



centre for research on
families and relationships

CRFR Policy Scoping Seminar Equality Issues

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Policy Summary

European level

- The European level is a key element for overarching framework regarding equal opportunities within the UK, through the European Convention of Human Rights through the Council of Europe, and through a number of EC Directives, including those related to equal treatment in employment, training, goods and services.
- Current debates/consultations include **campaign to tackle the gender pay gap**, consultation on proposals to amend the **Pregnant Workers Directive** (BERR is seeking responses by 22/06/09), and **Working Time Directive** debate in April 2009 ('opt out' of 48 hour week remains in place after negotiations failed).

UK level

- At the UK level, the 'equality machinery' follows on from implementation of European Directives, UK level legislation, including Human Rights Act 1998 and the current UK anti-discrimination legislation. General strengthening of anti-discrimination legislation over period since 1997.
- New Labour 2005 manifesto commitment to introduce a single **Equality Act** and to establish an **Equality and Human Rights Commission (EHRC)** led to the **Equality Act 2006**.
- **Equalities Review** established to investigate causes of discrimination and inequality in UK society, resulting in '**Fairness and Freedom**' final report published in February 2007. This proposed the development of a new single equality concept and way of measuring equality, the **Equality Measurement Framework**.
- The **Discrimination Law Review (DLR)** also established in 2005, leading to publication of consultation paper '**A Framework for Fairness: Proposals for an Equality Bill for Great Britain**'.
- The **Government Equalities Office (GEO)** established in 2007 as UK Government department with responsibility for overall Government strategy on equality and for women's issues across Government. Sponsors EHRC and Women's National Commission, and is responsible for introduction of **Equalities Bill**, being brought forward in Parliament in 2009.
- Other key developments by the GEO include:
 - new **Public Service Agreement (PSA) on Equality**
 - proposed establishment of a new overarching **Public Sector Equality Duty**, in line with the new Equalities Bill, rather than separate equality duties for the specific areas (ie Gender Equality Duty, Race Equality Duty, Disability Equality Duty)
 - **National Equality Panel** established by the GEO in September 2008 to consider factors contributing to inequality, and is scheduled to report by the end of 2009.
- **EHRC** established in 2007, bringing together the work of the three previous anti-discrimination commissions (Equal Opportunities Commission, Commission for Racial Equality, Disability Rights Commission), and responsibility for other equality issues (age, sexual orientation, religion or belief) as well as for human rights. Broad work programme related to influencing policy and legislation including:
 - **parliamentary briefings** on legislative developments such as Welfare Reform Bill, Equalities Bill and Savings Gateway Accounts Bill
 - **Equal Pay Strategy**
 - **Working Better** policy initiative related to work/life balance policies
- A number of other policy initiatives relevant to equalities and employment/work-life balance by UK Government include:
 - **Disability Income Guarantee** established in 2001
 - **UK Advisory Network for Disability Equality** launched 2006
 - **Government strategy for Race Equality and Community Cohesion** launched 2005
 - **Ethnic Minority Employment Task Force** established, supported by an **Ethnic Minority Advisory Group**

- **Social mobility: White Paper on 'New Opportunities: Fair Chances for the Future'** launched by the Cabinet Office January 2009
- Current key legislative developments:
 - The **Equalities Bill** aims to simplify and modernise current anti-discrimination legislation under one single equality act. The Bill was introduced in the House of Commons in April 2009.
 - The **Welfare Reform Bill** is also relevant to equalities, particularly in terms of issues related to single parents and people with disabilities. This Bill is currently being heard in the House of Lords.
 - **Equal Pay and Flexible Working Bill** introduced as a Private Members Bill in the House of Lords in December 2008, designed to amend the Equal Pay Act 1970. Includes proposal to extend the right to request flexible working to all parents with children under the age of 18. [Government announcement in April 2009 that all parents of 16 and under year olds now have right to ask employer for flexible working arrangements.]
 - The **Savings Gateway Bill**, a cash savings scheme for working age people on lower income. This is currently at Committee Stage in the House of Lords.

