



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Equalities and Human Rights Committee

**Thursday 24 September 2020**

**Session 5**



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**EQUALITIES AND HUMAN RIGHTS COMMITTEE**  
**18<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

\*Ruth Maguire (Cunninghame South) (SNP)

**DEPUTY CONVENER**

\*Alex Cole-Hamilton (Edinburgh Western) (LD)

**COMMITTEE MEMBERS**

\*Mary Fee (West Scotland) (Lab)

\*Alison Harris (Central Scotland) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Gillian Martin (Aberdeenshire East) (SNP)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jamie Hepburn (Minister for Business, Fair Work and Skills)

Uzma Khan (Scottish Government)

Claire Marr (Scottish Government)

David McGill (Scottish Parliament)

Aneela McKenna (Scottish Parliament)

Mandy Watts (Scottish Government)

**LOCATION**

The Robert Burns Room (CR1)



# Scottish Parliament

## Equalities and Human Rights Committee

Thursday 24 September 2020

*[The Convener opened the meeting at 09:01]*

### Race Equality, Employment and Skills Inquiry

**The Convener (Ruth Maguire):** Good morning. I welcome everyone to the 18th meeting in 2020 of the Equalities and Human Rights Committee. I remind members, witnesses and staff who are present that social distancing measures are in place in committee rooms and across the Holyrood campus. I ask everyone to take care to observe those measures during this morning's business, including when entering and exiting the committee room.

Our sole item of business today is our fourth evidence session on race equality, employment and skills. We will have three panels today. I welcome our first panel of witnesses, who are David McGill, chief executive of the Scottish Parliament; and Aneela McKenna, diversity, inclusion and wellbeing manager with the Scottish Parliament. You are both very welcome.

We have a lot to get through and limited time available, so I ask members and witnesses to keep questions and answers as succinct as possible. I intend to allow up to 45 minutes for this panel.

Without further ado, I will start with the first question. You said in your written submission to the committee that, in response to Covid-19, you are making sure that your minority ethnic staff feel safe and their needs are met. Will you explain what you have done and what you plan to do in the longer term? I will go to David McGill first.

**David McGill (Scottish Parliament):** Good morning. The first thing that we did when the Covid pandemic struck was set up our staff to continue to support parliamentary business from home, and the vast majority of our staff have been working at home for the past six months. I was keen to emphasise to them all that their wellbeing was our top priority.

Shortly after that, evidence started to emerge that black, Asian and minority ethnic colleagues were being disproportionately affected by the virus, so, in our first wellbeing survey, which we ran in May, we included questions on ethnicity. We had reports back that our BAME colleagues felt

well supported by the organisation but that there was some trepidation about returning to work. At that point, it was not clear when we would be returning to work, but they expressed concern about returning to the working environment, whenever that would be.

Because we had that information, we designed a system of one-to-one conversations with line managers as part of our on-going wellbeing support for staff, and ethnicity is part of those discussions. We are now going through a process, which will conclude by the end of October, in which every single member of staff is mandated to complete an individual wellbeing assessment. The returns from those assessments will be made to the human resources department, which will analyse them. We will pick that up again in our rerun of the wellbeing survey, which we intend to run in November.

That is the main way in which we have tried to drill down to ensure that there is a specific focus on BAME colleagues as well as a general focus on all colleagues' wellbeing.

**The Convener:** I ask Aneela McKenna whether she has anything to add. Colleagues on the committee might be interested to hear about specific measures or assistance that have been given.

**Aneela McKenna (Scottish Parliament):** As the diversity and inclusion manager, I have been very involved with the black and minority ethnic network that has been set up in the Parliament. A number of our BAME colleagues are involved in that network. I have checked in with them throughout Covid to give reassurance that we are here for them, and I have provided guidance that the Scottish Government has produced on helping with issues that some families might have. For example, if English is a second language, it is about being able to look at Covid guidance in translated formats.

As David McGill mentioned, there were concerns about coming back to work, and we have given reassurances about that. Earlier this week, David and I had the opportunity to meet with the BAME network to talk through people's concerns and, from that, we have some specific actions that we will follow up on. The main thing was to give them reassurances that our work on diversity has not ended. Covid has impacted on our diversity and inclusion objectives, but we wanted to give reassurances that we are still working towards our commitments to address the ethnic diversity of the workforce in the Parliament.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** You might be aware that the committee has been asking witnesses whether their organisation has ever considered institutional

racism as a factor when developing recruitment policies. We have had quite a broad range of answers. There has been a general acceptance that institutional racism is a societal problem, but some organisations have been reluctant to acknowledge it as an issue for them while others are more ready to tackle it head on. Has the Scottish Parliament considered institutional racism to be a factor when you are developing recruitment policies?

**David McGill:** We take that issue very seriously. The Macpherson report in 1999 has brought a great focus to the issue of institutional racism and we do not see ourselves as immune from it in any way. None of our indicators suggests that we have a problem, but we are very aware of the fact that indicators take you only so far and that there may be reporting issues, so we do not take that as a clean bill of health for the organisation. A lot of our policy decisions have been driven by the definition in the Macpherson report of institutional racism being found in not just processes but attitudes and behaviours. That has led us to focus much of our attention on our organisational values.

In the past few years, we have completely revamped our organisational values. Two of our four values are inclusion and respect, and the definitions of those talk about bringing diverse perspectives and fostering diversity and inclusion. Those values have guided what has been a four or five-year programme to completely revamp our recruitment processes so that the whole process is now values based. From the very beginning, our values permeate everything from the designing of adverts for jobs to the recruitment process. All our recruitment literature is seen through the eyes of diversity, so, instead of bold text-based approaches, we have much more diverse ways of looking at things. We have videos that include stories of people who already work here and our literature shows how inclusive and open an organisation we are. I think that that has led to quite a lot of success in relation to diversity in the organisation.

**Aneela McKenna:** In the Parliament, we understand that racism manifests itself in many ways, not just institutionally but at an individual level. Black and minority ethnic people grow up in an environment where they may have experienced racism, which affects their confidence and ability. We know that people might downplay their brownness or blackness when they come into organisations in order to fit in. We have been working with our BAME colleagues on confidence building and thinking about their leadership capabilities.

Racism is not just about individuals and institutions; it is about our relationships at work.

David McGill talked about our values. We are also working on our dignity and respect policy, which will mirror the sexual harassment policy that we have in place in the Parliament, to take a zero-tolerance approach to any form of harassment, discrimination, bullying and victimisation.

We look at the issue at all levels, including at a societal level. We know that there are cultural barriers for people coming into the Parliament. For example, people may have different circumstances for family funerals and family events. Our special leave policy accommodates that to ensure that we address the needs of minority ethnic people in the Parliament.

**Mary Fee (West Scotland) (Lab):** I want to ask for your views and thoughts on public accountability events involving public authorities, the committee and stakeholders. The events would be an opportunity to question public authorities about the diversity of their workforce and what they are doing to increase that diversity with a view to developing a shared outcome or action plan. Would you see that as beneficial?

**David McGill:** Yes, I certainly would. It is a really interesting idea. It goes back to the lack of complacency that I talked about earlier. We have metrics that suggest or tell us that we do not have a problem, but I would like us to go to a different level of sophistication. I would welcome the ability to interact with other organisations to be held to account for what we are doing and to tap into best practice so that we can continue to evolve and improve all the processes and practices that we put in place.

**Mary Fee:** Aneela, do you want to add anything?

**Aneela McKenna:** I do not have much to add. I agree with David McGill and would welcome that approach, which would help to break down barriers. People might have a perception of the Parliament as being white, because there are few black and minority ethnic people within the elected membership. People may have a misunderstanding of the diversity in the Parliament. We would welcome the opportunity to be able to show that we are committed, to demonstrate the work that we are doing and to let organisations and communities know about it.

