Anne Stoke, Clerk, Standing Committee on General government,

Legislative Assembly of Ontario

General Information, Legislative Assembly of Quebec

Ms Margaret Murphy, Legislative Librarian, Legislative Assembly Nova Scotia

General Information, Legislative Assembly New Brunswick

John Noel QC, Clerk of the House, General Inquiries, Legislative Assembly of New Foundland

General Information Legislative Assembly Nunavut

DENMARK*

Labour Market Committee

EUROPEAN PARLIAMENT

Committee for the Rights of Women

FINLAND*

Committee for Work and Equalization

FRANCE

Délégation aux Droits des Femmes et à l'égalité des chances entre les Hommes and les Femmes, National Assembly

GERMANY

Committee for Family, Seniors, Women and Youth

IRELAND

Committee Secretariat, Standing Parliamentary Committees, Ireland

Jim Mulkerrins, Clerk, Joint Committee on Family, Community and Social Affairs (Deputies and Senate)

Joint Committee on Justice, Equality, Defence and Women's Rights

ITALY

Committee for Work and Social Security

NEW ZEALAND

Ministry of women's Affairs

PORTUGAL

Committee for Equality, Equal Chances and Family

SOUTH AFRICA

Ben Kali, Control Committee Secretary, Justice, Security and Constitutional Affairs Committee Cluster

Nhlanhla Bhengu, Control Committee Secretary, Social Services Committee Cluster

Marc Philander, Control Committee Secretary, Labour, Communications and Economic Affairs Committee Cluster

Hajjera Salie, Control Committee Secretary, Provincial Affairs, Legislative Proposals and Constitutional Review Committee Cluster.

UK*

Employment Sub Committee, House of Commons

Committee for Equal Opportunities, Welsh Assembly

Debbie Prichard, Northern Ireland Assembly

163. The email questionnaire comprised 8 questions, reproduced below, enquiring about the equality infrastructure which existed in their parliamentary setting including legislative commitment, positive action measures and mainstreaming tools. The findings of the email survey are summarised in Chapter 4.

164. The questionnaire was complemented by the case studies of UK parliamentary settings. Each case study involved the collection and scrutiny of documents, and interviews with key actors, both formal and informal. Reports of the case studies are provided in Chapter 4. The research for the case studies was carried out in June and July 2001 by members of the research team, following the completion of the email survey. Workshops were held at the Scottish Parliament in June 2001. These were attended by MSPs and parliamentary staff and provided an important internal perspective, which informed the development of the Equality Guidelines.

Email Questionnaire (as distributed in June 2001)

The **Equal Opportunities Committee of the Scottish Parliament** has commissioned Sheffield Hallam University to undertake research into how the Scottish Parliament's committees can more effectively meet their commitments to equal opportunities, human rights and anti-discrimination. The Equal Opportunities Committee hopes to design best practice guidelines for its own operation by drawing on the experience of others, both here in the UK and in other parliaments.

On the basis of research, we have identified your Parliament as already having valuable experience. We are eager to learn what mechanisms your Parliament uses to safeguard and advance the issues of equal opportunities, human rights and anti-discrimination - in other words how these issues are part of mainstream practice.

There follows a brief questionnaire, of just 8 questions. We would be very grateful for your time and consideration in completing and returning it to us at the above email address. The deadline for the completion of the collection of data is **29th June 2001**.

If you would like any further information about us, or the project please direct your questions to the above email address and a member of the project team will reply.

We can assure you that your responses will be treated in the strictest confidence.

With best wishes,

Prof. Sue Yeandle, Christine Booth, Dr Cinnamon Bennett, at Centre for Regional

Economic and Social Research, Sheffield Hallam University, UK
in collaboration with Dr. Dory Reeves, University of Strathclyde, UK

QUESTIONNAIRE: Parliamentary practice to deliver commitments to equal opportunities, human rights, anti-discrimination.