Scotland level

- Equal Opportunities reserved to UK Parliament but Scottish Parliament can encourage and promote equal opportunities. Some public authorities have general duties related to encouraging equal opportunities and to observance of equal opportunities requirements, whilst others have a general equal opportunity duty regarding all their functions (such as Commissioner for Children and Young People in Scotland).
- **Scottish Human Rights Commission (SHRC)** launched in 2008, based within EHRC premises in Glasgow. SHRC has recently completed period of consultation on its strategic plan (March 2009). The draft plan is now available on its website.
- **Scottish Government Equality Unit** is responsible for ensuring Scottish Government complies with public sector equality duties, and for project work regarding equalities policy agenda (including Gender Equality Scheme, Race Equality Scheme, Disability Equality Scheme). **Equality Strategy** developed in 2000 with mainstreaming equality a key principle.
- National Outcomes set by Scottish Government since new administration in 2007 includes **National Outcome 7 on tackling inequalities**.
- As in other policy areas, **Single Outcome Agreements (SOAs)** developed by local authorities on the basis of the Concordat established between Scottish Government and COSLA in November 2007 are relevant to equalities policy development at the local level. Equality impact assessments are intended to be part of the process for developing SOAs.
- Scottish Government Equality Unit supports various local equalities initiatives, such as the **Highlands and Islands Equalities Forum**.
- Scottish Parliamentary Committees and Cross-party Groups relevant to this area are:
 - the **Scottish Parliament Equal Opportunities Committee**, which has a remit related to equal opportunities
 - the **Scottish Parliament Cross-Party Group on Human Rights and Civil Liberties**
 - **Scottish Parliament Local Government and Communities Committee** is currently holding an inquiry into equal pay in local government

1. European Level

1.1 Overview

European level legislation is a key element of the overarching framework for equal opportunities within the UK, through a number of EC Directives and the European Convention of Human Rights (ECHR) through the Council of Europe.

The ECHR protects fundamental rights including Article 14 related to the prohibition of discrimination. Treaty of Rome in 1957 establishing the European Community included Article 141 enshrining the principle that *'men and women should receive equal pay for equal work'*. A series of directives arose from this key principle including access to employment, parental leave, etc.

The Treaty of Amsterdam in 1997 amended previous treaties and strengthened Article 13 provisions regarding combat of discrimination through extending the grounds to *'racial or ethnic origin, religion or belief, disability, age and sexual orientation'*.

A number of key European Directives are particularly relevant in terms of employment and equalities, including Race Discrimination Directive 2000, Employment Framework Directive 2000, Equal Treatment Directive 2003, and Gender Directive 2004.

The **Renewed Social Agenda** adopted by the EU on 2 July 2008 includes bringing forward a range of policies related to seven priority areas, including fighting discrimination and gender inequality. Under the Renewed Social Agenda, the European Commission adopted a non-discrimination package. This included a new EU Directive providing for protection from discrimination on grounds of age, disability, sexual orientation and religion or belief *beyond the workplace*, and a Communication described as presenting *'a comprehensive approach to step up action against discrimination and promote equal opportunities'* (more on the Policy Framework at <http://europa.eu>).

Other recent European level initiatives:

- online consultation held by European Commission in summer 2007 on combating discrimination at EU level and in member states, in order to help the Commission plan new measures to tackle discrimination beyond the area of employment (see <http://europa.eu> for further details)
- European Year of Equal Opportunity for All held in 2007