**Mary Fee:** I will follow up with a brief supplementary question for David McGill. One of the concerns that has been raised when we have talked about the issue with previous panels is that there is always a danger with such events that we talk a lot, but we do not actually get much out the other end. Do you agree that the focus that is put on the theme of the event, how it is planned and how it is followed up is almost as important as the event itself?

**David McGill:** I agree. In advance of our participating in any event like that, I would want to talk to our BAME network colleagues about what outcomes they would want from it. The meeting earlier this week that Aneela McKenna referred to was really instructive about their perspective of working in the organisation. One thing that those colleagues brought to my attention that I was not aware of was a report by the similar network in the Houses of Parliament in Westminster called “Stand in My Shoes: Race and Culture in Parliament”. That report was about surfacing how BAME colleagues feel when working in a predominantly white organisation. That is a rich source of information that could guide our participation in such an event, and I would want to tap into it before our participation.

09:15

**Alison Harris (Central Scotland) (Con):** Good morning. Increasing the diversity of the parliamentary workforce is a key priority of the Scottish Parliamentary Corporate Body. There has been success through the parliamentary apprenticeship scheme in increasing the number of BME staff. What other approaches have been taken and have they been successful?

**David McGill:** The approaches that we have taken have been successful. The apprentices scheme has been the biggest area of success for us, but we recognise that that brought people in at entry level, who were mostly younger people, and was not adequate for the diversity that we want to see right across the organisation. One of the other things that we have done is create a temporary resourcing pool. Previously, our approach to temporary vacancies was to use employment agencies, but they were not giving us the profile of staff that we required, so we have moved away from that completely and have created our own temporary resourcing pool, which has allowed us to ensure that the flow of talent coming into the organisation is more diverse than it might otherwise have been. That is important because, quite often, temporary posts evolve into permanent posts, and we want to make sure that the people we bring in are people who may stay with us in the longer term.

Beyond that, we have on-going issues with BAME colleagues making their way through the organisation into more senior positions. That is the main focus for us. Now that we have had successes at the level of bringing people into the organisation, we are switching our focus to making sure that people stay with us and are able to progress their careers with us.

**Aneela McKenna:** In addition to the positive action work that we have been doing for black and minority ethnic people, we are constantly

reviewing and enhancing our recruitment practices. As David McGill mentioned, we have been working on this for five years. It has been a long journey for us. I am part of the human resources senior management team, so I have an opportunity to advise my colleagues who are responsible for recruitment and retention in the Parliament. That gives me an opportunity to make sure that they are embedding diversity inclusion into their everyday practices. Our targets are not a stand-alone; they are part of our recruitment approach. If there is an opportunity later to talk about recruitment, I can give you more detail about what we are doing in practice, but diversity inclusion is very much a part of our everyday activities and is all about attracting people from black and minority ethnic backgrounds and other diverse groups that are underrepresented in the Parliament.

**The Convener:** David McGill, you mentioned that there is still a challenge or a lot of work to be done to move people through the organisation. It strikes me that that is about whoever is recruiting for promoted positions. What work are you doing not with the BAME colleagues to encourage them to apply but with the people who are doing the recruiting to address any bias?

**David McGill:** The first thing to say is that the recruitment process is driven by our values. That values-based recruitment requires the people who are doing the recruiting to be trained. That is one of the commitments that we have for the next year and, unfortunately, it is one of the things that stalled because of Covid. That is the main thing that we are doing, but we are also looking to develop a full improvement plan. As part of our annual reporting this year, we voluntarily ran a diversity pay gap report alongside our gender pay gap report, and it showed a gap of 21 per cent, which is quite concerning. We have committed to an improvement plan that involves leadership development training for BAME colleagues. That is under construction at the moment.

We have contacted the John Smith centre, because it announced recently that it is launching a minority ethnic emerging leaders programme. We are keen to partner with it if possible. I see that as being a two-way process, not just getting people on to the programme but offering the Scottish Parliament as a venue for the programme so that BAME colleagues from elsewhere can come into this organisation and experience the work that we offer here. I am hoping that we can have a two-way benefit out of that engagement with the centre.

**The Convener:** It still sounds as if it is about individual employees rather than the organisation. Colleagues might want to pick up on that.

**Gillian Martin (Aberdeenshire East) (SNP):**

Good morning. I want to get your view on positive actions. What is your analysis of the positive actions that you have put in place and how successful they have been? How do you get feedback not just from those who have come through the recruitment process and been successful but from those who have been unsuccessful? How do you monitor and analyse how successful your positive action measures have been?

**David McGill:** Positive action is the only answer to the issues that we have been addressing for the past four or five years, and I have no qualms about taking positive action measures in that regard. I do not think that the successes that we have had so far would have been delivered in any other way, to be honest. To illustrate that, when we started looking at the profile of the organisation, the BAME profile was sitting just above 1 per cent. Through positive action, and only through positive action, we have pushed that up to very close to 5 per cent. To me, that is the bare minimum. We are hitting the national average in Scotland, but that does not take account of the fact that, in the central belt, which is where we draw most of our employees from, BAME levels are higher than that, so we have a lot more to do.

Any time we take positive action, we analyse its success. We look at every stage of the recruitment process, from application to sift to recruitment, and our analysis shows that, in the last full year, BAME applications were about 10 per cent of the total, the number of BAME applicants getting through the sift was 12 per cent and the number getting into employment was 19 per cent. That process has shown us that BAME applicants have outperformed white applicants in the last reporting year. That starts to bring us into line with what we know about the educational attainment of BAME colleagues, and that has been a shift for us. This is the first year, so we are looking to see whether that is sustained.

As well as looking at the hard data—and the data is crucial here—we also seek direct feedback from colleagues, and Aneela McKenna has been active in doing that. We get good feedback from people who are not successful; we do not just speak to people about how they found the process once we employ them. We take time to speak to people who have come through the process and examine what their experience of the process has been. Maybe Aneela McKenna can say a bit more about that.

**Aneela McKenna:** We have adopted a new recruitment candidate system in which, when people register and apply for jobs, they are required to give us their diversity monitoring. That allows us to look throughout the process at when

people are dropping off, for example during sift, during interview and once they are appointed. We can monitor every stage of that process. For the apprenticeship programme specifically, we went back to the candidates to get feedback from them. We were able to capture that from the data on the system. It has been very useful to do that, and we plan to do more of it.

It is in our commitments for January 2021 to get specific feedback from candidates about how they feel that the process has gone for them. We know, for example, that, under our values-based approach, it has been very positive for people from black and minority ethnic backgrounds to know that our values are in line with their values. That is one of the positive feedback messages that we have got from black and minority ethnic people through that feedback process.

I also want to mention that, in our improvement plan, it is not just HR looking at the data. We give the data to the group heads and office heads. We have committed to that in our improvement plan. For every recruitment competition, they will have an opportunity to look at how well black and minority ethnic people have done through the process, and they will be able to review that and identify where there could have been potential bias and what we can do differently next time. That helps to mainstream it through the organisation and helps others to take responsibility in the business areas themselves.

**Gillian Martin:** Recruitment is one thing, but retention is another. You have told us the figures for recruitment. How are the figures looking for retention and progression?

**David McGill:** We have very good retention as an organisation as a whole. That has challenges for further diversifying the organisation, but our turnover rate is very low. It sits at about 5 per cent, I think; it may be slightly above that. Retention has not been an issue for us. I have talked about progression. It has been difficult to demonstrate that we have people moving into promoted posts, so that will be the next focus for us.

**Alexander Stewart (Mid Scotland and Fife) (Con):**

Good morning, panel. I would like to move on to ask about training. You have talked today about how you want a diverse workforce and you want to ensure that people have dignity and respect. You have also touched on the culture and the outside perception of the Parliament as an organisation. When it comes to training for equality and diversity, is there a programme that you set for staff arriving at the building? Are there any rules in the Parliament that require more diversity and equality training? If that is the case, what kind of refresher courses and training updates do people get to ensure that they keep up to pace



with developments during the time they are employed in the organisation?