COMMITMENTS

1) Does your Parliament operate with any explicit commitments to ensure equal opportunities, human rights or anti-discrimination for its citizens? (for example, national or federal legislation, operational guidelines)

Yes / No (delete as appropriate)

Please give the titles of these commitments:

2) If you answered Yes to Q 1: Which of the following are covered by these commitments?

age

disability

language or social origin

marital status

race

sex

sexual orientation

other personal attributes such as political or religious beliefs

(please delete and amend as appropriate)

PARLIAMENTARY COMMITTEES

3) Does your Parliament have any Parliamentary Committees with a specific remit for equal opportunities, human rights, anti-discrimination?

Yes / No (delete as appropriate)

Please give full title of committee(s):

4) In your Parliament, which of the following functions do Parliamentary Committees have?

i) Scrutiny of the Parliamentary Executive

Yes / No (delete as appropriate)

ii) Scrutiny of other Parliamentary Committees

Yes / No (delete as appropriate)

iii) Amending legislation

Yes / No (delete as appropriate)

iv) Initiating legislation

Yes / No (delete as appropriate)

v) Monitoring legislation

Yes / No (delete as appropriate)

vi) Enquiries into specific issues or problems

Yes / No (delete as appropriate)

vii) Other (please give details)

5) If you have a parliamentary committee(s) with a specific remit for equal opportunities, human rights, anti-discrimination which of the functions above does it have?

i) Scrutiny of the Parliamentary Executive

Yes / No (delete as appropriate)

ii) Scrutiny of other Parliamentary Committees

Yes / No (delete as appropriate)

iii) Amending legislation

Yes / No (delete as appropriate)

iv) Initiating legislation

Yes / No (delete as appropriate)

v) Monitoring legislation

Yes / No (delete as appropriate)

vi) Enquiries into specific issues or problems

Yes / No (delete as appropriate)

vii) Other (please give details)

PARLIAMENTARIANS / PARLIAMENTARY STAFF

6) Does your Parliament have any training programmes or guidance notes for Parliamentarians or Parliamentary Staff about equal opportunities, human rights, anti-discrimination?

i) For Parliamentarians

Yes / No (delete as appropriate)

Please give titles of training programmes or publications

ii) For Parliamentary Staff

Yes / No (delete as appropriate)

Please give titles of training programmes or publications

7) Are there any information facilities (for example, research library, website, support staff) which provide information about equal opportunities, human rights, anti-discrimination to Parliamentarians and Parliamentary Staff?

i) For Parliamentarians

Yes / No (delete as appropriate)

Please name facilities and if appropriate provide address

ii) For Parliamentary Staff

Yes / No (delete as appropriate)

Please name facilities and if appropriate provide address

PRACTICE OF COMMITTEES

8) Are there any toolkits, guidance notes, quality criteria relating to equal opportunities, human rights, anti-discrimination used by committee members in the decision-making process?

Yes / No (delete as appropriate)

Please give titles of publications or guidance notes

Thank you very much for completing our questionnaire. Please add any further thoughts or observations you may have. We accept that our questionnaire may not have covered all elements of your parliamentary practice as it has not been possible to design one for every individual context.

We may wish to contact you again to request copies or details about the locations of relevant documents.

Please could you give your name and position in the organisation and indicate below, by including a postal address, if you would like to receive further information about this research project.

Name:

Position / Job Title:

Postal Address:

Thank you once again for your time.

Examples of Mainstreaming Equality Tools

165. The following examples of mainstreaming tools offer illustrations of the types of tools which the Committees of the Scottish Parliament could develop to support the implementation of the Equality Guidelines (see Chapter 1). The Scottish Executive is currently developing a range of mainstreaming tools to support its Equality Strategy (discussed in Chapter 3). These should also provide ideas and guidance as to the development of tools for use in the work of the committees of the Scottish Parliament

EXAMPLE 1	EO Audit	Swedish Association of Local Authorities
EXAMPLE 2	EO Audit	EOC
EXAMPLE 3	EO Audit	Welsh Assembly
EXAMPLE 4	EO Audit	UK Government
EXAMPLE 5	EO Appraisal	Scottish Parliament
EXAMPLE 6	EO Appraisal	Birmingham Voluntary Service Council
EXAMPLE 7	EO Appraisal	New Zealand Ministry of Women's Affairs
EXAMPLE 8	EO Appraisal	Canadian Federal Government
EXAMPLE 9	Stakeholder Analysis	Newcastle University
EXAMPLE 10	Stakeholder Analysis	EuroFEM
EXAMPLE 11	EO Impact Analysis	CRESR
EXAMPLE 12	Checklists	CRESR
EXAMPLE 13	Checklists	EOC, CRE, Governance of Scotland
EXAMPLE 14	EO Selection Criteria	-
EXAMPLE 15	Website Resource	Department of Justice, Equality and Law Reform, Ireland
EXAMPLE 16	Language Resource	Ministry of Women's Equality, Government of British Columbia, Canada

