

# Bòrd na Gàidhlig Equalities Report 2017

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## 1. Introduction

The Equality Act 2010 (Specific Duties) (Scotland) Regulations (the Regulations) places a number of obligations on Bòrd na Gàidhlig with regard to publishing progress on mainstreaming the public sector equality duty (PSED) and with delivering the outcomes the organisation has set. These Regulations were subject to amendments in both 2015 and 2016, which have placed additional duties on Bòrd na Gàidhlig to publish statements on equal pay and information about board members.

This report sets out the information required by these duties and provides a summary of progress with addressing responsibilities under the Equality Act 2010. There are four sections:

- i. Progress with mainstreaming;
- ii. Delivering the organisation's outcomes. This section includes information on the development of the outcomes that Bòrd na Gàidhlig will be working towards for 2017 - 2021;
- iii. Equal pay statements;
- iv. Information about Bòrd na Gàidhlig members.

## 2. Mainstreaming

Bòrd na Gàidhlig continuously strives to improve the way in which all aspects of furthering the equality of opportunity are integrated into the way in which the organisation operates, and is committed to ensuring equal opportunities for all. Furthermore, Bòrd na Gàidhlig is committed to providing a working environment that engenders fair and equal treatment of all staff, customers and other stakeholders.

The PSED is set out at section 149 (1) of the Equalities Act 2010 and requires public sector authorities to:

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

As reported since beginning the work on the duties in the Regulations, Bòrd na Gàidhlig has faced a number of challenges with regard to their work on equalities. These issues continue to impact the work being undertaken by the organisation and include:

- i. Bòrd na Gàidhlig's key role is to provide strategic direction with regards to Gaelic language development and the organisation has no direct services users;
- ii. Organisations that deliver services relating to the implementation of Gaelic language development strategies and policies do not generally collect data

- about users of services relating to Gaelic development (discussed further in Progress with Outcomes);
- iii. There are very few, if any, groups representing those that share one or more of the protected characteristics, who are also involved in Gaelic language development.

Mainstreaming offers an opportunity to ensure the needs of a diverse a range of people as possible inform the development of strategies for service provision. Inclusion and diversity are vital to Bòrd na Gàidhlig's success in delivering core function and services, and the importance of embedding all aspects of the PSED is recognised in the new National Gaelic Language Plan 2017 - 2022 (NGLP). Development of the NGLP is one of the key tasks of Bòrd na Gàidhlig, which is laid down by legislation and requires approval by Scottish Ministers. It is a fundamental strategy that should inform other organisations' decision making when developing Gaelic language service provision, and is therefore potentially highly influential in how others chose to deliver services.

The work on the NGLP included a significant volume of development work that considered how equalities can be better addressed, in particular, the lack of data and information available to Bòrd na Gàidhlig. It is also planned to have a section on equalities that has been designed to encourage public authorities to ensure Bòrd na Gàidhlig is kept fully informed about equalities-related aspects of provision that are affecting Gaelic development. The new NGLP is scheduled to be published in June 2017.

The NGLP commits to undertaking a comprehensive programme of data gathering to identify inequalities. Some of this work is discussed further below as it is intended to monitor the success of these changes through some of the outcomes that have been set for the new reporting period.

Much of the other work towards mainstreaming has focussed on embedding the principles of advancing the equality of opportunity and ensuring the initiatives that have been implemented are achieving their objectives through:

- Raising awareness of equalities;
- Continued integration of the equalities policy into relevant organisational policies and procedures up to and including board level;
- An impact assessment of all HR working policies, and the introduction of procedures to review policies for opportunities to address potential equality issues as and when each policy is reviewed and updated;
- Ongoing collection of equalities monitoring forms for recruitment, leavers and current staff, and individuals receiving funding from the Bòrd na Gàidhlig.

The ultimate aim of the mainstreaming initiatives remains the integration of the requirements of equalities legislation into the day-to-day activities of Bòrd na Gàidhlig, and the progress with each of the areas identified as delivering this aim is detailed at Appendix 1. Many of the initial actions required to implement legal requirements are complete although the review and monitoring of their success is ongoing.