1.2 Current EU policy developments

- **Roadmap for equality between women and men 2006 – 2010:** This includes priority to address the **gender pay gap**, with launch of campaign to tackle gender pay gap on 3 March 2009. The European Commission is working with member states, European Parliament and other partners to tackle the gender pay gap, with European Pact for Gender Equality adopted by EU leaders in 2006 which prioritises addressing the gender pay gap by encouraging action at member state and EU level. European Parliament considers addressing gender pay gap a political priority.
- **Maternity and paternity leave:** European Commission proposal to amend Pregnant Workers Directive (92/85/EEC). The proposal was published in October 2008, specifically to establish minimum levels of maternity rights (including leave and pay) which member states must provide. The UK Government Department of Business, Enterprise and Regulatory Reform (BERR) is currently seeking views on the proposals. [nb current UK provisions are more generous than the EC minimum levels of 18 weeks maternity leave] **Deadline 22 June 2009.**
- **Working Time Directive:** Centres on the 'opt out' of the 48 hour maximum working week which allows workers to exceed the maximum working week if they wish (which countries including the UK have signed up to) debated in European Parliament in April 2009. The negotiations failed on 28 April, which means that the 'opt out' currently remains in place.

2. UK Level

2.1 Overview

At the UK level, the 'equality machinery' follows on from implementation of European Directives and UK level legislation, including Human Rights Act 1998 and the current UK anti-discrimination legislation (Equal Pay Act 1970; Sex Discrimination Act 1975; Race Relations Act 1976 and 2000 Amendment Act; Disability Discrimination Act 1995 and 2005; Equality Act 2006).

A number of equality regulations operate in the UK, including:

- Sex Discrimination (Gender Reassignment) Regulations 1999
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005
- Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005
- Employment Equality (Age) Regulations 2006
- Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006
- Sex Discrimination (Public Authorities) (Statutory Duties) Order 2007
- Equality Act (Sexual Orientation) Regulations 2007

(source: SPICe Briefing on Equal Opportunities 07/50, September 2007).

Also relevant to the equality policy area regarding employment and work-life balance are related areas of employment law such as the Employment Act 2002, Employment Rights Act 1996 and the Work and Families Act 2006 and other regulations related to flexible working, maternity and paternity leave and pay, and adoption leave and pay. The **Work and Families Act 2006** resulted in increased period of statutory maternity pay, maternity allowance and statutory adoption pay, and also extended provisions of the Employment Act 2002 regarding parents' right to request flexible working.

In terms of institutional mechanisms within the UK, equalities issues have been supported by a number of commissions: the Equal Opportunities Commission, the Commission for Racial Equality, the Disability Rights Commission (now incorporated into new EHRC) and the Women's National Commission.

2.2 Key policy developments

There have been a number of significant UK developments. The New Labour 2005 manifesto announced major new policy initiatives to introduce a **single Equality Act** and to establish an **Equality and Human Rights Commission**.

The **Equality Act 2006** was a key piece of legislation influencing current developments in the UK with the proposal to establish a single equality commission body, the Equality and Human Rights Commission (*see below*). Two other key related developments at this time included the **Equalities Review** and the **Discrimination Law Review (DLR)**. The DLR was established in 2005 to look at '*creating a clearer and more streamlined equality legislation framework which produces better outcomes for those who experience disadvantage... while reflecting better regulation principles*' (www.equalities.gov.uk). DLR led to 2007 publication of consultation paper '**A Framework for Fairness: Proposals for an Equality Bill for Great Britain**'.

The Equalities Review worked independently from the Discrimination Law Review (DLR) but provided background and research for the DLR. The Equalities Review was established to investigate causes of discrimination and inequality in UK Society. In March 2006 an interim report was published for consultation, followed by a final report, **Fairness and Freedom**, published on 26 February 2007. The report considers what inequalities persist despite actions

to promote equality, and suggests ways to measure them with a focus on what additional actions are required to make individuals more equal. The report is available online at <http://archive.cabinetoffice.gov.uk/equalitiesreview/>.

The Equalities Review proposed the development of a new single equality concept and a way of measuring equality, the **Equality Measurement Framework (EMF)**. The EMF will be used by public bodies to *'agree priorities, set targets, and evaluate progress towards equality'* and by the Equality and Human Rights Commission to inform its reporting every 3 years. (see *EHRC Briefing Note on 'The Equality Measurement Framework'* for further details).