**David McGill:** In answer to the first part of your question, yes, all new starts go through a formal induction programme that includes training on diversity and inclusion. It also involves a specific module on unconscious bias. Everyone who joins the organisation goes through that some time in their first six months with us. Aneela McKenna is probably better placed than I am to answer the question about on-going training.

**Aneela McKenna:** You talked about areas where more diversity training may be required. What we have tried to do is not just about training. Training is not the only solution in educating people and raising awareness of the issues; that happens through people's lived experience. The two areas where diversity training is important for us are public engagement and our people management practices. We have tried to engage with black and minority ethnic people to learn from them specifically about what their challenges and barriers are.

We have done that, for example, through the young women lead programme, which has 24 black and minority ethnic women on it. It is a programme about employment that the Parliament is involved in. Our black and minority ethnic colleagues sit on that programme and advise on what it is like to work at the Parliament and so on, but we also get feedback from them about the challenges that they experience. It was from that group that we found out about the perception of the Parliament being a problem, because what is seen is the political side, not the employment side of what the Parliament is about.

Another aspect is the black and minority ethnic network. We provide a budget to the network, so it is not the case that its members must do all the work themselves. They have a budget and they help educate and provide training to colleagues using their own lived experience to tell their stories. For example, last year we had an educational talk about Ramadan and colleagues learned a considerable amount from that. We did a session about understanding racism in the workplace, and that, again, was very valuable. We had our black and minority ethnic members support us on that.

09:30

**Alexander Stewart:** How do you evaluate all of that to make sure that it covers the whole of the Parliament?

**Aneela McKenna:** We look at our retention figures, of course. As David McGill said, our retention figures show that people want to stay at the Parliament. Our temporary resourcing pool

also suggests that 27 per cent of people from black and minority ethnic backgrounds have come through the temporary pool. The problem for the Parliament is that we all like to stay where we are and there is a very low turnover in the Parliament. That is one of the reasons why it has been hard to bring in people. We focused on our apprenticeship programme, our temporary resourcing pool and bringing in unpaid placements, because we have to find creative ways in which to bring people into the organisation. People do not want to leave; we like it here. For us, it is very important that we can do that, and our retention rate is constantly monitored to make sure that people are not leaving the organisation.

**The Convener:** You make an interesting point about the perception of the Parliament being based on the parliamentarians. I know that all of us would acknowledge that our political parties have a bit of work to do to make us better reflect our communities.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Good morning, David and Aneela, and thank you for coming to see us today. I would like to pick up on that idea that, if you cannot see it, you are less likely to be it. I think that we are all aware of schemes that exist in the Parliament for the promotion of inclusion, particularly for people with disabilities. We have the Inclusion Scotland programme that offers internships with MSPs. Will you give us an idea of how that relationship with the Scottish Parliament works? Have you considered a similar scheme of internships for people who are black or minority ethnic?

**Aneela McKenna:** We have worked with Inclusion Scotland for several years now, and we have had a number of disabled people come in to work for members and for the Scottish Parliamentary Corporate Body. They are paid internships, which is great and also important. The funding comes through the Scottish Government to Inclusion Scotland. We provide the placement, do the induction and provide all the support. We take responsibility for any adjustments and access to work requirements, and we support the member or manager with supporting the individual.

More important, there was a recent communication from the Scottish Government about the John Smith centre, which will be taking on 50 minority ethnic people to be part of its nine-month leadership development programme, and we would very much like to be part of that. David McGill has written to Kezia Dugdale, who is the director of the centre, to say that we would welcome a meeting at an early stage to see how we can get involved in that programme. I am hoping that they will be paid placements as well, but we need to clarify that. It is a nine-month programme, and through that we should be able to

bring people into the Parliament. It is a great place for people to come to, and it is great for them to have it on their CVs if they have the opportunity.

We tried and tested the programme with Inclusion Scotland in the first year and it worked great. Four or five years later, we are still doing it, and it has been great to see some of those disabled people get permanent posts. One of our disabled people who was on an internship got a permanent post with the committee, and we are absolutely delighted about that.

**Alex Cole-Hamilton:** I am very keen to hear about the efficacy of such schemes, because it is all well and good to have an internship programme, but if it does not translate into actual employment, it is not really worth the candle.

I had the benefit of an Inclusion Scotland intern and I then gave her a permanent post. How often does that happen? Can you see it working as well for a scheme that involves black and minority ethnic people?

**Aneela McKenna:** Yes. That is the benefit of our temporary resourcing pool. As I said, 27 per cent of our black and minority ethnic people have come through that. The temporary resourcing pool may allow someone who comes in to do a placement in the Parliament an opportunity to then find a post here. We have avenues through which we can bring people into the organisation, whether that is on a fixed-term or permanent contract. However, you are absolutely right: it has to be sustainable, and we have to find ways in which we can make sure that there can be further support or look at ways in which they can be recruited into the Parliament through our various measures.

**Alex Cole-Hamilton:** Great. Thinking about the recruitment processes that the Parliament uses when you are recruiting staff to the organisation, what mechanisms do you have to capture the reasons why people are unsuccessful? What deep-dive data analysis do you do to make sure that there is not an unconscious bias in recruitment? What feedback do you offer candidates, particularly from black and minority ethnic backgrounds?

**Aneela McKenna:** We are very mindful of the fact that we should be looking at those who have been unsuccessful and the reasons for that. As I mentioned, our recruitment candidate system allows us to monitor every stage in the process.

The reason why we made our commitment to black and minority ethnic people coming into the workforce was that we looked at our application rates and success rates year on year from 2012 to 2014, and they highlighted that we had few applications coming in from black and minority ethnic people. That was the trigger for us to make that commitment, and for the past five years we

have had it and have sought to deliver on it. The data tells us what we need to know and informs our policy decisions for the future. It is reviewed by our leadership group and our corporate body annually to inform policy decisions.

**The Convener:** The dignity at work policy has been mentioned. Your submission mentions that policy and says that it

“would introduce a zero-tolerance approach to harassment, bullying and discrimination, and create a central point for reporting all formal complaints.”

Will you tell the committee a little bit more about the policy? Is it still on course to be implemented in October?

**David McGill:** Unfortunately, it is not still on target to be implemented in October. The leadership group met last week to review progress with it. It has been out to consultation, which has so far not elicited any responses. That gives us a bit of concern, but I think that it is a factor of people not being in the organisation and being very much focused on supporting core parliamentary business.

The decision that we took at the leadership group meeting last week was to extend the consultation period until January and put another big push behind it. As part of the work that I mentioned earlier to do with surveying people again in terms of wellbeing in November, we will re-advertise the fact that the policy is out for consultation and that we need to hear from people. We do not want to take silence as consent to the draft, so we will put another big push behind that. I think it is important we take that extra time to make sure that the changes that we make are evidence based.

**The Convener:** We have heard from other witnesses that people are feeling a bit overconsulted at the moment. Maybe that reflects the fact that we are all online so much more in our working days.

That completes and concludes our questions for this morning. Thank you both very much for sharing your knowledge and expertise with us.

I will suspend the meeting briefly to allow us to set up for our second panel.

09:39

*Meeting suspended.*

09:45

*On resuming—*

**The Convener:** Good morning to the witnesses on our second panel: Jamie Hepburn, the Minister for Business, Fair Work and Skills, and Mandy

Watts, from the directorate for fair work, employability and skills at the Scottish Government.

Thank you both for being here this morning to answer questions on behalf of the Scottish Government in its outward-facing policy role. I intend to allow up to 45 minutes for this panel, so I again ask participants to be as succinct as possible in their contributions. With that said, minister, I invite you to make a brief opening statement.

**Jamie Hepburn (Minister for Business, Fair Work and Skills):** I thank the committee for the opportunity to contribute today. I recognise that race equality, employment and skills is an extremely important topic and I very much welcome the focus that your work is providing on the topic.