### 3. Delivering Outcomes

This section has two sub-sections: the first describes progress with current outcomes, and the second discusses the development of the outcomes proposed for the next four years.

#### 3.1 *Delivering Outcomes 2013 - 2017*

In addition to compliance with the Regulations, the initial outcomes set by Bòrd na Gàidhlig were designed to:

- Facilitate compliance with the PSED;
- Identify where further consultation may be appropriate;
- Begin gathering data about equalities with a view to ensuring the organisation is in an informed position to accurately assess the success of equalities initiatives, as well as having the necessary information to determine the need for any positive action.

As highlighted above and in previous reports, the rate of data collection in some areas is very low, and the challenges in collecting accurate data is compounded by the fact the Bòrd does not have any direct service users. Bòrd na Gàidhlig's role, which is laid down by the Gaelic Language (Scotland) Act 2005, is primarily involved with developing strategies and policies to develop Gaelic language. These are subsequently used by other organisations to inform Gaelic language initiatives. Consequently the organisation is almost totally reliant on intermediary organisations, not all of which are in the public sector, to implement strategy and policy changes, as well as gather and then make available information regarding equalities monitoring.

Bòrd na Gàidhlig set 4 outcomes. Each of the outcomes is stated below with a brief summary of outputs and achievements.

#### **Outcome 1**

*Allocation of funding for individuals (currently funding for teacher training) has the same representation from groups with protected characteristics as in the general population.*

Bòrd na Gàidhlig implemented procedures to capture equalities information about individuals that are awarded funding (currently one teacher training scheme). It should be noted that people are eligible for funding from Bòrd na Gàidhlig only once they have been offered a place on a teacher training course. Consequently those that are eligible to apply for funding may not be representative of the general population in the first instance. No statistics have been available for comparison purposes during the reporting period.

The return rate for 2017 was very low ( $\leq 5$ ). While there will always be a non-return bias to take into consideration, the collective of returned forms are taken as being generally representative of those in receipt of funding from the Bòrd. When taken into consideration with the previous returns, there is evidence to suggest that there continues to be an opportunity to implement measures to increase representation from some groups of protected characteristics, in particular those in ethnic minorities. However, there remains

insufficient returns to conclude that the representation of any group that share one or more of the protected characteristics is below that in the general population.

This work will continue although will be integrated into mainstreaming activities from the end of this reporting period. Work will also begin on developing initiatives to increase the percentage of returned forms given the drop in return rate.

## **Outcome 2**

*Bòrd na Gàidhlig will have a diverse, talented and motivated workforce that reflects, at all grades, the diverse communities being served.*

Bòrd na Gàidhlig has implemented procedures to capture equalities information about staff during the recruitment process, and from leavers. Currently all staff attend a number of staff training and development days each year.

The turnover of employees at Bòrd na Gàidhlig remains low with only a small proportion of those returning equalities information. While the returns do not suggest any specific issue that requires further consideration, the very small numbers should not necessarily be assumed to be indicative of those joining and leaving the organisation. With the low turnover it has not been possible to develop a meaningful dataset, with less than 10 returns for the combined reporting period.

As a result of the low returns, other forms of monitoring have been introduced and exit interviews are conducted with staff which are used to identify any employment matters that may require action. This work will continue although will be integrated into mainstreaming activities from the end of this reporting period together with a new initiatives to examine how the percentage of returns can be improved.

## **Outcome 3**

*Using information gathered from other public bodies submitting Gaelic Language Plans, identify key issues facing those with protected characteristics accessing Gaelic services across Scotland.*

The vast majority of the Gaelic language development and cultural services provided across Scotland are provided by other organisations. Many of these will be public sector organisations with Gaelic Language Plans (GLPs), all of which are required to contribute to delivering the NGLP.

To initiate work on this outcome, a research project was commissioned with one of the aims being to establish what information public authorities were gathering in relation to Gaelic language and equalities. As reported previously, this research determined that there is very little monitoring of equalities in relation to Gaelic services and therefore there was little tangible progress with this outcome.