166. The majority of these tools have been developed to tackle gender inequality. For application in the Scottish context they would have to be adapted to include all groups or persons named in the Scotland Act (1998). As the research findings indicate (Chapter 4), for tools to be effective and efficient they should also be adapted to fit existing parliamentary procedures, taking into account any constraints or opportunities in terms of resources and expertise.

'The 3R Method'

167. The purpose of the 3R Method is to examine how a Committee or Board can work systematically for gender equality in its own field of operations. The strategy that the project is based on is mainstreaming, that is the idea that gender equality is not a separate issues but one feature of the total operation. Since it involves introducing a perspective that has previously been lacking, the focus must be on understanding such things as structures, the distribution of power, and how norms are created and maintained. One of the basic insights in mainstreaming work is the need for a systematic review of the structures that make up the mainstream itself, that is the methods and regulations that dictate who gets what and on what terms....

168. 3R stands for Representation, Resources and Realia. Representation and Resources are quantitative variables which, when properly worked out, provide a basis for understanding the Realia, that is the actual operations and activities. A completed 3R analysis should make it possible to answer questions such as how power is distributed between men and women, how gender influences the formation of structures and organizational solutions, and how norms are set out in terms of gender in the various activities that are carried out. Working with the method provides information on such things, as whether statistical routines need to be changed or other forms of citizen or customer surveys need to be carried out.

169. **Adapted from** '*The 3R Method*' developed by Gertrud Åström for the Swedish Association of Local Authorities (SALA)

UK Local Authority Equalities Audit

170. The equalities audit process is an important starting point in mainstreaming equality, as it provides the local authority with a baseline position from which to determine its current position and priorities. The audit is supported through consultation with relevant sub-committee and forums representing particular groups (women, race, disabled, sexual orientation). The content of the audit is set out in the pro-forma below.

Pro-forma for auditing and developing a work programme for corporate equalities work

Department:

Covering period from/to:

Contact Officer:

Telephone:

Section A: Specific Themes:

The information required under each theme (age, disability, lesbian/gay/bisexual, race, women, stopping harassment) is:

Action currently being undertaken (date):

Action planned for (date): Outcome required:

Timescale:

Lead Officer:

Section B: Corporate Themes

For each corporate theme (which reflect the priorities of the Equalities and Community development unit and Corporate Equalities Working Group) departments are required to indicate the:

Departmental contribution (What is it? What actions are to be taken?):

Outcomes required:

Timescale:

Lead Officers:

Section C: Departmental Structures / Expertise

Departments are required to state whether they have any of the following, and to provide details:

Departmental working group o equalities

Designated equalities officer

Black workers / women's group or other equalities group

Specific training around equalities

Targeted equalities policies which are service specific, e.g. race ad housing

171. **Proforma adapted from** an example cited in EOC (1997) *Mainstreaming gender equality in local government: A framework*, Manchester: Equal Opportunities Commission UK.

Baseline Equality Audit of all Policy Divisions in the Welsh Assembly

172. In October 1999, under the direction of the Committee on Equality of Opportunity, the Equality Policy Unit undertook a baseline equality audit of all the Assembly's policy divisions to establish to what extent race, gender and disability are taken into account in developing policies, what objectives and targets have an equal opportunities dimension and what disaggregated data is available to monitor the outcomes of those policies. Semi-structured interviews were carried out with the divisions, units and groups in the Assembly. The data collected was independently assessed by the equality advisers to the Committee on Equality of Opportunity (the CRE, EOC and Disability Wales). These advisers provided for each division a correlated and moderated ranking (from innocence to excellence) on five separate criteria. These criteria were: business aims, strategy and management systems; perception of top level commitment; monitoring and adjustment; guidance and training; and communication, consultation and awareness. The individual assessments were then used to establish a position for the Assembly as a whole.

