

**Diversity Delivers: proposed strategy for enhancing equal opportunities in
Scotland's ministerial public appointments process**

Response of the Scottish Council of Jewish Communities

1. Do you agree that the proposed strategy should be taken forward by the Scottish Government working in partnership with the Commissioner?

Yes.

2. Are there any other individuals, groups or organisations who could be involved in implementing the strategy?

All OCPAS staff, and members of NDPBs must be – and must feel - involved in implementing the strategy otherwise it cannot be successfully implemented. It is not enough for the Commissioner and the Scottish Government simply to develop and issue a strategy. If it is to do more than gather dust on a shelf there must also be a training programme for everyone involved in recruiting and in working alongside new appointees, to ensure that serving on a Board is a positive experience that encourages members to promote the role to others in their communities.

3. Do you agree with the proposals for an implementation group?

We support the establishment of an implementation group, but agree with the view of the Scottish Parliament Standards, Procedures, and Public Appointments Committee that, since the Equal Opportunities Committee will take evidence to monitor the effectiveness of the strategy post-implementation, it would be inappropriate for a member of that Committee to sit on the group. We also agree that the participation of a Minister would emphasise that priority is being given to widening public participation.

In addition, we suggest that a senior member of the Equality Unit would be a valuable addition to the group, due both to the Unit's considerable experience and also to the network it has established with each of the equality "strands" by means of bodies such as the Faith Liaison Action Group, and the LGBT Hearts and Minds Agenda Group.

4. Would you like to see responsibility for each of the agreed actions allocated in the final strategy document?

Yes. It is, however, important to create a balance between allocating responsibility to an individual or department, and mainstreaming equality and diversity throughout the work of the organisation. In the first case there is a risk that individuals and departments do not actively integrate it into their work because it is X's responsibility. In the latter case there is a risk that a policy that is everybody's business is, in fact, nobody's business, so that the objective is not pursued.

The strategy should make clear that all employees have a responsibility actively to enhance equality and diversity in all aspects of their work, but it should also identify

an individual or small team with responsibility for ensuring that each action is taken forward effectively.

5. In the Awareness and Attraction section: are there any recommendations that are inappropriate? Do any of the recommendations need to be refined? Are there any other recommendations that should be included here?

i) We welcome the recommendation to ensure that all information is accessible to non-internet users, but would like to have seen more indication of how this is to be achieved. We regret that a number of other organisations with a good record of providing information both online and in hard copy, (for example, the Scottish Government, and OSCR) have recently indicated that they intend to move towards web-only publication. Internet access is by no means universal, particularly among members of certain groups - OSCR's own data indicate that only 56% of charities have e-mail access - so web-only publication is not adequate to make information genuinely accessible. The draft recommendation to "ensure that information is also accessible to non-internet users" is vague, and must be developed as fully as is the recommendation to develop a "hub website" in order to ensure that it is effective and sustainable.

ii) Charity trustees may have acquired many of the skills required by board members of public bodies, and may already be well-disposed to public service. OCPAS should therefore investigate the possibility of liaising with OSCR to expand its proposed communication campaign by including information about the public appointments system in Charity Annual Return packs.

iii) We welcome the commitment to monitor progress towards a situation in which public appointees reflect the diversity of Scotland's population. However we emphasise that the process must be such as will obtain intelligible and meaningful data.

6. In particular, do you have any comments to make on the recommended monitoring form? Which groups do you think should fall within the category of ethnic minority, for the purposes of monitoring applicants and appointees?

We agree entirely that the monitoring form must be "carefully and sensitively worded" and "reflect good practice in monitoring demographic information [to take account of] the growing population of white ethnic minorities ... as well as non-white minority groups".

We have been glad to participate in the ongoing consultations in relation to ethnicity classifications in the census and it may be worth putting on record that the 2001 census categories, which conflated nationality, geography, and colour, have been described by the Registrar General as "irrational".

We strongly support the Strategy's emphasis on monitoring, and stress the importance of obtaining data that are unambiguous, intelligible and useful. What is being monitored must be relevant and meaningful to those from whom data is obtained, as well as to those who require to use it. Ethnic monitoring poses particular difficulties in this respect, since there is no single factor identifiable as "ethnicity", but rather a variety of factors that contribute to an individual's sense of "identity",

including the respondent's nationality, descent, race, religion, culture, and language, among others. All of these must be taken into consideration if the data are to provide useful information in this complex and often sensitive area.

The use of colour as an indicator of belonging to an ethnic minority is highly problematic. The use of 'black' as an identifying category has been widely censured on a number of grounds. Not only do many Africans object strongly to having to identify themselves by colour, when Asians, for example do not, but the term "black" is used in at least some quarters in a deliberately discriminatory manner to exclude and so disenfranchise some ("non-black" or "white") minorities.

When 'black' is used as if it were synonymous with 'minority community', people from, for example, the Polish, Kurdish, Gypsy Traveller, and Jewish communities are excluded because they are not in any sense black. When 'white' is used as if it were synonymous with 'the majority community' these same communities are excluded once again because they are not part of a majority community. This double exclusion is particularly divisive and alienating.

Furthermore, recent publications have used the term "black" variously to refer to:

- i) all minority communities regardless of skin colour
- ii) all visible minority communities (based solely on skin colour)
- iii) visible minority communities excluding Asians
- iv) minority communities that are neither "white", "Asian" nor "Hispanic".