As the Minister for Business, Fair Work and Skills, I am keen to ensure that race equality is embedded throughout all aspects of my portfolio, and I am confident that the findings from your inquiry will help to sharpen that focus. Given that the pandemic has highlighted some real, systemic inequalities in the disproportionate impact that it has had on minority ethnic communities and workers, I am keen to do what I can across my area of responsibility to ensure that race inequality is tackled through fair work practices, investment in skills and our work with employers, businesses and trade unions.

I know that work in the area has not progressed as we had expected or hoped. Of course, that has been made worse because of the pandemic. I believe that the committee's inquiry provides an opportunity not only to look at the issues that we knew existed before but to consider how we move forward given what we have gone through over the past six months.

I will end my opening statement by saying that I know that a lot still needs to be done. I am glad to be with you today to hear about what you have considered in your inquiry so far and to field any questions that you have for me.

**The Convener:** Thank you, minister. The minority ethnic employment gap has been at 15 per cent for the past decade. What is there in the race equality framework or programme for government that is going to change that?

**Jamie Hepburn:** That goes back to a point that I have just made. The programme for government is very much placed in the current context of the pandemic and how we respond to it. In the area of employment and employability, we have set out a significant range of investments to support people who fall out of the labour market back into it, and indeed to support those who are outwith the labour market to access the opportunity to get into work.

We know that those from a minority ethnic background are disproportionately out of the labour market.

Our investment of £100 million to look at those who are at risk of redundancy as a result of Covid-19 will make a difference. The £2.35 million for the parental employability support fund will make a difference. We are committed to taking forward a recruitment toolkit that is designed to support employers to better recruit more people from minority ethnic backgrounds, and we are working with the John Smith centre to fund up to 50 places on a leadership development programme for minority ethnic people.

Those things are all laid out in our programme for government, and they are a further iteration of commitments that we have made in the race equality framework.

**The Convener:** Mandy, do you wish to add anything?

**Mandy Watts (Scottish Government):** No, thank you, convener.

**The Convener:** You are both very far away, so I ask you to wave at me when you wish to respond to a question.

Minister, has the race equality framework taken Covid-19 into account?

**Jamie Hepburn:** I hope that the points that I have made reflected that concern. We have also taken account of the current situation with the expert reference group on Covid-19 and ethnicity, which we formed in June in direct response to the situation that we are in. The group has submitted its initial advice and recommendations, and a number of the commitments that I have mentioned in the programme for government arise from the work that it has undertaken.

Those include, for example, reviewing past and current initiatives to tackle systemic racism, looking at making ethnicity a mandatory field for health databases, developing a link in the census and embedding the process of ethnicity data collection in the culture of the national health service in Scotland. All those things are directly relevant to our better understanding the systemic challenges that we face and applying our thinking to the sphere of employment and employability based on the information that we gather.

I also refer back to the points that I made about the significant investment that we are undertaking in the sphere of employability. In some of the work that we have done through Fair Start Scotland, we have prioritised access for those from a minority ethnic background. We are still to respond to the reference group in full, and we will do that in due course.

**The Convener:** You pre-empted my next question. We will move on to questions from Fulton MacGregor.

**Fulton MacGregor:** Good morning, minister. You mentioned the reference group and talked about taking it into account. Something that came through in a debate in the Parliament the other day is that ethnic minorities are disproportionately impacted by the health effects of Covid-19, and a question about that has been raised with me several times. Do you think that employers need to have specific, individualised risk assessments for BME workers who are returning to work, based on that information?

**Jamie Hepburn:** To cut the long answer short, yes, I do. We have already sought to take account of that through the raft of guidance that we have put in place for various sectors of the economy, with explicit reference to its being an important area for employers to consider.

We know that there is that concern among the minority ethnic community because we have seen published data that shows that there is a disproportionate impact. We must take account of that, and employers must consider it and work with their workforce to make sure that they are involved in the process of a safe return to work. That is a general point for the whole workforce, but I agree with the specific point that Mr MacGregor makes, and we have taken account of that in the guidance that we have published.

**Fulton MacGregor:** Thanks for that, minister. I have a more substantial question that goes back to your opening remarks. Do the commitments in the programme for government form part of the race equality framework?

**Jamie Hepburn:** I did not quite catch the question.

**The Convener:** Fulton, will you ask the question again? Sorry—we did not quite catch it.

**Fulton MacGregor:** No bother, convener. I do not think that I have the best signal today.

Given the minister's opening statement, do the commitments in the programme for government form part of the race equality framework?

**Jamie Hepburn:** Yes—very much so. I hope that I conveyed that in my opening statement and my answer to the first question. In everything that we do across Government, we seek to ensure that there are better and more equal outcomes. We have to look at everything that we do through the prism of the race equality framework. In what we seek to take forward, we cross-refer to what we have committed to doing and the outcomes that we are seeking.

**Mary Fee:** Good morning, minister. I want to ask you about the fair work action plan, which is aimed at boosting productivity by developing Scotland as a world-leading fair work nation. How does the plan address the ethnic employment gap?

**Jamie Hepburn:** It does that in various ways. Probably the most practical way is through the development of the fair work first principles that we have laid out, where we demand certain things from employers in return for public investment.

That started with regional selective assistance being provided from Scottish Enterprise to various companies. Employers have to commit to various strands in order to be able to draw that funding down, and the one with particular relevance is:

“Action to tackle the gender pay gap and create a more diverse and inclusive workplace”.

They have to commit to doing that; otherwise, they ain't getting the funding, basically. We started with regional selective assistance, and we are now working to see how we can further roll out fair work first across a wider range of public investment. That work is on-going, and I will be happy to provide the committee with more information on where we have got to with that.

As with most areas of work, it has been interrupted a little by Covid-19, but it remains a very important part of our agenda to make sure that everyone's experience of the world of work is a high quality one and that we can tackle some of the systemic challenges that we have seen in our labour market, such as the gender pay gap, the disability employment gap and the underrepresentation of those from minority ethnic backgrounds in the labour market.

**Mary Fee:** Thank you for your response, minister. That is very helpful, and it may be helpful to the committee if you could provide a bit more information on the on-going work.

How can you make sure that the fair work action plan is constantly updated? The diversity of the workforce and what people need will change, and the action plan will need to adapt and change as things progress. How do you keep it alive through the programme?

**Jamie Hepburn:** I totally agree with the point. As we said at the outset, we are seeking to ensure that fair work is not viewed as a silo or only through the prism of the economy portfolio, because it has much wider relevance across Government. To that end, I chair a ministerial working group with a number of colleagues from across Government to ensure that each area of their activity is focusing on fair work. When we come together, we can talk about some of the challenges that are emerging and the things that

we have not foreseen, and then we can go back, question our initial assumptions and make sure that the fair work action plan is always up to date.

I return to a point that I made a moment ago. In looking at how we will take forward the next iteration of fair work first, we are also looking at the commitments that we have made to see where they sit in relation to the world as it is through the experience of Covid-19. We are looking across the board in relation to our fair work agenda. Personally, I think that it is a very important thing to do, because the world as it is not the world as it was, and the world that will be is probably not the world as it is just now, if that is not too convoluted a thing to say. I think I know what I meant.

**Mary Fee:** I do as well. Thank you, minister.

**Alison Harris:** The Cabinet Secretary for Finance, Economy and Fair Work and the recognised civil service trade unions signed the fair work agreement in November 2018. The Scottish Government states that

"It illustrates the commitment to embedding Fair Work into local employment policy and practice in the Civil Service sector."

What impact has the agreement had on recruiting staff from ethnic communities to, and retaining them in, our civil service?

10:00

**Jamie Hepburn:** It is welcome that we have worked with our trade union partners to make sure that everyone is on the same page and that there is a collective commitment to the fair work agenda. It has wide applicability. It applies to our core workforce. It also covers a wide range of public bodies that are incorporated in the main workforce: the Scottish Prison Service, the Crown Office and Procurator Fiscal Service, Registers of Scotland and the Scottish Courts and Tribunals Services. It has a wide scope, which I think is welcome.