173. The base line equality audit has been used to identify practical measurable actions which the Assembly and individual divisions and take forward over the following year. A second equality audit has been carried out in 2000 in order to establish to what extent progress is being made. An example of the one of the criteria of assessment and ranking produced by the audit is detailed below.

Criteria	Innocence = 1	Awareness = 2	Understanding = 3	Competence = 4	Excellence = 5
Business Aims, Strategy and Management systems	No clear links between EO and business aims. No account taken of EO in management systems.	General reference to EO in Divisional Plans. Some functions (e.g. special training) in place to support EO.	Mention made of EO in Divisional Plans. Divisional policies and procedures take EO into account at the design stage.	Strategic aims for EO reflected in Divisional Plans. EO recognized as core value in development of Divisional policies and procedures.	Ethical and business benefits of EO integral to divisional strategy and plans. EO integrated fully into all management systems and promotes EO culture.

174. **Adapted from** the Welsh Assembly Baseline Equality Audit. More details about this process can be found on the Welsh Assembly website (www.wales.gov.uk), contained in the Annual reports of the Committee of Equality of Opportunity.

EO Audit

Example 4

Professional Policy Making

175. The Strategic Policy Making Team based in the UK Cabinet Office used an innovative method to examine the way in which government departments could improve the 'user friendliness' of their policy and service interventions, as required by the 'Modernising Government' White Paper. The Team developed a model of 'modernised' policy making with the help of policy makers from a number of departments. The model describes core competencies which are desirable for effective professional policy making. Although an equal opportunities perspective is not named as a competency, there is a focus on identifying the stakeholders of the policy making process. The model has been used as a framework to audit current good practice.

PROFESSIONAL POLICY MAKING – CORE COMPETENCIES

- **Forward looking** – takes long term view, based on statistical trends and informed predictions of the likely impact of policy
- **Outward looking** – takes account of factors in the national, European and international situation and communicates policy effectively
- **Innovative and creative** – questions established ways of dealing with things and encourages new ideas; open to comments and suggestions of others
- **Using evidence** – uses best available evidence from a wide range of sources and involves key stakeholders at an early stage
- **Inclusive** – takes account of the impact on the needs of all those directly or indirectly affected by the policy
- **Joined up** – looks beyond institutional boundaries to the Government's strategic objectives; establishes the ethical and legal base for policy
- **Evaluates** – builds systematic evaluation of early outcomes into the policy process
- **Reviews** – keeps established policy under review to ensure it continues to deal with the problems it was designed to tackle, taking account of associated effects elsewhere
- **Learns lessons** – learns from experience of what works and what doesn't

176. The exercise highlighted that the centre could provide additional resources to support departments to develop the core competencies. These are listed below.

Peer review to provide a structured mechanism for bringing about cultural change and sharing good practice

Joint training events for Ministers and policy makers to encourage better mutual understanding of what is and is not possible. This could include establishing a Senior Government Network to allow Ministers and top officials to attend seminars focused on cross cutting issues together.

Policy 'knowledge pool' to provide an easily accessible source of evidence for future policy making, including the results of impact assessments, relevant consultation documents and evidence collected for evaluation.

Benchmarks developed from the model of policy making to enable departments to evaluate their current policy making.

Source: Professional Policy Making for the Twenty First Century, Report by Strategic Policy Making Team, Cabinet Office, September 1999.
<http://www.cabinet-office.gov.uk/moderngov/download/policy.pdf>

There are a number of similar initiatives to improve policy making processes between government departments and their external partners in the UK and Scotland:

Scottish Executive Policy Unit, (2000) 'Making a Difference: Effective implementation of Cross Cutting Policy' Review June 2000.
<http://www.scotland.gov.uk/library3/government/effect.pdf>

Performance and Innovation Unit, UK Cabinet Office (2000) 'Wiring It Up Whitehall's Management of Cross-Cutting Policies and Services, Report January 2000
<http://www.cabinet-office.gov.uk/innovation/2000/wiring/coiwire.pdf>

Scottish Parliament's use of Policy memorandum

The Policy Memorandum which is routinely appended to all draft Executive Bills in the Scottish Parliament is an example of EO appraisal.