It does not matter which, if any, of these uses is correct. All that matters is that the term "black" is clearly multiply ambiguous, and that is sufficient to vitiate its use in a monitoring form. Since applicants can interpret the term differently, their ticks on the form may mean different things, so their responses cannot be aggregated to produce reliable data. The term "black" therefore obscures rather than reveals information required to improve services for each of these communities.

We agree with Kay Hampton, formerly chair of the Commission for Racial Equality, who has objected to "the blind acceptance that race is a black issue." (Sunday Herald 26 November 2006). As she pointed out, this is particularly important at a time when the largest communities of new immigrants are from Eastern Europe.

We have already referred to the ambiguities associated with the use of "black" as a descriptor. The category "white other" is also the object of widespread criticism for concealing the presence of many minorities, especially those that are visible for reasons other than the colour of their skin, because, for example, *"it does not distinguish between Turkish, Polish and Italian minorities, for whom culturally sensitive provision will be entirely distinct"*. ("Ethnicity Monitoring: Involvement Guidance for Partnerships on Monitoring Involvement", Office of the Deputy Prime Minister, August 2004).

It is important that OCPAS does not to repeat the failings of the 2001 census question, and we therefore strongly recommend that people should be allowed to define their own ethnicity by means of a "write-in" answer. However, if this is deemed not to be possible, the available answers must be relevant, understandable, and not offensive. This may best be achieved by means of a single list (i.e. not subdivided by headings) headed by a direction to "tick as many as apply". (Since some people do feel that "black" is part of their identity, this list could include that term, but on an equal level with other options, not, as in the 2001 census, as a heading, to enable

applicants to identify themselves as both “Indian and black”, or “Caribbean, African, and black” etc. This would provide OCPAS with more, and more accurate information, than if applicants were obliged initially to place themselves in a “black” or “white” group before selecting a subcategory of Lithuanian, Chinese, Korean, etc.)

For all of the above reasons, the strategy itself should also avoid the use of colour as a descriptor, and phrases such as “black or minority ethnic” and “BME” should be replaced.

7. In the Confidence and Capacity section: are there any recommendations that are inappropriate? Do any of the recommendations need to be refined? Are there any other recommendations that should be included here?

i) There is already “a central team within the Scottish Government with proven expertise in diversity”, namely the Equality Unit, and we do not see any purpose in duplicating their proven expertise by the creation of a new body. We have already suggested that the Equality Unit should be represented on the Implementation Team, and it should also form part of the proposed “centre of expertise”.

ii) It is essential that all diversity training is accurate and appropriate for the people for whom they are intended. Ideally materials and, where possible, the training itself, should be provided by authoritative sources from within the relevant community. As a minimum, teaching materials must be referred to the relevant community for checking. When this does not take place errors may frequently be incorporated and these may result in a negative impression of the community concerned.

Staff should be aware that there are differences even within individual communities. So, for example, one Jewish or Muslim person may be happy to shake hands with a person of the opposite gender whilst another is not, and one may be quite happy to eat food that another will decline on religious grounds.

8. In the Education and Experience section: are there any recommendations that are inappropriate? Do any of the recommendations need to be refined? Are there any other recommendations that should be included here?

We note the suggestion that potential applicants should be directed to community councils, parent councils, and the like in order to gain relevant skills and experience. Many people already serving on such bodies may not have considered the possibility of applying for a public appointment, and we suggest that these bodies should be also be targeted by the communications campaign raising awareness of the public appointment system.

9. Do you think the timeframes recommended for the actions are appropriate?

We agree that the suggested timeframes are reasonable in which to implement the various initiatives. However, we emphasise that it is likely to take considerably longer for these initiatives to have an appreciable effect on the diversity of board membership of NDPBs.

10. Do you believe we have identified the correct priority actions? Are there any additional or alternative priority actions you would recommend?

We agree that the strategy has correctly identified priority actions, and do not wish to suggest any additional measures.

11. Do you think the targets set out in section six are appropriate, realistic and comprehensive? If not, what would you add or change?

We are concerned that whilst the targets may indeed be “aspirational” they are not realistic, and believe that it is likely to take longer than three years to achieve these goals. We do not believe it is appropriate to wait for three years before assessing what has been achieved, and therefore recommend interim monitoring so that changes can be made before the end of three years if there is evidence that any initiative is not working as intended.

12. Do you have comments about any other aspect of the proposed strategy?

Public appointments cover a wide variety of posts, and it may not always be appropriate to use the same applications process, for example, when a particular skill or level of experience and expertise is required. Current application processes are entirely based on self-promotion, which tells the selectors only how good the applicant is at presenting him- or herself. That is not necessarily the same as telling the selectors how well the candidate is likely to carry out the relevant work. References and recommendations can provide additional information, and different perspectives, and we therefore believe that these should be introduced into the application process. (When the post in question requires very specific skills and expertise, it may be that the present incumbent has an important role in this respect.)

In implementing and monitoring the strategy it is important to bear in mind the diversity of diversity – for example, achieving the “aspirational target” of 8% of applicants being from a minority ethnic community will only marginally increase diversity if the majority of those applicants come from the same minority ethnic community.

We strongly support the development of initiatives to raise awareness of, and thereby increase the diversity of applicants to, the boards of NDPBs, and we therefore emphasise the importance of developing a process that considers the range of skills and experience that people have to offer, not whether they fit a preconceived notion of a public appointee.

Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

In preparing this response we have consulted widely among members of the Scottish Jewish community.