On some of the practical differences that it is making, I think that you will probably explore those in greater detail with your next panel of witnesses. Ministers are responsible for many things, but the civil service has the greater role in direct employment practice. That said, we clearly work with the civil service to make sure that Government policy is being applied.

I can tell you that, in 2018, 7.9 per cent of applicants for a band B civil service role were from a minority ethnic background. Of the 440 who were interviewed, just under 6 per cent were minority ethnic people. In the graduate development programme in 2019, 300 applicants identified as minority ethnic people and 10 per

cent of the candidates who were invited to interview identified as such. The percentage of candidates who identified as minority ethnic people in the final cohort of 20 is significantly greater than the Scottish population average.

I hope that that is an indication that we are taking the issue seriously, but I think that you will probably be able to explore the issue more effectively with the next panel. Claire Marr and Uzma Khan will be able to give you more information about what is happening.

**Gillian Martin:** The fair work agreement has been signed up to by public bodies. You have just addressed what is going on in the civil service. What tools are available to the Scottish Government with employers more generally in the private sector? We want as many employers as possible to sign up to the fair work principles and to recruit and retain people from BAME communities. What are the levers for the Government to encourage that?

**Jamie Hepburn:** I have referred to the investment that we deploy, which is one way in which we have some influence over such things. We have that leverage. There are undeniably restrictions on our ability to do such things through the blunt instrument of any legislative vehicle, because employment law continues to be reserved. It will not surprise anyone on the committee to hear that the Scottish Government's perspective—and the perspective of others, such as the Scottish Trades Union Congress—is that it should be the responsibility of this Parliament to legislate for employment law. That is not the case.

However, we do not rest on our laurels; we go out and engage with employers and try to bring them with us on this journey. The good news is that I think that most employers want to do the right thing. When you broach the subject with them, most are keen to be involved. Sometimes, they will bring up the challenges that they consider they might face in progressing fair work, and we engage with them to work out how we overcome those barriers.

Short of our having the ability to legislate for certain things, it is about the process of engaging and getting people to come with you on the journey that you are seeking to undertake. Obviously, there are limitations as to how far that might take you, but it is a journey that we are determined to continue. We are serious about making progress, and we have wide-ranging engagement with employers across all parts of fair work. The activity that you are investigating in your inquiry is an important strand of the fair work agenda.

**Alexander Stewart:** Minister, you have talked about engagement being vital, and that is very

much the case. How is the impact of the fair work action plan on equality and diversity monitored?

**Jamie Hepburn:** I return to our process of monitoring what is happening across Government. We meet as a group of ministers to consider what opportunities might exist in Government and in the various agencies and bodies that each part of Government interacts with. We do not just mark our own cards. We report annually on the progress that we have made and on the challenges that we are experiencing, and the report is publicly available. The committee can, of course, look at the it and ask any questions on it. I am happy to provide details of the previous report and to let you know when the next one is due, which I cannot remember off the top of my head, convener.

**Alexander Stewart:** That is okay. You talked about a working group that has been set up. Does it look at monitoring? Does it look at how the fair work plan is perceived and what its reputation is for dealing with equality and diversity?

**Jamie Hepburn:** That is probably not something that the working group to which I referred looks at, but it is something that I, as the Minister for Business, Fair Work and Skills, and Fiona Hyslop, as the Cabinet Secretary for Economy, Fair Work and Culture, take a keen interest in, and it is why we engage widely with all our partners on the fair work agenda.

We have the fair work convention, which is an independent organisation. We provide it with the funding and it keeps us honest, as it were, on the fair work agenda. It will not be shy in telling us about where it thinks that we could be doing better or about areas of activity that we have not looked at and considered.

We engage with the STUC and individual unions, the third sector and business organisations about these matters. It is a constant process of engagement. Having set a range of commitments in the fair work action plan, every quarter, we continue to look at where we are getting to with our commitments. Engagement is wide and varied. Sometimes, it is with organisations that will be candid with us and say, "We could be doing rather better"; sometimes, we are telling organisations that they could be doing rather better. There are different forms of dialogue.

**Alex Cole-Hamilton:** Thank you both for coming to see us. My questions are predominantly for the minister, but Mandy Watts should please feel free to interject.

In your work as the Minister for Business, Fair Work and Skills, what reports do you see on the percentage of BME minority people who are successful in entering the labour market? How often do you get a readout of the statistics?

**Jamie Hepburn:** A team, which Mandy Watts is part of, has been set up in the fair work directorate to look at that area of activity. We have a process of continuous updates from Mandy and her colleagues as to where we are with the work that we have set ourselves. We can see the outcomes in the labour market through the annual population survey and other labour market statistics. That is how we monitor progress or otherwise. If I feel the need for an update about Government activity, I will be proactive and ask civil servants for one.

**Alex Cole-Hamilton:** If Mandy Watts is responsible for scanning the environment—the dashboard—can you see a pull-through from interventions or initiatives and upticks or declines in relative rates of employment for BME workers?

**Mandy Watts:** Our work with our analytical colleagues is continuous. I pose questions. The statistics present challenges. If the statistics show that there is a gap in the rates of employment for different groups of people, something will be behind that. For example, a gap could be driven by a higher proportion of people from minority ethnic backgrounds being in higher education. That is one of the reasons that my analytical colleagues have given when in conversation with me.

It is complicated to draw out overarching, general figures in order to identify trends, because varying factors lie underneath those figures that explain a bit more of the complexities behind them. Therefore, we may need to explore why there is such a gap. Is it because minority ethnic people are moving in that direction because they face barriers to employment? That issue is evident in research, too. We have seen a report from Radiant and Brighter that includes case studies of people who, being unable to access employment, have returned to education. I am learning that we need to dig deeper underneath the overall stats to understand why we have those figures.

**Alex Cole-Hamilton:** This is my final question. We understand that, if we want our workforce to better reflect the society in which we live, we need the boardrooms that govern that workforce to better reflect the society in which we live. The Parliament—and this committee, in fact—stewarded legislation through to better reflect gender representation on public boards, which is the one area in our purview. What consideration has the Government given to enacting similar legislation to ensure that there is at least some representation of BME people in our boardrooms?

**Jamie Hepburn:** We are always open to propositions that seek to advance better representation on public boards and public bodies because we want them to reflect our society. As for what we can and cannot legislate for, we need

to comply with wider equality law, but, of course, we will look at these things.

I go back to the point that I made earlier in response to Ms Martin's question about the legislative mechanisms that we have control over, as opposed to just recognising that there is a problem and getting on with trying to solve it. There are a variety of activities under the race equality action plan to try to ensure better diversity on our public sector bodies. For example, there is mentoring for people who are interested in taking up chair roles.

Part of the purpose of the leadership programme that I alluded to earlier, which the John Smith centre is taking forward and which we are funding, is to look at leadership in public life. I am not suggesting by any stretch of the imagination that we have achieved the outcome that we want—and we can provide more information on this if that would be helpful to the committee—but the positive thing is that we are seeing improvements in the rate of applications from women, disabled people and minority ethnic people, who are underrepresented on public boards. More people from underrepresented groups are coming forward to seek appointment. Ultimately, we can only be judged by outcomes and by those boards being more reflective.

10:15

There is a role for all of us who are involved in public life. The institution that we are all privileged to be elected to is not particularly representative of the wider Scottish population, and we all have a responsibility to tackle that head on, to make sure that, collectively, we do rather better in terms of performance and outcome.

**Alex Cole-Hamilton:** Thank you. I have no further questions.

**The Convener:** Minister, I do not know whether you had the opportunity to hear the previous session.

**Jamie Hepburn:** I am afraid I did not—my apologies.

**The Convener:** I want to ask about institutional racism. We have been asking witnesses about it and there seems to be a broad acceptance that it is a societal problem. In your opening comments, you spoke about the employment toolkits that the Government is developing. Will institutional racism be considered in their development? Will you look at that?