Impact on Equal Opportunities

55. The provisions in the Bill relating to the new ethical framework provide for councillors and members of devolved public bodies to be dealt with fairly and consistently. The new ethical framework will govern the conduct of councillors and members of relevant public bodies. Under this framework all councillors, and all members of a devolved public body will be governed by the same code of conduct.
56. Scottish Ministers will appoint members of the Standards Commission and the Chief Investigating Officer; these appointments will be made in a non-discriminatory way and in accordance with the Commissioner for Public Appointments' Code of Practice. Recruitment and employment of staff by the Standards Commission will also be non-discriminatory and in accordance with employment and equal opportunities legislation.

Source: Policy Memorandum relating to the Ethical Standards in Public Life (Scotland) Bill (SP Bill9) as introduced in the Scottish Parliament on 1 March 2000.

'Putting the G into regeneration'

177. Appraising EO implications of a programme or policy requires evidence to be collected to substantiate any observations. Information is continually collected as part of the day to day work of policy-makers and researchers at national, regional and local levels. Effective use can be made of this work to provide evidence for the appraisal. The strength and weaknesses of possible sources of information for EO appraisal are listed below.

Source of evidence	Strength	Weaknesses
Programming documents	Produced at regular intervals	Rarely give information of impacts. Rarely available for all issues. Data on actions and results are difficult to combine.
Permanent statistical surveys	Low cost Reliable Wealth of content	Not often linked to evaluation criteria Not always geographically relevant Can contain obsolete information
Other research evaluations	Low cost Data already analysed	Can contain obsolete information. Often partial, unable to give generally applicable answers
Self generated primary qualitative data	Linked to evaluation criteria	Cost of collection Length of time required for collection
Self generated quantitative data	Linked to evaluation criteria	Specificity Length of time required for collection

178. **Adapted from** 'Sources of information for EO Appraisals' developed by Braithwaite M (1998) *Manual for integrating gender equality into local and regional development*, prepared for DGXVI/G2 p 21-23

179. 'Putting the G into Regeneration', the generic appraisal commissioned by the Birmingham Voluntary Service Council, aimed to illustrate to regional regeneration partners the nature and value of using such tools in their day-to-day activities. One of the regeneration partners is currently adapting parts of the tool to apply to its own practice. The example below relates to the part of the tool concerned with the appraisal and validation of projects selected for a

regeneration programme. The framework indicated the type of evidence required to answer the appraisal sufficiently.

Who will be the key beneficiaries of the project?
--

Please specify, identifying gender, ethnicity, age and disability

Do women and men benefit equally from the project?

Not all groups will benefit from the project – specify clearly which groups will benefit and justify this in relation to the gender profile of the region.
--

Is the project targeted at a specific group or groups of women and men?
--

Projects may target specific groups on the basis of findings from the gender profile – specify which groups are targeted and why.

180. **Extract from** Bennett, C Booth C and Yeandle S (2000) *Gender and Regeneration Project: developing tools for regeneration partnerships*, CRESR, Sheffield Hallam University.

Gender Analysis Framework

181. The New Zealand Ministry of Women's Affairs has developed a generic gender analysis tool for use by all departments and policy units. It is applied using an iterative process described below. Departments are supported by resources and training at each stage of the process.

REVIEW
<p>Review current processes for policy and service delivery to identify ways in which the gender analysis framework can be integrated</p> <p>Identify structural or organisational changes which are necessary, e.g. appointment of specialist staff</p>
PILOT
<p>Pilot gender analysis within a section or unit or policy.</p> <p>Demonstrate the success of the pilot to senior executives</p>
IMPLEMENT
<p>Provide information on gender analysis as part of new staff induction</p> <p>Include an understanding of gender analysis in new staff post specifications</p> <p>Address gender analysis issues at strategic level</p> <p>Include gender analysis as a criteria for quality assurance in internal peer review and quality control processes</p>
MONITOR
<p>Benchmark organisations current practice against gender analysis framework</p> <p>Set targets for integrating gender analysis into organisational processes</p> <p>Annually measure progress</p> <p>Building processes which allow services to be modified if that do not deliver gender outputs</p>
ACCOUNTABILITY
<p>Include gender analysis as a quality indicator in the organisations purchase agreements</p> <p>Include gender analysis framework in Chief Executives' performance agreement.</p>

