

Review into the effectiveness of the Public Sector Equality Duty in Scotland.

Equality, Inclusion and Human Rights Directorate

April 2022

Age Scotland welcomes the Scottish Government decision to review operation of the Scotland Specific Duties (SSDs) attached to the Public Sector Equality Duty and the opportunity to respond to this consultation.

Question 1.1: What are your views on the proposal outlined above in relation to the substance of reporting?

We broadly support the proposal to make mainstream reporting duty more prescriptive including a strategic plan setting out the intended approach to meet SSDs, publishing all information required by other SSDs, reporting on implementation, and reporting on use of lived experience. Despite the fact age is a protected characteristic, considerations relating to inclusion of older people can go under-estimated. We would therefore welcome inclusion of older people under the lived 'experience category' as part of the proposed guidance.

Question 1.2: What are your views on the proposal outlined above in relation to the reporting process?

We appreciate the burden reporting cycles that are too regular can place on listed authorities and organisations, but also recognise there is some existing flexibility within the current arrangements that is not always understood.

However, a four year reporting cycle is overly long, and could limit meaningful action, reflection and adaptation undertaken. We feel the current two year reporting cycle is more suitable. Changes could be introduced with a slightly longer lead time, and a two year reporting cycle subsequently.

Question 2.1: What are your views on our proposal to place a duty on listed authorities to embed inclusive communication proportionately across their work?

We are strongly supportive of plans to introduce inclusive communication as a new requirement under the Scottish Specific Duties relating to the Public Sector Equality Duty. Consideration of digital exclusion is an important part of this, and therefore the proposed guidance should highlight requirement to consider digital exclusion, and inclusive communication from this perspective.

As communications and services across Scotland become increasingly digitized, the prevalence of older people experiencing digital exclusion rises.

We know digital exclusion in an increasingly digitised world is an issue impacting older people all over Scotland, and how they are able or not to access information and services should therefore be a key consideration. There are around 500 000 over 50s in Scotland who do not have access to the internet, and up to 600 000 over 50s without a smartphone. Only half of over 60s in the most deprived areas use the internet compared to 83% in least deprived areas. (Scottish Household Survey 2019 <https://www.gov.scot/publications/scottish-household-survey-2019-key-findings/pages/9/>). For some people, this is a choice which should be respected, however for others, confidence and skills, physical connectivity issues, and the cost of digital access all play a role. The closure of public spaces such as libraries and community centres as a result of the Covid-19 pandemic has also meant that people without a personal internet enabled device or data connection have less access than ever before to digital services.

Ensuring those who cannot access information digitally are not excluded from being able to access information at all is a critical for equitable provision of service. We feel a stronger requirement for inclusive communication, that considers the digital angle, is also likely to challenge listed authorities to ensure inclusive service provision for all.

We welcome the proposal to include national standards and a robust approach to monitoring, and feel it is vital that the digital exclusion angle is considered as part of this.

Question 4.1: What are your views on the proposal outlined above?

Emphasis on equality assessment early in policy development would be a positive step, however it is important this does not become a 'tick box' exercise whereby policies are not revisited or assessed once implemented. The proof will be in how a policy is working in practice. We therefore welcome the proposal to strengthen requirements to involve people with lived experience, and feel this should include older people, however it would be valuable if this were not a one-off exercise.

Question 4.2: The Scottish Government recognises that improving the regime around assessing and reviewing policies and practices will take more than regulatory change. How else could improvements be made?

Culture change could be supported by better sharing best practice across listed authorities, continued involvement of people with lived experience including older people, providing regular and ongoing opportunities for feedback, ensuring responsibility for equality of practice is mainstreamed across teams and organisations, and is not a siloed responsibility. Some listed authorities have taken positive steps in inclusion of older people – for example Local Authorities appointing Older People's Champions, and there is a strong opportunity to use such measures to further internal inclusive practice in a meaningful way.

Question 5.1: What are your views on our proposal for the Scottish Government to set national equality outcomes, which listed authorities could adopt to meet their own equality outcome setting duty?

We welcome Scottish Government plans to set national equality outcomes, and the recognition of particular equality issues faced by older people as part of this. We further welcome the proposal to link outcomes to the NPF, and include lived experience to shape this.

Question 10.2: EHRC has expressed the view that regulatory bodies, as part of their own compliance with the SSDs, should be encouraged to do more to improve PSED performance within their sector. What are your views on this?

This would be a valuable step, with regulatory bodies well placed to act as a key contact point, share sector-specific information and best practice that will be of relevance to listed authorities.

Question 13: EHRC has expressed the view that listed authorities should report on how they have used positive action under section 158 of the Equality Act 2010, as part of their reporting obligations. What are your views on this

This approach could add value, encouraging a proactive rather than reactive approach to inclusion.

Question 14.1: Overall, what are your reflections on the proposals set out by the Scottish Government and the further areas explored?

Age is a protected characteristic under the Equality act, and thereby a feature of the PSED. Currently in Scotland, there are no specific age-related reporting requirements for listed authorities under the SSDs, aside from a broad requirement under required reporting on mainstream equalities. The extent to which age is included and analysed under this section varies greatly across listed authorities.

Perhaps due to this, age as a protected characteristic often goes unreported (or under-reported) through existing mechanisms. It can therefore be challenging to understand or assess the extent or effectiveness of age-inclusive practice, or to note areas that require improvement and progress against these as a matter of course. This lack of reporting could further be seen to be indicative of a wider lack of action to be age inclusive in practice – with lack of reporting reflecting a lack of meaningful content to report.

In spite of this, we know that individuals have different needs and different factors that need to be given greater consideration at different ages and stages of life, and it is important that this is considered

throughout the upcoming process, at all levels, to ensure older people can be meaningfully included, and crucially, where that is not currently the case, that this is effectively highlighted by the data.

Want to find out more?

As Scotland's national charity supporting people over the age of 50, Age Scotland works to improve older people's lives and promote their rights and interests. We aim to help people love later life, whatever their circumstances. We want Scotland to be the best place in the world to grow older.

Our Policy, Communications and Campaigns team research, analyse and comment on a wide range of public policy issues affecting older people in Scotland.

Our work is guided by the views and needs of older people themselves.

Further information

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