Government Equalities Office (GEO) (www.equalities.gov.uk)

The Government Equalities Office was established in 2007 as the UK Government Department with a mission to *'put equality at the heart of government'* ie mainstream equality. (Mainstreaming equality includes measures such as publishing an equality impact assessment as part of all new legislation, to ensure equality issues are fully considered).

Reporting to the Ministers for Women and Equality, it is responsible for overall Government strategy on equality as well as women's issues across Government, and it sponsors the Equality and Human Rights Commission (EHRC) and the Women's National Commission. The GEO is also responsible for the introduction of the Equalities Bill (see below), being brought forward in Parliament in 2009.

Minister for Women priorities (July 2007) related to support for women and families caring for children and elderly relatives, tackling violence against women, actions to improve way women offenders are treated and increasing the representation of Black, Asian and minority ethnic women. Actions related to these priorities are included in the 2008 – 2010 UK Government Action Plan, Annex 2.7 on Women/Equalities.

The **Women's National Commission** (thenwc.org.uk), sponsored by the GEO, has a key role related to equalities, including promoting the Gender Equality Duty, and is also playing a key role regarding the new Equalities Bill 2009 (see below).

Equality and Human Rights Commission (www.equalityhumanrights.com/)

The Equality and Human Rights Commission (EHRC) was established in 2007 as a result of the Equality Act 2006. The Commission works to *'eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.'* It brings together the work of the three previous commissions – the Equal Opportunities Commission, the Commission for Racial Equality, and the Disability Rights Commission and also takes on responsibility for other equality issues: age, sexual orientation and religion or belief, as well as human rights. [The Women's National Commission will continue as a separate commission].

It works to influence policy and legislation and to enforce equality legislation and encourage compliance with the Human Rights Act. The Equality and Human Rights Commission will both issue its own consultations as well as responding to government consultations. It compiles position statements: for example, the website has links to parliamentary briefings on legislative developments including on the Welfare Reform Bill, Equalities Bill and Savings Gateway Accounts Bill among others (www.equalityhumanrights.com/en/policyresearch/briefings). It launched a Human Rights Inquiry in 2008 which is ongoing.

It has also developed an Equal Pay Strategy (also on www.equalityhumanrights.com). The **Equal Pay Position Paper** suggests that the Equalities Bill represents *'an unprecedented opportunity to address pay inequality'*.

Working Better: A further policy initiative developed by the EHRC relates to work/life balance policies under the umbrella term **'Working Better'**. This was launched in summer 2008, to explore *'how we can match the aspirations of employees with the needs of employers'*, including the needs of parents, carers, disabled people, young people and older workers.

Phase one of Working Better concentrates on the working needs and well-being of parents and families. ***The first report on working families has recently been launched (March 2009) and is available via the EHRC website. This details a number of recommendations related to families and flexible working practices, including radical proposals for changes to parental leave.*** The next report in the Working Better series, 'Working Better for All' will focus on the needs of older workers, carers and disabled workers, scheduled for completion in 2009.

Also from the EHRC website is another report, ***'Flexible working policies: a comparative review'***, (also published in March 2009). This *'reviews evidence on the impact of the UK Right to Request flexible working compared with the impact of flexible working statutes in a range of other countries. It builds on earlier studies to show that British flexible working rights are less enforceable than in other countries, particularly for men, but that the legislation is more comprehensive by covering a wider range of working patterns than elsewhere.'* (www.equalityhumanrights.com/en/publicationsandresources/Pages/Flexibleworkingpoliciesacomparativereview.aspx)

Equality Public Service Agreement (PSA)

Public Service Agreements (PSA) provide the performance framework for UK Government departments and are based on key Government outcomes in the current spending period. Each PSA is underpinned by a single Delivery Agreement shared across contributing departments and a number of performance indicators used to measure progress.