RESOURCES	TRAINING
<p><u>Gender Analysis Framework</u></p> <ol style="list-style-type: none"> 1. Identify Problems and issues 2. Define Desired Outcomes 3. Develop Options 4. Analyse options, make recommendations 5. Implement Decisions 6. Monitor and Evaluate <p>National Research Publications Resource list</p>	<p>Training on gender analysis for policy managers and analysts.</p> <p>Use staff from Ministry of Women’s Affairs as a work-based training resource.</p>

Source: Ministry of Women’s Affairs, New Zealand.
www.mwa.govt.nz/pub/gender/implm.html

Gender based analysis: a guide for policy-making

182. In 1995 the Canadian Federal Government adopted a policy requiring federal departments and agencies to conduct gender-based analysis of future policies and legislation. Status of Women Canada devised a 'hands-on' guide as part of a five-year pilot project to devise effective implementation. The guide aims to increase awareness at all levels of government of the importance of gender as a way of looking at the world and to facilitate the development and assessment of policies and legislation from a gender perspective.

183. The guide has 3 sections. Section 1 defines key concepts and provides the rationale for gender based analysis. Section 2 highlights how a gender perspective can be integrated into existing policy analysis processes. Section 3 offers a step-by-step process for carrying out gender based analysis and an accompanying case study to illustrate how the analysis has been carried out in a real policy environment. Departments have been encouraged to adapt the guide to fit their particular area of operation.

Stages in the existing policy making process (Section 2):

1. Identifying, defining and refining the Issue
2. Defining desired / anticipated outcomes
3. Defining the information and consultation inputs
4. Conducting research
5. Developing and analysing options
6. Making recommendations / decision-seeking
7. Communicating policy
8. Assessing the quality of analysis

184. There follows an extract of the guidance given in Section 3 for Stage 1 of the policy making process.

Stage 1 Identifying, defining and refining the Issue
Purpose of the stage
To determine the nature scope and importance of the issue within the context of the current policy environment, from a gender perspective
Type of questions to be answered
<p>What is the issue?</p> <p>What are the root causes?</p> <p>How does you personal/professional/corporate background affect your understanding of the issue?</p> <p>Does this issue require policy analysis or development?</p>
Things to consider to ensure a gender perspective is being applied:
<p>The policies and programmes and legislation can only be effective if they acknowledge and respond to their potential human impact. The impact on both women and men must be assessed.</p> <p>Women and men must be involved in identifying the issue. What do women's organisations and gender-aware researchers have to say about the issue?</p> <p>Gender equity may be a factor. Do women and men currently receive different levels of benefits from the policy area under review?</p>
Example of adopting a gender perspective in a named policy area.

Extract: Gender based analysis: a guide for policy-making, Status of Women Canada, Policy Analysis and Development Directorate, Federal Government.

Stakeholders Chart developed in Department of Town and Country Planning, Newcastle University

185. A stakeholder is another name for those people, groups or institutions with an interest or a stake in a project or a programme. In the past the term was used in a financial sense to describe those who had a financial stake in the project, but now it is used more broadly to describe anyone who has a connection with a project or programme. Stakeholders are often subdivided into two groups. First, the primary stakeholders who are directly affected in a positive or negative way, for example householders whose properties may be demolished, households whose children might benefit from new play areas. Second, the secondary stakeholders who are responsible municipalities and any funding bodies.

Charting the stakeholders

186. Once the range of stakeholders has been identified various simple analysis can be undertaken. The diagram that follows outlines a **stakeholders chart**. This lists all the stakeholders, notes their interests in relation to this issue, suggests whether the project or programme will have a positive or negative impact on their interests and tries to give an indication of the relative priority which should be given to each stakeholder in meeting their interests.