**Jamie Hepburn:** It will have to be considered. The terminology makes many people uncomfortable—understandably so, because, at its worst, institutional racism is overt discrimination and overt racism. However, my understanding of

the term is that it encompasses much more than that and includes unconscious bias and the systemic barriers that might be put in place in any institution. Whether we like or not, we can see institutional racism through the outcomes in our society. In relation to your inquiry into labour market outcomes, there has to be some form of institutional racism, as defined as I have laid out.

Whether or not we use the term “institutional racism” overtly in the toolkit that we develop—I am not saying that we will not, incidentally—we certainly need to be looking at the issue through that prism.

On how we work with employers, I go back to a point that I made earlier. I think that most employers want to do the right thing; it is just that they are not always sure how to go about doing it. The purpose of the toolkit is to work with people so that, collectively, all elements of our society, such as employers, make sure that there is fairness for all our citizens—in this case, for minority ethnic people in the labour market.

**The Convener:** In your opening comments, you spoke to the programme for government, and I know that it has been praised for having race equality woven through all portfolios. There is an undertaking to do an audit of past and current initiatives to tackle systemic racism. Can you expand on that commitment for the committee this morning?

**Jamie Hepburn:** Beyond the fact that we have committed to doing it and will get on with it, probably not. I am unlikely to be directly leading on that work, so we will need to ask those who will be looking at it to provide you with more information. I am happy to take that question away and make sure we follow it up.

**The Convener:** Thank you. That would be very helpful. I think that that concludes our questions—I do not see any members looking to come in. I thank both the minister and Mandy Watts for their time this morning.

I suspend the meeting briefly while we change panels.

10:20

*Meeting suspended.*

10:22

*On resuming—*

**The Convener:** I welcome the witnesses on our third panel, who are joining us remotely. They represent the Scottish Government as an employer. Claire Marr is the deputy director for people development, in the people directorate, and Uzma Khan is the deputy director for

economic policy and capability. Thank you for being with us this morning.

I remind members that, if their question is addressed to a specific witness, they should please identify them by name, otherwise I will invite Claire Marr to respond first, followed by Uzma Khan. If the witnesses feel that their colleague is better placed to answer the question, they should please just indicate that. Please also wait a second before speaking to allow broadcasting colleagues to turn on your microphone. I expect this session to last for no more than 45 minutes, and I ask for questions and answers to be kept as succinct as possible.

I will start with the first question. In your written submission, you said that, in response to Covid-19, you are making sure that minority ethnic staff feel safe and that their needs are met. Can you explain to the committee what you have done in the short term and what you plan to do in the longer term?

**Claire Marr (Scottish Government):** As most organisations did, when the crisis emerged, we moved rapidly—within 48 hours—to working from home. We immediately provided a range of advice and guidance to colleagues on general wellbeing in the context of working from home. Guidance included regular senior leadership blogs highlighting the importance of wellbeing and looking after one another. We also had a dedicated session with the national clinical director, who responded to questions and concerns from colleagues.

We spent a lot of time exploring insights from our homeworking and wellbeing surveys. We know that the wellbeing scores for ethnic minorities were slightly different from those of other populations. Covid-19-related absences were higher and they were less likely to feel supported by their teams. They were more positive about working from home from a productivity perspective, but they were less satisfied with workplace adjustments.

We also researched and gathered data and information on the impact of Covid-19 and found that—as we all know—it has a disproportionate impact on minority ethnic colleagues, and, as a result, there were more issues with their wellbeing. The research also highlighted that, in an organisation that was operating at a fast pace and under huge pressure, there was an increased risk of bias coming into decision making.

In the short term, we saw very strong leadership from the permanent secretary, who had regular discussions with our executive team on the impact that Covid was having, particularly on minority ethnic colleagues. We enhanced our existing employee assistance offering so that minority ethnic colleagues had the option to request a

counsellor from a similar background, and we extended that to all colleagues with a protected characteristic. We delivered training to our in-house wellbeing counsellors to ensure that they had increased understanding and awareness of the cultural sensitivities and the lived experiences of our minority ethnic colleagues.

We produced evidence packs about the differential impacts of Covid, and that in turn resulted in the production of wellbeing and occupational risk assessment forms for managers, to help them discuss and understand various needs and risks and agree how to manage them. Finally, we produced an equalities self-reflection toolkit for leaders to help them equality impact assess their decisions.

At the same time, there was a huge amount of coverage of the Black Lives Matter movement. The executive team and the permanent secretary had a round-table meeting with our race equality network, at which we heard from minority ethnic colleagues about how they were currently feeling in the organisation. To summarise, I would say that they felt fatigued—they were very tired of having to share their lived experiences, explain themselves and educate colleagues. Their understanding and experiences are very real, and some of them did not feel safe enough to return to the workplace.

Following that round-table meeting, the race equality network spent a lot of time engaging with different senior leadership teams across the organisation to help them gain better insight into and understanding of how our minority ethnic colleagues were feeling. As a result, the Scottish Government decided to adapt the United Kingdom civil service's starter for ten action plan on race. That is a forerunner to the work that we had scheduled for later in the year on a race recruitment and retention action plan. We developed that work in very close partnership with the race equality network, and our unions also gave input to it.

Do you want me to stop?

**The Convener:** I will pause you there for a second, because I think that colleagues will wish to probe some of those things.

Was your action to offer counselling on the basis of what black and minority ethnic employees had told you about their feelings in the wellbeing survey? Did they request counselling? Does your wellbeing survey give employees the opportunity to say what they need to improve their wellbeing?

**Claire Marr:** It does give that opportunity, yes, but we are constantly looking at our wellbeing offering and identifying ways to improve it. Obviously, that was a key activity for us in light of Covid in general. However, when we saw the



wellbeing results for minority ethnic colleagues and some of our other protected characteristic groups, we felt that it was important that they had a counsellor they could relate to a little bit more because of their shared experiences.

**The Convener:** I am trying to understand whether you asked people what they needed. Did the organisation ask them what they needed, or was it decided that counselling was the answer to people's problems and what they were feeling?

**Claire Marr:** It was a decision that was taken.

10:30

**Fulton MacGregor:** Good morning, panel. In its written submission, the Scottish Government refers to the race recruitment and retention plan, and it states that a core ambition is to tackle structural racism and take an anti-racist approach. We have been asking witnesses whether their organisation has ever considered institutional racism when developing recruitment policies. We heard a wee bit about that from the minister, Jamie Hepburn, towards the end of the earlier session, but could you elaborate on the Government's approach and say in particular how public authorities and other sectors can learn from it?

**The Convener:** I will come first to Uzma Khan to answer that, and it would be helpful if you would also comment on my opening question.

**Uzma Khan (Scottish Government):** I will begin by commenting on the original question that you asked of Claire Marr. I am going to give this answer from the perspective of the race champions in the Scottish Government, of which I am one of two, and as a member of the race equality network. In the immediate short term, I felt we were able to get a good grasp of some of the issues that our minority ethnic staff were facing as a result of the impacts of Covid on their communities and as a result of the death of George Floyd.

We were able to do that in a number of ways, and one of the most important things to highlight is the strong relationship that the race equality network has with our more senior leaders. At the start of the crisis, we were able to bring together our network—which has around 200 members and has grown significantly over the past couple of years—to create a safe space where people could share how they were feeling and talk openly about how they felt about being in an organisation that was responsible for responding to Covid on a policy basis but also as the members within that organisation. It was one of the most well-attended race equality network sessions we have had in years; 147 staff joined the call. I was taken aback by the honesty and the emotions that came out at

that meeting. Staff were able to say why they felt fatigued, how they felt a sense of personal responsibility working in the Government as minority ethnic people, and how they felt they might be able to influence policy making. They also spoke about how their voices might be heard in the context of policy making in responding to some of the issues affecting minority ethnic staff and our communities. It was off the back of that meeting that we were able to hold two special sessions with our executive team and the permanent secretary, who took the time to listen to personal testimonies on the impact on staff.