The UK has developed a PSA on equality. PSA 15 states an agreement to:

'Address the disadvantage that individuals experience because of their gender, race, disability, age, sexual orientation, religion or belief'.

Public Sector Equality Duty

The Gender Equality Duty was introduced in 2007 requiring public sector bodies to proactively promote gender equalities of opportunity, in a similar way to the previously existing duties to promote race equality (through the Race Relations (Amendment) Act 2000 and the duty on disability in the Disability Discrimination Act 2005). The Gender Equality Duty includes specific duties to prepare and publish a Gender Equality Scheme and annual reports showing progress towards stated objectives, to prepare and publish an equal pay statement for listed authorities with 150 or more full time staff, and to conduct gender impact assessments.

The government is shortly proposing to consult on establishing a new overarching Public Sector Equality Duty, in line with the new Equalities Bill, rather than separate equality duties for specific areas ie gender, race, disability.

National Equality Panel

The National Equality Panel is a new panel, set up by the GEO in September 2008, chaired by Professor John Hills of CASE, LSE to *'analyse the factors that contribute to inequality, as well as the links between them, and will fill the gaps in our understanding of inequality in a changing world.'* ***The Panel is due to report by the end of 2009.***

Social Mobility

'New Opportunities: Fair chances for the future' White Paper

Lead agency: The Cabinet Office

The government published a White Paper on social mobility ***'New Opportunities: Fair chances for the future'*** in January 2009. The paper focuses on key points in people's lives, including early years, education, and the transition into employment. A new Panel on Fair Access to Professions established to make recommendations to ensure that equal opportunities of getting into the main professions.

Other relevant UK policy developments regarding equalities and employment and work/life balance

Disabilities

- **Disability Income Guarantee** introduced in 2001 to 'provide greater security for people with severe disabilities who cannot work'
- **UK Advisory Network for Disability Equality** launched in December 2006 to advise the Government on issues affecting disabled people and to help in design of policies and services for disabled people.

Race Equality

- Government strategy for race equality and community cohesion – a 3 year strategy was launched in January 2005, includes annual progress reports.
- **Ethnic Minority Employment Task Force** established after a 2003 Strategy Unit Report on Ethnic Minorities in the labour market. This Task Force comprises Ministers, and a small group of stakeholders, supported by an **Ethnic Minority Advisory Group (EMAG)**, comprised of external stakeholders from voluntary and community sectors, faith groups, academics and business.

Linked policy areas

There are a number of broader linked areas of policy relevant to equalities in terms of employment and work/life balance such as:

- National Childcare Strategy
- Policies to 'make work pay' such as New Deal programmes (New Deal for Lone Parents, New Deal for Disabled People), National Minimum Wage.
- Reforms to lone parent legislation (see www.dwp.gov.uk for further details).
- Changes to tax and benefits, including Working Tax Credit and Child Tax Credit (both introduced in 2003, replacing the Working Families Tax Credit and Children's Tax Credit which had been introduced in 1999), and new 10 pence tax band for low earners (introduced in 1999 but later abolished in April 2008).

2.3 Legislative developments

2.3.1 The Equalities Bill 2009

Lead agency: The Government Equalities Office

The consultation paper ***Framework for a Fairer Future*** was presented to Parliament on 26 June 2008, outlining the government's key proposals for a new Equalities Bill.

A detailed response to the **Discrimination Law Review** was published on 21 July 2008. The Discrimination Law Review (DLR) was set up to address inconsistencies in anti-discrimination legislative framework and to consider fundamental principles of anti-discrimination legislation with the intention of creating a more streamlined legislative framework.

Proposals included

- the creation of a single equality duty, replacing race, disability and gender equality duties;
- to consider whether a single equality duty should be extended to cover age, sexual orientation, and/or religion or belief;
- promotion of good equality practice in the private sector;
- whether to adopt a 'harmonised' approach to how law treats public functions and goods, facilities and services provisions across all protected areas; and
- to consider age discrimination beyond employment.