Stakeholders	Interests of stakeholders	Potential project impact	Relative priorities of interest

187. **Adapted from** Newton R, Parker S and Spencer D (1995) *Towards and Institutional Audit*, Department of Town and Country Planning, University of Newcastle, UK.

188. There are further ways of analysing the stakeholders: for example by considering how they are involved in the main phases of the project and what type of agency the stakeholders represent.

EuroFEM Actor Analysis

189. The EuroFEM project in developing a 'Toolkit for Mobilising Women in to Local and |regional development' performed an **Actor analysis** to produce a spider diagram showing the different project members and their possible affiliation with other projects of the EU 4th Community Action Programme and other European women's networks. In this way it was able to keep a track of partnerships and transnational relationships. One further step in this form of analysis can be the assessment of the nature and types of transactions between different partners so that the following question may be answered.

To what extent do the different roles, different access to and control over, and different interest of women and men have implications for the definition and analysis of problems, choice of objectives and strategies and the way projects are implemented, monitored and evaluated?

Levy C (1996) The Process of Institutionalising Gender in Policy and Planning. The WEB of Institutionalisation, London: University College DPU Working Paper No 74

190. **Actor Analysis** reproduced from Horelli L, Booth C, and Gilroy R (1998) *The EuroFEM Toolkit for Mobilising Women into Local and Regional Development*, Gender and Human Settlements International Conference, Hämeenlinna, Finland.

Gender Impact Analysis of the draft Single Programming Document for South Yorkshire Objective 1

191. A gender impact analysis was conducted as part of the Equal Opportunities appraisal of the draft Single Programming Document for South Yorkshire Objective 1 Funding. In assessing the impact of the proposed measures on gender equality, the following key questions were identified:

- Have gender / sex equality issues been identified in the socio-economic analysis which underpins the development of the programme objectives, priority strategy and measures?
- Have the issues, where identified, been addressed in the development of the objectives, strategy and measures?
- What impact can the proposed strategy and measures be expected to have on the issues identified?

192. For each Priority established by the SPD, a detailed gender impact analysis was carried out to assess each measure within the Priority in relation to direct and indirect EO benefits, the risk of EO disbenefits, or whether the measure was EO neutral or had missed opportunities to identify EO benefits. The findings were presented in tabular form.

Priority

Measure	EO benefits - DIRECT	EO benefits INDIRECT	Risk of EO disbenefits	EO neutral	Missed opportunities

Note: Most programmes will have a gender impact, therefore impacts should only exceptionally be entered in the 'EO neutral' column.

193. The analysis enabled recommendations to be made as to the key sectors to be targeted in order to effect maximum beneficial EO impacts.

194. **Reproduced in** Yeandle S and Booth C (1999) Equal Opportunities Appraisal of the draft SPD for South Yorkshire Objective 1, prepared for the Government Office for Yorkshire and the Humber, CRESR, Sheffield Hallam University

EO checklist used in the draft Single Programming Document for South Yorkshire Objective 1.

195. The equal opportunities appraisal of the draft Single Programming Document (SPD) for South Yorkshire Objective 1 Funding included the use of a checklist. Checklists were used to demonstrate to the EU that the SPD was responding seriously to the regulations and was incorporating gender equality as a horizontal policy objective at all stages and at all levels of the process of programme development and delivery. Equally checklists can be used to raise awareness of Equal Opportunities issues among policy makers and programme managers and project initiators. An example of part of the checklist is given below.

Programme Planning Checklist

- Have women's groups and EO bodies at regional and national level been involved in the planning process?
- Is the strategy based on prior analysis of women's and men's needs?
- Does the SPD include qualitative and quantitative criteria and indicators to assess how EO has been taken into account?
- Will specific measures aggravate existing disadvantage experienced by some groups?
- Does the SPD reflect national and regional EO policies?

196. **Adapted from** Yeandle S and Booth C (1999) Equal Opportunities Appraisal of the draft SPD for South Yorkshire Objective 1, prepared for the Government Office for Yorkshire and the Humber, CRESR, Sheffield Hallam University

Checklists for MSPs

197. A checklist for MSPs has been prepared by the EOC and the CRE in partnership with the Governance of Scotland Forum, University of Edinburgh. The checklist has been produced as the size of a credit card which can be easily carried around and hence readily consulted.