The lack of information and reliable data continues to create major complexity for Bòrd na Gàidhlig, significantly limiting its ability to make informed decisions about where to invest resources with regard to work on equalities. As detailed above, the issues identified while

working towards this outcome resulted in a work stream on equalities being undertaken during the preparation of the new NGLP. This included a commitment to creating mechanisms through which more comprehensive and reliable data could be gathered.

The new NGLP will also introduce changes to the information that public authorities will be required to submit as part of their GLP. A new outcome has been formulated for the next reporting period that relates to this work, and further details are provided in the next subsection.

#### **Outcome 4**

*Those with some Gaelic ability from non-white ethnic groups will have the same representation as in the general population within their area, in all geographic areas of Scotland.*

As stated in previous progress reports, this outcome will require work over a significant period of time reflecting, at least in part, the length of time it takes to become proficient with a language. Initial findings suggested there is very little data available, and this was supported by the major piece of research undertaken since setting the outcomes, discussed under the previous outcome.

This outcome remains an important priority for Bòrd na Gàidhlig and, supported by the work on the new NGLP, it is intended to continue to working towards this outcome over the next four year period.

### **3.2 Setting Outcomes for 2017 – 2021**

As required by the Regulations, Bòrd na Gàidhlig has formulated outcomes for the next four year period. The development of these outcomes took into consideration:

- The opportunity for equalities outcomes to support delivery of the new NGLP;
- The limited availability of data and information to make informed decisions about advancing the equality of opportunity;
- Improving engagement of those that work with Bòrd na Gàidhlig in equalities issues;
- Addressing issues that were identified in the work that has been completed to date;
- Relevant technical guidance and self-assessment toolkit issued by the Equalities and Human Rights Commission (EHRC).

Bòrd na Gàidhlig has developed three outcomes for the next reporting period and the evidence used to formulate these outcomes is discussed further under each outcome below.

As highlighted above, the development of these outcomes was integrated with the work on the new NGLP, which was managed by the Policy and Delivery Committee. Appropriate consultation continues to present a major challenge to Bòrd na Gàidhlig. However, the new NGLP was issued for consultation, which was widely promoted and endeavoured to engage as many interested parties as possible. Additionally people are often encouraged to provide feedback and comments through various initiatives managed by Bòrd na Gàidhlig, which are then reviewed for equalities-related issues.

The new outcomes were approved by the board on 8 March 2017.

### **Outcome 1**

Bòrd na Gàidhlig regularly commissions research that integrates equalities-related objectives where appropriate.

Work with adult learners of Gaelic indicated that 6% of learners consider themselves to have a disability. Using work commissioned by the EHRC, the percentage of adults learning Gaelic that considered themselves disabled was slightly higher than the overall percentage for adults learners with a disability in Scotland, although fell short of the national figure for those that consider themselves disabled within the general population in Scotland, which was reported as being 20% in the 2011 census.

To address an equality of opportunity identified for adult learners, Outcome 1 is to:

**Through strategy and policy formulation, increase the proportion of adult learners of Gaelic that consider themselves to have a disability.**

The measure that will be used to monitor delivery of this outcome is:

- i. The number of adult learners that consider themselves to have a disability reported in the annual survey of adult learners.

The target is to:

- i. Achieve successive increases in the representation of those that consider themselves to have a disability before the end of the reporting period.

### **Outcome 2**

To address the issue of lack of reliable and accurate information relating to equalities, the NGLP aims to introduce new mechanisms to capture a range of equalities-related information from organisations submitting GLPs. It is intended to gather information that can inform policies and strategies that will primarily advance equality of opportunity and promote positive action, although also aims to identify best practice that can be shared with others.

To enable Bòrd na Gàidhlig to effectively address all aspects of the PSED, and be in a position to identify and address equalities issues affecting those speaking, using and learning Gaelic through future strategy and policy development, Outcome 2 is to:

**Create a map (or equivalent list by area) of equalities issues affecting those speaking, using and learning Gaelic across Scotland, which can be used to inform future outcomes as well as corporate strategies and policies.**

The measures that will be used to monitor delivery of this outcome are:

- i. The number of equalities submissions included with GLPs;
- ii. The geographical coverage of information received.

