

Public Sector Equality Duty – Revised Draft Regulations

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Scottish Refugee Council

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Wilkes

Forename

John

2. Postal Address

5 Cadogan Square

Glasgow

Postcode G2 7PH

Phone 0141 223 7918

Email

3. Permissions

I am responding as...

Individual / Group/Organisation
Please tick as

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

Consultation Questions

Question 1: Do you agree that if a public authority's equality outcomes do not cover all relevant protected characteristics, it should publish the reason(s) why?

Yes No Don't Know

Please provide further information

Refugees and asylum seekers are not 'protected characteristics' under the Equality Act. However they can face barriers to services from public authorities and public authorities are often not aware of these barriers. Guidance should be provided to ensure that public authorities indicate that they have considered issues relating to refugees and asylum seekers.

Question 2: Do you agree that a public authority should publish the results of equality impact assessment?

Yes No Don't Know

Please provide further information

Comments in response to question 1 apply to the publication of the results of equality impact assessments.

Question 3: Do you agree that a public authority's impact assessments should consider relevant evidence including any received from people with relevant protected characteristics in relation to the policy or practice in question?

Yes No Don't Know

Please provide further information

Public authorities should ensure that when considering evidence of relevant protected characteristics that issues relating to a persons asylum or refugee status should be included.

Question 4: Do you agree that a public authority should make arrangements to review and where necessary change or revise existing policies and practices to ensure that these do not have a detrimental effect on its ability to fulfil the general duty?

Yes No Don't Know

Please provide further information

Public authorities should ensure that when considering evidence of relevant protected characteristics that issues relating to a persons asylum or refugee status should be included.

Question 5: Do you agree that a public authority should not be required to undertake an impact assessment where the policy or practice in question has no bearing on its ability to fulfil or otherwise the general duty (eg, purely technical or scientific matters)?

Yes No Don't Know

Please provide further information

Public authorities should however publish the rationale for why policies or practices have been determined not to require an impact assessment.

Question 6: Do you agree that authorities subject to the specific duties should be required to take reasonable steps to gather information on the relevant protected characteristics of employees, including information on the recruitment, retention and development of employees?

Yes No Don't Know

Please provide further information

Public authorities should consider including gathering information on employees refugee status in addition to the protected characteristics.

Question 7: Do you agree that authorities subject to the specific duties should be required to use the employment information which they have gathered to assist progress on the general duty?

Yes No Don't Know

Please provide further information

Question 8: Do you agree that authorities subject to the specific duties should be required to report on progress on gathering and using employment information, including an annual breakdown of information gathered, within the mainstreaming report.

Yes No Don't Know

Please provide further information

Reporting should include information gathered on associated characteristics such as refugee status.

Question 9: Do you agree that authorities with more than 150 employees should publish an equal pay statement, the first covering gender and the second and subsequent statements covering gender, disability and race?

Yes No Don't Know

Please provide further information

Authorities should be required to publish equal pay statements covering all protected characteristics. Consideration should also be given to requiring publication of all characteristics by the second statement. Authorities with more than 150 employees should have the capability to fulfil this requirement in a shorter timeframe than is being proposed.

Consideration should be given to extend this requirement to authorities with less than 150 employees over a five year timeframe to give these public authorities time to prepare.

Question 10: Do you agree that where a listed authority is a contracting authority and proposes to enter into a relevant agreement on the basis of an offer which is the most economically advantageous it must have due regard to whether the award criteria should include considerations relevant to its performance of the general duty?

Yes No Don't Know

Please provide further information

This proposal would be an important lever to encourage private sector and third sector organisations not covered by the public sector duties to adopt and improve their equality practises and understanding.

Question 11: Do you agree that where a listed authority is a contracting authority and proposes to stipulate conditions relating to the performance of a relevant agreement it must have due regard to whether the conditions should include considerations relevant to its performance of the general duty?

Yes No Don't Know

Please provide further information

Question 12: Do you have any other comments on the proposed draft Regulations?

Please provide further information

We are inviting responses by **25 November 2011**.

Please send this questionnaire with the completed Respondent Information Form to:

equalityduty@scotland.gsi.gov.uk

or by post to:

Graeme Bryce
Equality Unit
The Scottish Government
Area 2G
Victoria Quay
Edinburgh
EH6 6QQ