<p style="text-align: center;">MAINSTREAMING EQUALITIES: <i>A Checklist for MSPs</i></p> <ol style="list-style-type: none">1. What is the policy for? Who is the policy for? What are the desired and anticipated outcomes?2. Do we have full information and analyses about the impact of the policy on all equality groups? If not, why not?3. Has the full range of options and tier differential impacts on equality groups been presented?4. What are the outcomes and consequences of the proposals? Have the indirect, and direct effects of proposals been taken into account?5. How have policymakers in the Executive demonstrated they have mainstreamed equality?6. How will the policy be monitored / evaluated? How will improved awareness of equality implications be demonstrated?
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198. **Adapted from** *Checklists for MSPs* prepared by the Equal Opportunities Commission and Commission for Racial Equality

EO Selection Criteria

Example 14

199. In the case of the Scottish Parliament appropriate selection criteria would be checking and ensuring the representation (where possible) of all diversity of persons included in the Scotland Act (1998), to ensure that groups were not unwittingly excluded.

EO Website Resource

Example 15

Website resource for mainstreaming equality between women and men

200. The Irish National Development Plan (NDP) (2000-2006) requires equality between women and men should be mainstreaming into all policies and programmes developed. The NDP Gender Equality Unit of the Department of Justice, Equality and Law Reform has constructed a website to provide a comprehensive guide to policy makers. The website explains why mainstreaming has been adopted as the strategy to take the equality agenda forward in Ireland. It outlines the requirement to gender mainstreaming set by the NDP and describes what mainstreaming involves. The site includes resources and a database of statistics on women and men in Ireland to support policy makers to adopt a gender perspective.

Website table of contents

Section 1

- What is 'mainstreaming equality?'
- How is mainstreaming equality between women and men incorporated into the Irish policy context?
- Why has mainstreaming equality been adopted to improve equality of opportunity between women and men in the Irish Policy context?
- How can equality between women and men be mainstreamed in a policy?
- To which policy areas is mainstreaming relevant?
- Where can information be found to help mainstreaming equality in policies?
- Link pages
- Contact information

Section 2

- The requirements to mainstream equality between women and men in the National development Plan 2000 to 2006
- Implementing the commitments on equal opportunities between women and men in the National development Plan 2000 to 2006

Section 3

- Database of statistics on women and men in Ireland, related particularly to National development Plan policy areas.

Source: National Development Plan Gender Equality Unit, Department of Justice, Equality and Law Reform

<http://www.justice.ie/80256976002CB7A4/vWeb/fsWMAK4Q7JKY>

Gender Inclusive Language Guide

201. The Ministry of Women's Equality in the Government of British Columbia, Canada has published a guide to gender inclusive language to be used in all governmental communications, written, visual and oral. The guide serves to raise people's awareness to taken-for-granted forms of address, terms and phraseology which reinforce negative gender stereotypes.

Women and Men as Equals

One of the underlying principles of gender-inclusive language is that women and men are equals. Equals, of course, deserve equal treatment and equal respect. In language, this equality takes the form of parallel word choices for both men and women, and the elimination of terms that exclude, stereotype or demean women.

The following sections discuss ways we can avoid language that discriminates against women. Some forms of this discrimination are obvious and need little explanation; others are more subtle. But all forms of discriminatory language contribute to attitudes that reinforce barriers – both visible and invisible – to the full and equal participation of women in society and in the workforce.

Women as individuals

Women are often portrayed in relationship to others rather than as individuals. Avoid identifying a woman as somebody's wife, widow, mother grandmother, or aunt unless it is appropriate in context and you describe men similarly.

Not Dr Jim Evans, a medical consultant with the Ministry for Health, and his colleague Elizabeth Women, recently published a paper

But Dr Elizabeth Wong and Dr Jim Evans, medical consultants with the Ministry of Health...

Extract Ministry of Women's Equality, Government of British Columbia Canada, 'An Introduction to Gender Inclusive Language'.

www.weq.gov.bc.ca/gender-lens/communicating-bias.stm

Notes