

CONSULTATION RESPONSE FORM

Consultation Response

Introduction

The Equality and Human Rights Commission (the Commission) was established in statute in the Equality Act 2006 and came into being on 1 October 2007. The Commission champion's equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and make sure that everyone has a fair chance to participate in society. We promote equality across the seven 'protected' grounds – age, disability, gender, race, religion and belief, sexual orientation and gender reassignment.

The Commission welcomes the opportunity to comment on the **European structural funds 2014 – 2020 programmes**

Equality Obligations on Public Authorities in Scotland

Our interest in this consultation stems from our role as the Regulator for the Equality Act and Public Sector Equality Duty (PSED). The PSED requires public authorities, in the exercise of its functions, to pay 'due regard' to the need to:

- Eliminate discrimination, harassment, victimisation, or other unlawful conduct;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

The duty applies across the 'protected characteristics' of age; disability; gender; gender reassignment; pregnancy and maternity; race; religion and belief and sexual orientation. The protected characteristic of marriage and civil partnership is covered by the elimination of discrimination requirement only.

The general duty encourages the mainstreaming of equality into core business so it is not a marginal activity but a key component of what public bodies do.

We note that no Equality Impact Assessment(EQIA) is attached to the consultation document as being conducted, unlike the consultation on

the Scotland Rural Development Programme (SRPD), 2014-2020, which is undertaking an EQIA (as stated on P43 para. 137)

We are concerned about this as our particular interest in the fund is its stated intention of building business competitiveness and innovation and tackling the high proportion of the population with low level or no skills.

The Commissions own research into regeneration programmes – “Hard to Reach – Easy to Ignore” (2012) suggests that without careful planning, place-based policies may not assist equalities groups equally and that specific measures may need to be taken to ensure that the benefits of ESF funding reach those most in need. The research concluded that

- Overall, in place-based policies, socio-economic inequality is much easier for policy-makers to understand and focus on, compared to the complexities of exclusion and deprivation faced by equalities groups.
- The differing spatial distribution of equalities groups in Scotland suggests any future place-based policies should have equalities as a key focus.
- If a place-based approach to delivering socio-economic policy was renewed in Scotland focusing on the 15 per cent most deprived neighbourhoods, the equalities groups that might benefit would vary. For example:
 - Based on analysis of the 2001 Census, Bangladeshi, African, Caribbean and White Irish groups may be able to benefit most from place-based policy. They have a relatively high poverty rate but have a relatively small percentage of poor people living outside the lowest most deprived neighbourhoods.
 - In the past there has commonly been a wholly unintentional “blindness” to equalities in place-based policies, with a presumption that all will, or can, benefit equally from improvements in socio-economic outcomes.

This research echoes the concerns of the Christie Commission that

“In considering the future delivery of public services, we have focussed on the importance of the ‘community’. By this, we mean the myriad of overlapping ways in which people come together through a common set of needs, both as communities of place and communities of interest”

And

“Interest-based communities...define people who come together through shared need, interest, experience or concern.”

The Commission recommends that a full equality impact assessment is conducted on the funding stream prior to its rollout, to ensure that opportunities to maximise the participation of equality groups in both small business start ups and particularly in assisting “the high proportion of the population with low level or no skills”.

Question 1 – Are there other areas you think the Partnership Agreement should address?

“Tackling the high proportion of the population with low level or no skills” implies a focus on those groups who are furthest from employment – disabled people, woman returnees to work, and younger and older people. If this is the case then an explicit recognition of the equalities dimensions of the funds purpose could be useful introduced and aligned to National Performance Outcome 7.

Question 2 – Do you think these thematic objectives will best address Scotland’s short-term and long-term challenges?

As above we feel that a number of the thematic objectives relate to equalities groups, for example in tackling social inclusion and growing jobs. Currently around 50% of disabled people in Scotland are without work, some 25% lower than the total for non disabled people. Specific reference to these groups would assist the programme to understand specifically who and where effort could be made to ensure that those furthest from the labour market benefit from these programmes.

Question 3 – Do you think there are any other thematic objectives which should be addressed?

N/A

Question 4 - Do you think the Scottish Themed Funds will address Scotland's key challenges?

“The objective of the Scottish Themed Funds is to collectively support genuine long term change in the skills base, in the growth ambitions of Scottish SMEs, in energy consumption, in land use, and in the well-being and resilience of all of Scotland's communities”.

As above to do so effectively would mean that the programme specifically addresses where the skills base amongst Scottish workers is weak to ensure that “all of Scotland's communities” benefit equally from the programme. Research conducted by the EHRC and others suggests strongly that some equalities groups suffer under and unemployment – some ethnic minority groups, disabled people, women returners to work, and older and younger people. As above a proper EIA would illuminate the opportunities that the programme brings and targets should be set to measure the extent to which “*training & support for hardest to reach groups*” is achieved.

Question 5 – How do you think the governance and delivery arrangements will impact on your sector?

N/A

Question 6 – How do you think the governance and delivery arrangements will impact on your organisation?

N/A

Question 7 – Are there any unidentified governance or delivery arrangements that could aid simplification of the future programmes and ensure that the Structural Funds complement each other?

N/A

Question 8 – What other delivery options do you think would be feasible for delivering youth employment initiatives?

N/A

Question 9 – What other measures could be taken to reduce the audit and control pressures?

N/A

Question 10 – Do you have any further comments on the proposals?

N/A