The Equalities Bill simplifies and modernises all current discrimination law under one single piece of legislation. Key provisions include:

- new duty for all public authorities to consider *socio-economic disadvantage* in planning and monitoring services
- *age discrimination* – measures to ensure providers of goods, services and facilities treat older people fairly and equally
- proposals to introduce a *single Public Sector Equality Duty* (ie extending the requirement on public authorities to consider issues on all aspects of inequality from current requirement related to race, gender and disability),
- proposals to address the *gender pay gap*,
- measures related to *procurement* to enable public bodies to choose suppliers who treat workers fairly and equally as well as on the basis of value for money,
- *clarification* of the law related to discrimination
- measure to promote *positive action*.

A Senior Stakeholder Group has been established by Government to advise on the Equality Bill (nb SCVO website notes that currently there is no Scottish representation on this Group).

Current progress/opportunities to influence

The Equalities Bill was introduced in the House of Commons (First Reading) on 24 April 2009 and it was published on Monday 27th April. Second Reading in the House of Commons on 11 May 2009. Committee Stage in the House of Commons scheduled to commence on 2 June 2009.

Inquiries

- House of Commons Work and Pensions Committee: *Equality Bill: What steps should DWP take to achieve greater equality?* Report published on 29 April 2009
- House of Commons Scottish Affairs Committee: one-off oral evidence session held on Equality and Human Rights Commission in Scotland – uncorrected transcript available on committee website

The **EHRC** and **Women’s National Commission** are key stakeholders regarding consultation on the Bill. The EHRC has compiled briefings on the Equality Bill, including a Parliamentary Briefing for the Second Reading in the House of Commons. It will also produce Statutory Codes of Practice to accompany the Act, and non-statutory guidance.

EHRC broadly welcomes provisions in the Equalities Bill, such as the socio-economic duty (see EHRC Equality Bill Briefing), the age discrimination provisions, tackling the gender pay gap, on procurement, etc.

However, EHRC would also welcome strengthening of some provisions including:

- abolishing mandatory retirement ages, or at least strengthening of the right to request continuing in work beyond retirement ages;
- protecting under 18 year olds from discrimination on basis of age regarding goods, services and facilities;
- including specific public sector duties related to prioritising public authority activities on ‘*most pressing inequalities*’, ensuring consultations involve service users, conduct Equality Impact Assessments and ‘*take stock and report on progress*’ towards equality targets. [The GEO will launch consultation on these specific duties in June 2009, and the EHRC will work with the GEO on this.]

The WNC has established the WNC Commissioners’ Equalities Bill Group and has been active in holding a round-table Ministerial discussion on the Bill, and has also written to the Ministers for Women and the Minister responsible for the Equalities Bill welcoming the opportunity for debate presented by the Equalities Bill and raising issues of concern.

2.3.2 Welfare Reform Bill 2009

Lead agency: Department for Work and Pensions

The Welfare Reform Bill is relevant to equality in a number of respects in terms of employment and work/life balance, most particularly in terms of the issues related to single parents and to people with disabilities.

The Welfare Reform Bill Impact Assessment document includes a section on overarching equality impacts related to single parents, to those with disabilities, and to those from minority ethnic groups. For example, the Impact Assessment states with respect to people with disabilities:

'The Government is committed to delivering equality for disabled people by 2025. Increasing employment opportunities ... is fundamental to this commitment but the Bill also takes powers to help give disabled people greater choice and control over how public resources should be used to meet each individual's needs and ambitions. The 'Right to Control' pilots will be important to achieving the long term aim of equality by 2025.'

Current progress/opportunities to influence

The Welfare Reform Bill is currently being heard in the House of Lords.

Stakeholders have expressed a range of views related to this forthcoming legislation with a variety of concerns regarding elements of its provisions.