Claire Marr also mentioned the offer of counselling and wellbeing support. When it was mentioned that counselling was available, staff asked whether they could be given minority ethnic counsellors who would understand their cultural needs and more specific requirements and offer a safe space where we could share our feelings a bit more openly. Being able to hear the voices of the staff in your organisation is crucial. Creating a safe space in which people feel able to express how they are feeling in their own organisation is a critical step towards identifying the short-term actions that you should take.

**The Convener:** Thank you. Could you pick up on Fulton MacGregor's question about the race recruitment and retention plan now, please?

**Uzma Khan:** As an organisation, we absolutely recognise that we are not immune to some of the systemic and structural racism that exists in our society and, within the context of our race recruitment plan, we have to be proactive and try to understand how we dismantle it. The first step is to understand and acknowledge that structural racism exists. It is reflected across a number of indicators that we are picking up in our evidence around progression and how people feel about bullying, harassment and discrimination.

Once we are able to acknowledge that structural racism exists, we need to challenge ourselves to look for the root causes of those issues and not just look at the usual places where we might go, because we know we have not seen change in many years. We need to look at where the things are that we need to probe to get a better understanding of how we might start to dismantle some of those structures.

The minister talked about challenging ourselves, challenging our unconscious bias and being open to change. Race recruitment planning is looking proactively for where those opportunities for bias and racism might exist, whether overtly or not. We are looking a bit more properly into how we are developing training, at diverse panels, and at how we might implement name-blind sift trials as part of our recruitment process.

You also asked about how other public authorities might learn from us. I think there is an opportunity to work on this together, to understand where best practice exists and to try to tackle this in a way that surfaces some of the issues that we want to get to the heart of.

**The Convener:** Uzma Khan, I will pause you. Other members will probably come in and want to ask a bit more about that. Claire Marr, can I bring you in to answer Fulton MacGregor's question, please?

**Claire Marr:** We developed a strategy for attracting a diverse candidate pool with the graduate development programme in 2019. Our research highlighted the need to educate potential candidates about what it meant to work in the Scottish Government, engage them, make sure they felt welcome and deliver experiences through tangible action. For that, we worked with our race equality network and with a number of external race organisations, including BEMIS, CEMVO and Radiant and Brighter, to shape our approach. Those partners provided counsel to us, ensuring that the approach we took was diverse and inclusive, and they occasionally provided us with some constructive challenge. They were invaluable in helping to profile the programme and the opportunities that it gave to colleagues through their own networks.

At the start of that campaign, we set out some explicit diversity key performance indicators around achieving representation from underrepresented groups that was at least similar to the population average. We made sure that we used minority ethnic role models in our marketing for that campaign, and we also used social media to target specific areas that were likely to be more commonly used by minority ethnic colleagues. We took particular care over selection because we knew that was an area where there could be opportunity for bias to come in. In that respect, we worked closely with the Government recruitment services team. We spent time in monitoring diversity throughout the process as well as in reviewing candidates' feedback.

We engaged the race equality network to ensure that we had good diversity on our panels. We also provided the panel with interview training, which included a section on unconscious bias. That is one example of something we focused on, and we recognise that it is an area that we need to focus more on as we go forward with our broader, non-campaign-based recruitment activity. It is currently a key element of the plan I referred to.

**The Convener:** I am very sorry to interrupt you, but I need to keep us focused. I know there is a lot of information to give and there is clearly a lot of good work going on, but we need to keep the answers succinct so that I can bring in other

members. Fulton, do you feel that your question has been covered? Are you content if I move on?

**Fulton MacGregor:** Convener, I am quite happy for you to move on. Thank you.

**Mary Fee:** I want to ask about your views on having a public accountability event at which public authorities can talk about what they have done or what they are planning to do to increase the diversity of their workforce and at which the committee and stakeholders can ask questions and hold them to account. The aim of the event would be to develop shared outcomes or an action plan. Does the panel think such events are worth while?

**The Convener:** I ask Claire Marr to answer, please, on the specific point about a public accountability event.

**Claire Marr:** There is always value in having the opportunity to exchange information when you have had successes and also maybe when things have not worked quite so well. The minister is right to say that it is important that there should be clear outcomes and tangible follow-through from the event. I would probably be thoughtful about its timing, given some of the pressures that I think organisations are under just now as a result of Covid-19.

**The Convener:** Thank you. Uzma Khan, do you have anything to add on that?

**Uzma Khan:** It could be most helpful, but it should not just be seen as a tick-box exercise. It should offer a real opportunity to surface blind spots that we might not see but that other communities can see.

**Mary Fee:** I am content with that. Thank you, convener.

**Alison Harris:** Good morning. The Scottish Government has a vision to be a world-leading diverse employer and is committed to race equality and inclusion. It works with race-based organisations on recruitment, and for its modern apprenticeship programme it targets minority ethnic students. What other approaches have been taken and why have they been successful?

**Claire Marr:** I will not go over it again, but the graduate development programme that I talked about in a previous answer is a good example of a successful approach.

The future leaders diversity conference is a positive action initiative whose aim is to raise the profile of the graduate development programme that is run in the Scottish Government as well as other civil service graduate opportunities. It is targeted at minority ethnic people, disabled individuals and those from a socioeconomically disadvantaged background. In 2019, we had 35

attendees and received extremely positive feedback, particularly on the opportunity to have open-door access to the organisation, find out more about its role and get advice on preparing for applications. We also assigned a Scottish Government mentor to everyone, and participants found that very beneficial. We plan to hold an event later in 2020, albeit that it will be online this year, and we are aiming to have around 50 participants.

**Uzma Khan:** Through our social mobility organisation, we take part in the career ready scheme, which targets certain protected characteristic groups that we are interested in reaching out to. I have spoken to a few individuals who have come in through the scheme. It was extremely valuable to hear about their experience, about their understanding of the journey into their internship, about how they found the place, and about the everyday difficulties and challenges with entry and access that people face; it reminded us how many barriers exist just to get people in through the door. We also take part in a number of race conferences, and we host our own every year. We have brought in school pupils to showcase to the rest of our organisation what young people think about the civil service and what comes into their minds when they think of the civil service as an employer. We spend a lot of time trying to improve the culture of our organisation. We have staff ambassadors who can go and credibly say to the communities, "This is a good place to work and it is flourishing and vibrant for our staff." We invest a lot in the culture.

In the programme of events in the race equality network this month, we have an allies event and a book club that helps people talk about race. We are doing a number of things to help us think about how to project ourselves as an inclusive and diverse organisation.

**Gillian Martin:** You are clearly taking a lot of positive action. You have talked about a lot of programmes in response to questions from my colleagues. How do you assess how successful the various programmes are when you are working with people who have been through them? Also, how do you assess how well retention and progression are working as people move on in the Government

**Claire Marr:** We evaluate the graduate development programme at every stage of the process and ask applicants and candidates for their feedback. What we have learned, and have shared with other areas in the organisation, is that it is important to be very clear about who you are targeting and that a marketing strategy has to be tailored to the different channels to reach all the candidates.

As I mentioned, we found that selection and testing are a critical area, because there is an opportunity for bias to come in there, and we have made some changes as a result. The offer and onboarding stage, which comes after selection, has a very big impact on the impressions that are formed by people who are joining the organisation.

10:45

Finally, it is important to take the time to engage with and understand the barriers that applicants may face.

I referred to the future leaders conference. In the feedback that were sought from colleagues who were there, words such as, "inspiring", "energising", "demystifying" and "generating warmth and connection to the Scottish Government" were cited. Most attendees intended to apply for the graduate development programme and most felt more prepared and confident as a result of attending. The bottom-line impact was that 11 per cent of attendees at the conference went on to secure either a place in the programme or a near-miss appointment to band B.