The targets are to:

- i. Achieve an annual 80% return rate for equalities submissions included with GLP returns by public authorities by the end of the reporting period;
- ii. Capture or gather information on issues with Gaelic-related service provision impacting equalities for at least 50% of local authority areas by the end of the reporting period.

The information will be obtained from public authorities submitting GLPs for approval, both for new GLPs and those submitted for review. It is intended to make this work available to all public authorities developing GLPs, together with examples of best practice, to ensure the work can be used to directly influence opportunities for service users.

Bòrd na Gàidhlig also commits to evaluating the information received at least annually and setting interim outcomes, if the evidence suggests it is appropriate to do so.

### **Outcome 3**

The final outcome is based on an outcome from the previous set and looks to advance equality of opportunity. While it has been difficult to obtain data to report on progress, the next census will be conducted in 2021 and therefore progress with strategy and policy implementation can be assessed at that time. Outcome 3 is to:

**Increase the representation of those with some Gaelic ability from non-white ethnic groups in the geographic areas of Scotland where their representation is below that in the general population.**

The measure that will be used to monitor delivery of this outcome is:

- i. Census returns in 2021.

The target is to:

- i. Realise an increase in Gaelic ability from non-white groups in the geographic areas of Scotland where their representation is below that of the general population.

## **4. Equal Pay Statement**

Bòrd na Gàidhlig is committed to promoting and embedding equality of opportunity and diversity in all aspects of employment. We are committed to the principle of equal pay for all employees and aim to eliminate any bias in reward systems. This includes equality on the basis of gender, race, age, pregnancy and maternity, gender reassignment, sexual orientation, religion or belief, marital/civil partnership status, ethnic origin and disability.

To maintain the necessary confidentiality and comply with data protection legislation, detailed information has not been provided for any groups of employees where there are 5 people or less in any particular category. Consequently the average hourly rate can only be



reported for the organisation as a whole and as a comparison of males and females, although is monitored for all grades and by other protected characteristics.

There are currently 7 male and 14 female employees of Bòrd na Gàidhlig. The average hourly rate for females is 72% of the average hourly rate for males. All staff who undertake the same or similar roles are on the same pay scales, which are set by the Scottish Government.

## **5. Board Information**

There are currently 5 male and 6 female board members, who are appointed by the Scottish Government. Following a skills audit of board members and the introduction of a new recruitment process by the Scottish Government, 4 board members were appointed from the beginning of April 2017. Prior to that, from April 2016 to February 2017 there were 5 male and 5 female board members.

Bòrd na Gàidhlig actively promotes inclusion, diversity and equality at all levels of the organisation and makes information about board members and their salaries available from their website. Bòrd na Gàidhlig has begun work with the succession plan checklist and toolkit issued by the Scottish Government and has already implemented a number of measures to encourage diversity and promote equality of opportunity through the Board. A summary of initiatives being undertaken can be found at Appendix 2.

Over the next financial year, it is intended to formalise succession planning introducing a policy for any initiatives that are not already addressed through work on mainstreaming.

### **Note**

As well as taking action to meet the outcomes, the Bòrd is always looking to improve engagement with groups representing those with protected characteristics, particularly around the development of strategies for service provision across Scotland. Services users or those seeking to access Gaelic language development or cultural services are actively encouraged to contact Bòrd na Gàidhlig with feedback about any aspect of service delivery. Bòrd na Gàidhlig would particularly welcome comments from those representing groups of people with any of the protected characteristics.

## Appendix 1 - Progress on Mainstreaming Initiatives 2017

### Public Sector Equality Duty (PSED):

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

### Specific Duties:

1. Report on mainstreaming the equality duty
2. Publish equality outcomes and report on progress
3. Assess and review policies and practices
4. Gather and use employee information
5. Publish gender pay gap information
6. Publish statements on equal pay
7. Consider award criteria and conditions in relation to public procurement
8. Publish in a manner that is accessible

	Initiative	Activities	Outputs	Progress (YE 2017)
1	Staff training on equalities.	<p>Awareness raising sessions for all staff.</p> <p>Specialist training as and when the need is identified.</p> <p>Refresher training is scheduled as and when required.</p>	<p>Maintenance of awareness of equalities issues across all staff.</p>	<p>Initial action complete.</p> <p>All roles are continuously monitored to determine whether any specialist training is required, which will be provided as and when identified as part of the normal performance appraisal process.</p> <p>Ongoing work: to review the most appropriate format for training to maintain levels of knowledge and awareness about equalities for all staff and board members.</p>