The EHRC, for example, supports the overall aims and objectives within the proposals and in particular the proposed 'Right to Control' for disabled people - proposals to *'devolve power to individuals to allow them to design services that fit their needs, not the needs of the system'* and to *'allow individuals to make informed decisions about how to use the money available for their support'*.

However they suggest the need for *'independent brokerage'* to support disabled people's right to control and that it is a right to control rather than a right to request control.

Regarding the personalized conditionality and support element, EHRC supports measures to support lone parents into work but suggests *'it is vital that there are suitable, affordable child care facilities already in place before a lone parent returns to work, and increased conditionality is introduced'* (see EHRC Parliamentary Briefing: Welfare Reform White Paper December 2008)

2.3.3. Equal Pay and Flexible Working Bill 2008/09

The Equal Pay and Flexible Working Bill is a Private Members Bill introduced on December 8 2008 in the House of Lords. It is designed to amend the **Equal Pay Act 1970** by strengthening provisions for ensuring equal pay, and to make provision about flexible working, specifically by extending the right to request flexible working to all parents with children under the age of 18 (relevant in England, Scotland and Wales).

Current progress/opportunities to influence

- Second reading of Private Member's Bill in the House of Lords on 23 January 2009.
- No date for Committee set at present.

NB 6 April 2009: Government announcement that all parents of children aged 16 and under now have the right to ask their employer for flexible working arrangements. Employees need to have worked for their employer for 26 weeks. This new rule is an extension of current right to request flexible working which applies to children up to six years, for parents of disabled children up to 18 (introduced in 2003) as well as carers of adults (introduced in 2007). Under the law, employers must seriously consider all applications made, and only reject it if there is a good business reason for doing so. The law details a *right to ask*, rather than a right to work flexibly. Flexible working refers to any working pattern adapted for the benefit of individual and

that also suits the employer. Examples include part-time, flexi-time, compressed hours, staggered hours, job sharing and working from home.

2.3.4 Savings Gateway Bill 2009

The Savings Gateway Bill proposes to introduce a cash savings scheme for working age people in receipt of benefits and tax credits (with incomes below a specified limit), which will enable the Government to contribute 50 pence per £ saved by an individual at the end of any two year period. It is intended to develop a 'savings habit' amongst those who may not have previously saved, with accounts available through a range of institutions including banks, building societies, credit unions, etc.

The scheme has been broadly welcomed, but there are concerns raised (eg EHRC Briefing on Savings Gateway) that eligibility should be extended to elderly on Pensions Credit rather than on those of working age as the Bill currently proposes.

Current progress/opportunities to influence

The First reading in House of Commons took place on 4 December 2008. It is now at the Committee Stage of the House of Lords. First day of committee stage on 2 April; Committee Stage continued on 21 April.

3. Scotland level

3.1 Overview

Equal opportunities are reserved to the UK Parliament. However, the Scottish Parliament can '*encourage and promote equal opportunities*'.

With respect to the **Equality Act 2006**, specific aspects of the Act which are within the competence of the Scottish Parliament related to sections regarding the '*promotion of equality and diversity, the promotion of equal opportunities in the Gender Duty and duties imposing functions on Scottish Ministers*' (see *SPICe Briefing 07/50, September 2007*).

Some Scottish Acts have placed duties on Scottish public authorities to '*act in a manner which encourages equal opportunities and in particular the observance of equal opportunities requirements*'. Some public authorities have a general equal opportunities duty regarding all their functions – such as the Commissioner for Children and Young People in Scotland (see *SPICe Briefing 07/50, September 2007*).

3.2 Scottish Government policy

The Scottish Government Equality Unit is located within Scottish Government, with two key roles:

- (1) ensuring Scottish Government complies with public sector equality duties
- (2) project work on issues regarding wider equalities policy agenda including: blueprint to tackle domestic abuse; Gender Equality Scheme 2008 – 2011; Disability Equality Scheme 2008 – 2011.