**Gillian Martin:** Claire Marr, you are giving us a picture of what has worked and what measures you have taken. Are there any positive action measures that you tried but found did not work and so have moved away from. If so, what were they and why did they not work?

**Claire Marr:** I would have to check. I joined the organisation in late February and do not have first-hand experience of that, but I am very happy to go away and check it and come back to you.

**Gillian Martin:** I wonder whether Uzma Khan has any reflections on any of those questions.

**Uzma Khan:** Perhaps not directly on positive actions that we have moved away from. However, picking up on the point that Claire Marr made about interrogating our graduate programme and our assessment of candidates as they go through the various stages of interview and recruitment, I note that those results are shared with the race equality network and we get a chance to peer review them from our point of view and challenge the Government and our HR on what we think is not working for ethnic minority colleagues. For example, we know that there is a higher dropout rate after psychometric testing. We have pushed internal discussions on whether there is a better way to recruit that looks at tests that might be a bit fairer or takes into account things that might improve the chances for ethnic minorities and make them more equal, as opposed to trying to understand why there is a greater dropout rate for certain groups at certain stages of the process. Our HR colleagues have been very good at taking

those things away and looking for better ways of implementing parts of the recruitment process.

**Gillian Martin:** Can I probe a little bit deeper on what you said about psychometric testing? You said that there was a dropout rate after psychometric testing. I have been through recruitment processes in which psychometric testing has been a factor, and it is usually done before an interview. What is your analysis of why that happened?

**Uzma Khan:** I think that it is common. There is quite a lot of evidence in the public domain about ethnic minority outcomes and psychometric testing, but I do not feel that anybody has a strong handle on understanding the reasons. You are absolutely right in saying that psychometric testing happens before you get to the interview stage. We know about the dropout rate from our sift process in the graduate development programme as people move through the stages—the application rate compared with the proportion of minority ethnic success as applicants go through psychometric testing and then through to final interview. We need to understand why certain protected characteristic groups might fall out at certain stages. We know from the evidence that there seems to be a disproportionate impact at the psychometric testing stage. I know from going through the fast-stream process that there is also evidence of the same thing happening there. I know that my colleagues in HR have been looking at what sorts of tests might be better than the ones that we have used in the past. There is a range of psychometric tests that you can use—personality tests, numerical tests and so on—and we are trying to understand which work better.

**Gillian Martin:** You have obviously identified people dropping out as an area of concern. Does the organisation get in touch with the dropout candidates to ascertain what made them drop out? Similarly, do you contact unsuccessful recruits to give them feedback and assistance if they were to apply in the future?

**Uzma Khan:** I will defer to Claire Marr on whether we follow up with unsuccessful candidates throughout the recruitment process. Claire, I do not know whether you want to shed a bit more light on our practice in following up with unsuccessful candidates.

**Claire Marr:** For something like the graduate development programme or the band B recruitment, which are both campaign approaches, we would go back to the candidates and give them an opportunity to give feedback.

**The Convener:** What sort of feedback have you had from them and how has it influenced your practice? The folk we are missing are as important

as the folk we are catching and you are getting on board.

**Claire Marr:** Yes. Again, I would like to check this, if that is okay. I think that there has been feedback about needing to be clearer about the kinds of roles that applicants would be in if they were successful in coming on to the programme. I think that the criteria that were cited in the job descriptions as desirable and essential could have been simplified. Again, I will double-check that and come back.

**The Convener:** Thank you; we would appreciate that. That would be helpful.

**Alexander Stewart:** It is very obvious that the Scottish Government wants to do all that it can to have a very diverse workforce, and training is a vital part of ensuring that we have diversity and equality. What diversity and equality training do new staff receive? Are there any specific roles in the organisation that require more diversity and equality training? What kinds of refreshers are staff given to ensure that they have up-to-date understanding and knowledge about diversity and equality as they go through the organisation?

**Claire Marr:** We currently offer and mandate two solutions for new colleagues. The first is a digital learning solution from the UK civil service learning platform on diversity and inclusion. The second is part of an event that we hold for all new arrivals to the organisation called foundation day, which essentially introduces new colleagues to the organisation. Colleagues from ethnic minorities deliver the diversity and inclusion session, and they give us an overview of the different types of discrimination that people may face and the steps that the organisation is taking to build a more inclusive culture.

I am conscious that you asked a couple of other questions. Could you repeat them, please?

**Alexander Stewart:** Are there any roles in the organisation that require specific training and what kinds of refreshers are given to employees who have been with the organisation for some time?

**Claire Marr:** On the roles that require specific training, that is definitely an area that we are going to look at as part of our plans to refresh our overall diversity and inclusion education curriculum. The feedback that we get on the training is very positive; the feedback is that the training is interesting, thought provoking and informative but it is not necessarily contextualised to individual roles and is therefore not personal. We will look at that as part of our “Starter for Ten” action plan.

We have also identified how often individuals have to refresh their training as part of the diversity and inclusion curriculum that we want to

look into because, at the moment, there is no requirement for it be regularly retaken

**Alexander Stewart:** Individuals who want to join the organisation can identify the culture of the organisation, but how do you reflect it in the training that you provide? How do you ensure that the culture is perceived, captured, and presented so as to ensure that individuals feel that your training programme is giving them the opportunity to participate and to see progress?

**Claire Marr:** It is probably a little bit harder when we are using the generic programme that was developed and is owned by the UK civil service. It is more easily done with our foundation day welcome event, because we control the content. We develop that content with consultation and in partnership with our diversity and inclusion networks and it is delivered by our minority ethnic colleagues, so it is not just purely a diversity and inclusion team forum event and content.

**Alex Cole-Hamilton:** Good morning to our colleagues from the Government. I have two questions. The first is about the adoption of any schemes that you might have in the Scottish Government that might encourage people through internships. We know that the Scottish Parliament already has an internship scheme with Inclusion Scotland to promote employment opportunities for people with disabilities. Do you have something similar in the Scottish Government and have you given any consideration to an internship scheme for people who are BME?

**Claire Marr:** We are currently reviewing our talent and capability offering for targeting specifically at minority ethnic colleagues. Again, we will do that in partnership with the race equality network. We already do some great stuff, some of which I have referenced, and we also draw on some of the UK civil service programmes, but there is certainly more to do.

We participate in the UK civil service summer diversity internship programme, which creates opportunities for students who identify as minority ethnic, disabled or from socially disadvantaged backgrounds to come in and get some experience. As an organisation, we host a number of interns every year.

**Alex Cole-Hamilton:** My second and final question is about the processes that you adopt through HR so that you can do a deep dive or have a dashboard as to how many people each year or each month you are recruiting from BME backgrounds. What happens to the people who do not make it and who do not qualify or pass for interview? What sort of internal review do you do as to the reasons why and what follow-up communication and feedback do you offer?

**The Convener:** We covered a wee bit of that in the last question, but Claire Marr can answer if there is more to add.

**Alex Cole-Hamilton:** You covered that, but is there best practice that we could reach for? Are you looking at any other industry standards?

**The Convener:** Claire, we will come to you as the HR person.

**Claire Marr:** Again, yes, we tend to do that for campaign-based recruitment. We want to look at doing more for our business-as-usual recruitment for less senior roles.

**The Convener:** Uzma, do you have anything to add from the perspective of your role?

**Uzma Khan:** I have nothing more specific to add except that we have processes in place so that every candidate, regardless of their protected characteristic, will get feedback on their application if they have been unsuccessful.

**The Convener:** Thank you very much. That concludes our questions and our evidence session for this morning. We would appreciate it if you were able to send in the information that we spoke about earlier. Of course, if there is anything that you did not get the opportunity to say that you would like to share with us, we would welcome that too. Thank you very much, both of you, for taking part this morning.

That concludes the public part of this morning's meeting. The next meeting of the committee will be on Thursday, 1 October, which will be our first oral evidence on pre-budget scrutiny 2021-22. As previously agreed, we now move into private session.

10:59

*Meeting continued in private until 11:25.*



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