	<b>Initiative</b>	<b>Activities</b>	<b>Outputs</b>	<b>Progress (YE 2017)</b>
2	Strategic promotion of equalities.	<p>Promotion of the equality policy and any equality initiatives eg staff equalities monitoring, encouraging consultation and involvement, one-to-one discussions with staff.</p> <p>Promotion of equalities at a national level.</p>	<p>Leading by example, staff understanding the importance of compliance with equalities legislation.</p> <p>Actively encouraging consideration of equalities at every appropriate opportunity including at national working and steering groups.</p>	<p>Initial action complete.</p> <p>Promoting equality of opportunity and initiatives to eliminate unlawful discrimination have been integrated into the development of Bòrd na Gàidhlig's Corporate Parenting Strategy and Action Plan (2016 – 2018). This sets out how Bòrd na Gàidhlig will carry out their corporate parenting duties and functions with regard to looked after children and young people.</p> <p>Ongoing work: continuously look for opportunities to promote equalities in strategic and policy development work undertaken by Bòrd na Gàidhlig, as and when appropriate. This work will include promotion of equalities at a national level.</p>
3	Conduct equality impact assessments (EqIA) when making key decisions, consulting and involving people from groups that may be disproportionately represented or affected as appropriate.	<p>EqIAs for:</p> <ul style="list-style-type: none"> <li>• each new strategy</li> <li>• funding streams</li> <li>• education policies (where owned)</li> <li>• National Gaelic Language Plan (NGLP)</li> <li>• procurement</li> </ul>	<p>EqIAs for all major decision making processes.</p> <p>Identification, resolution and/or initiatives to improve any aspects of service that may have disproportionate representation of those</p>	<p>Initial action complete.</p> <p>Ongoing work: assess strategies, policies and procedures as and when they are revised.</p> <p>The new NGLP includes a section on equalities and integrates inclusion and diversity into strategic aims of the Plan. It also introduces a mechanism through which information can be captured that relates to</p>

	<b>Initiative</b>	<b>Activities</b>	<b>Outputs</b>	<b>Progress (YE 2017)</b>
		<ul style="list-style-type: none"> <li>appropriate HR policies</li> </ul>	with protected characteristics.	<p>equalities and Gaelic service delivery.</p> <p>Continuously monitor and review Bòrd na Gàidhlig's procurement systems to ensure they conform to best practice guidelines.</p>
4	Reporting on equalities.	<p>Annual reporting on equalities initiatives:</p> <ul style="list-style-type: none"> <li>progress of mainstreaming</li> <li>progress towards equality outcomes</li> <li>staff equality information including equal pay</li> </ul>	Annual progress report.	<p>Initial action complete.</p> <p>Ongoing work: to publish an annual statement on progress with mainstreaming and delivering outcomes in each annual report.</p> <p>Changes to the Regulations require additional information to be included in the main report, some of which will be added to the summary in the annual report.</p>
5	Assess accessibility of external communication.	<p>Assess accessibility of:</p> <ul style="list-style-type: none"> <li>hard copy publications, including promotional material</li> <li>website</li> </ul>	Information that is accessible in a range of formats, media and language.	<p>Initial action complete: procedures implemented to ensure all external publications produced by the Bòrd na Gàidhlig are accessible as possible.</p> <p>Ongoing work: continuously monitor and review all Bòrd na Gàidhlig's communication for accessibility, ensuring it conforms to the most recent best practice guidelines on accessibility.</p>
6	Gathering feedback and evaluating for equalities	Complaints, recruitment, general service provision.	List of equalities-related issues that can be	Initial action complete: procedures have been implemented to monitor equalities for current