For example, the Scottish Government Equality Unit works with disability organisations with respect to its Disability Equality Duty and to assess its functions and policies for their relevance against the duty every three years.

The Scottish Government published a Race Equality Scheme in 2002, with a new Scheme published in 2005. The Scheme sets out how Government intends to comply with the duty. It must assess its functions and policies for their relevance to the duty to promote race equality at least once every three years and assess and consult on the likely impact of proposed policies on the promotion of race equality.

The Scottish Government **Equality Strategy** was developed by the previous administration, with the publication of ***Equality Strategy: Working together for equality*** in November 2000 following a period of consultation throughout 2000. In 2001 the Executive published its *Preliminary Report* on the equality strategy. Further annual reports of progress related to the Equality Strategy have also been published. *Mainstreaming equality is a key principle of the Equality Strategy.*

Other actions by the Scottish Government include the launch of a consultation on '*Age and Experience: a consultation on the strategy for Scotland with an ageing population*' in March 2006. The resultant framework '**All Our Futures: Planning for a Scotland with an Ageing Population**' was published in March 2007.

National Outcomes

The Scottish Government has set a series of National Outcomes, including National Outcome 7: '*We have tackled the specific inequalities in Scottish society*'.

Joint working Scottish Government and COSLA

The Concordat between Scottish Government and COSLA in November 2007 commitment for all local authority to produce an SOA based on agreed national outcomes and agreed national indicators (see www.scotland.gov.uk/Publications/2007/11/13092240/concordat)

Single Outcome Agreements

As in other policy areas, **Single Outcome Agreements** (SOAs) developed by local authorities are relevant to the equalities policy area

SPICe Briefing 08/47 on Single Outcome Agreements (Scottish Parliament, 2008) indicates that the majority (21) of local authority SOAs do not make explicit reference to how equalities will be dealt with. Nine have detailed statements on equalities issues and 2 discuss equalities in relation to indicators related to National Outcome 7.

The SPICe Briefing also details Scottish Government position regarding how equalities should be dealt with in SOAs, indicating intention for SOAs to develop over time with equality impact assessments being part of this process (noting also that Councils and partners are already required to complete equality impact assessments on their work programmes). It also indicates Scottish Government response that '*..the High Level Steering Group is likely to consider whether and how references to equalities should and can be strengthened in SOAs for 2009-10*'.

Other joint working at the local level

The Scottish Government Equality Unit supports various local equalities initiatives, such as the work of the Highlands and Islands Equalities Forum (HIEF) (cited in *Equalities policy context for Third Sector with focus on EHRC – Policy Intelligence update September 2008*).

The HIEF (Highlands and Islands Equalities Forum) works on awareness raising and networking, providing training, organising events and themes related to equalities themes. HIEF website at www.hief.org.uk

3.3 Relevant Scottish Parliament committees and groups

Scottish Parliament Equal Opportunities Committee

The Scottish Parliament Equal Opportunities Committee has a remit to '*consider and report on matters relating to equal opportunities and on the observance of equal opportunities within the Parliament*'.

Previous work has included inquiries on Gypsy Travellers and Disabilities, and has implemented mainstreaming equality guidelines in the work of parliamentary committees.

The Scottish Parliament Cross-party Group on Human Rights and Civil Liberties

Scottish Parliament Local Government and Communities Committee's current inquiry into Equal pay in Local Government. The Committee is collecting written evidence and oral evidence (March 2009).

3.4 Scottish Human Rights Commission (<http://scottishhumanrights.com/>)

The **Scottish Human Rights Commission** (SHRC) was launched officially in June 2008 and is based within the Equalities and Human Rights Commission (EHRC) premises in Glasgow. *(from Equalities policy context for Third Sector with focus on EHRC – Policy Intelligence update September 2008)*

The SHRC mandate is to '*promote all human rights – civil, political, economic, social and cultural*'. The Commission has recently completed a period of consultation on its strategic plan (March 2009). The draft plan is currently on its website, with a full version to be currently made available.