	<b>Initiative</b>	<b>Activities</b>	<b>Outputs</b>	<b>Progress (YE 2017)</b>
	issues.	Introducing an equality element to any reviews of policies, products or services.	improved within Bòrd. Review of policies and procedures where appropriate.	<p>staff, recruitment, leavers, those that receive grant funding from the Bòrd (individuals) and complaints.</p> <p>Ongoing work: as anticipated, numbers for many of these categories are extremely low and therefore forms will need to be aggregated across financial years to ensure the data collected and reported is meaningful.</p> <p>Complaints received during the past year were reviewed for any potential issues relating to equalities and no action was required.</p> <p>Monitoring of staff and funding monitoring forms to be integrated into mainstreaming activities and will be reported against in future mainstreaming reports.</p> <p>Monitoring forms to be reviewed during the next financial year to ensure they remain fit for purpose.</p> <p>During the next financial year, Bòrd na Gàidhlig will look at ways in which the percentage of returned of monitoring forms can be increased.</p>

	<b>Initiative</b>	<b>Activities</b>	<b>Outputs</b>	<b>Progress (YE 2017)</b>
7	Requiring implementation of an equality policy by service delivery partners not already subject to equalities legislation.	Update contract clauses.  Review service delivery partner policies.	Awareness raising and promotion of equalities to suppliers.  Consistent approach to equalities, regardless of organisation providing a service on behalf of Bòrd.	There continues to be changes to the way in which Bòrd na Gàidhlig works with service delivery partners and this activity remains under constant review.  Ongoing work: equalities training and awareness raising will be provided to service delivery partners at the next opportunity.
8	Gather data from groups where available, introduce questions on application forms about the purpose of the group.	Update application forms with an additional question relating to equalities and provision of services specifically for groups with protected characteristics.  Collate data.	Information relating to groups providing services to groups with protected characteristics to inform future decision making.	Questions have been added to application forms for funding that refer to inclusivity.  Ongoing work: further work may be considered for some types of groups once the new NGLP is approved, and/or if it is identified as required.
9	Introducing a statement of best practice on equalities for groups receiving Bòrd funding.	Develop a statement of best practice.  Distribute and promote statement to groups.	Promoting equalities. Raising awareness of the needs of those with protected characteristics to those providing a service using Bòrd na Gàidhlig funding.	Due to changes in the way in which Bòrd na Gàidhlig works with service delivery partners, this remains under review.  An equalities workshop for service delivery partners is scheduled for the next financial year, and this activity will be taken forward on completion of that workshop.

## Appendix 2 – Succession Plan Checklist

Issue	Implemented?
<b><i>Analysis of current Board</i></b>	
Summary of skills audit of current Board	Y
Summary of gender composition of Board	Y
<b><i>Strategic forward look</i></b>	
Summary of key outcomes of the long-term strategy/corporate plan	Y
Summary of skills needed to support delivery of the long-term strategy/corporate plan	Y
Overview of target groups with the skills and diversity that are needed	In progress
<b><i>Action plan</i></b>	
<b><i>Increasing awareness</i></b>	
Make use of technology (social media, video clips) to appeal to and engage with diverse groups	Y
Publish profiles of Board members on your public body's website, focusing on value added by their diversity	Y
Encourage Board members with protected characteristics to volunteer as role models and take part in relevant communications	In progress
Encourage and support Board members to be visible and use their contacts or networks to promote Board positions and the work of the Board(s) they are on	In progress
Promote the work of the Board and Board positions via staff	Y
Ensure that the Board's future needs are highlighted in regular corporate publications	Under consideration
Engage with relevant equalities organisations to seek their advice on outreach and addressing potential barriers to participation	In progress
<b><i>Training and development</i></b>	
Encourage attendance in training and development events organised by the Scottish Government	Y
Use co-option to build capacity in individuals, encourage diversity and identify skills	Y
<b><i>Board structures and processes</i></b>	
Establish a process for evaluating the skills, knowledge and experience needed in future	Under consideration
Identify and remove any potential barriers to opportunities such as how Board papers are presented, timings of meetings etc	Y
Ensure that the Board is kept up to date with any new developments in equality and diversity relevant to its work	Y
Ensure Board members, including the Chair, who sit on selection panels participate in relevant training on how to recognise and manage diversity issues that arise during appointment rounds, for example how to mitigate the impact of unconscious bias	In progress