



Close the Gap response to the Social Security Scotland Draft Equality Outcomes Consultation

February 2020

INTRODUCTION

Close the Gap is Scotland's expert policy advocacy organisation working to close the gender pay gap. We work with policymakers, employers and employees to influence and enable action that will address the causes of women's inequality at work.

Close the Gap welcomes the opportunity to provide input on the development of Social Security Scotland's first set of equality outcomes, as required by the Scottish Specific Duties.

EVIDENCE ON WOMEN'S EXPERIENCES OF SOCIAL SECURITY, AND WIDER INEQUALITY

Social security has a significant impact on women's labour market, economic, and wider inequality, on their ability to participate in paid work, and their experiences of unpaid care and violence against women. Women are twice as dependent on social security as men, with 20% of women's income coming from the benefits and tax credit system, compared with 10% of men's¹.

Contributing factors include women's pre-existing economic inequality and their greater propensity to having caring roles. Women's employment is increasingly precarious, contributing to women's higher levels of in-work poverty. In Scotland, the gender pay gap is 14.3%², with women comprising the majority of low-paid workers. Women perform the majority of unpaid caring

¹ The Fawcett Society (2006) *Who benefits? A gender analysis of the UK benefits and tax credit system*

² Close the Gap (2020) *Gender pay gap statistics*

roles³, and 74% of Carer's Allowance claimants are women⁴. Women are twice as likely to give up paid work in order to care⁵.

Close the Gap's response to the Social Security Committee inquiry into social security and in-work poverty contains further evidence on women's different experiences of social security⁶.

GENERAL COMMENTS ON THE DRAFT EQUALITY OUTCOMES

As these are Social Security Scotland's first equality outcomes, which will underpin the organisation's Equality Strategy, it is of crucial importance that the set of outcomes is clear on the changes it wishes to achieve, and centred on focussed, tangible and measurable objectives which seek to address the specific barriers and inequalities faced by different protected groups.

The consultation seeks to ensure that the equality outcomes are "Focused rightly towards making practical improvements and on addressing inequality" and "Clear on what we aim to achieve and how we can measure and demonstrate this"; however, it is not clear how the draft equality outcomes set out will achieve these aims. The draft outcomes proposed are insufficient to address gendered inequalities in experiences of social security.

The draft outcomes are generic, vague and non-specific. There is no evidence of consideration of different protected groups and the barriers and issues which affect them. With regard to women's different experiences of social security, it is of great concern that the development of these outcomes does not appear to have taken a gendered approach. Women represent 52% of the population and are represented in every other protected group. It is therefore essential that Social Security Scotland places due regard on gender inequality and takes an intersectional approach in its work under the public sector equality duty.

³ Skills for Care (2012) *Carers Matters – Everybody's business* available at <https://www.skillsforcare.org.uk/Document-library/Skills/Carers/Partone.pdf> Accessed February 2020

⁴ Carers UK (2014) *Caring and Family Finances Inquiry: Carers struggling with alarming levels of hardship* available at <https://www.carersuk.org/news-and-campaigns/press-release-rss/580-nation-s-carers-struggling-with-alarming-levels-of-hardship> Accessed February 2020

⁵ The National Carers Organisations (2013) *Submission to the Expert Group on Welfare* available at <https://www.carersuk.org/for-professionals/policy/expert-comment/61-scotland/response/3286-national-carer-organisations-submission-to-the-expert-group-on-welfare> Accessed February 2020

⁶ Close the Gap (2018) *Close the Gap response to the Social Security Committee inquiry into social security and in-work poverty*

All of the draft outcomes state that they “cut across all protected characteristics”. Although the specific duties state that if a bodies’ set of outcomes do not address all protected characteristics the body should explain why, this does not mean that all individual outcomes must speak to all protected characteristics. The format of the draft outcomes proposed indicates a misunderstanding of the requirements of the duties.

In taking a homogenised approach, it appears that the Agency has not considered women’s different experiences of social security, nor the wealth of evidence available on this and wider gender (and other) inequalities. The draft outcomes, and the consultation document, only mention gender once, in reference to the requirement to publish its gender pay gap. As a result, it is not possible to identify which gendered inequalities the outcomes propose to address.

This generalised approach does not align with the principle of equalities work. The purpose of the duties and of equality outcomes is to respond to the different experiences of women and men. Treating ‘people with protected characteristics’ as a homogenous group sits in opposition to this purpose. An outcome which seeks to include all protected characteristics without addressing specific barriers is not relevant to the duties and is unlikely to deliver change for any protected groups. Equality outcomes which are generic and non-specific are also unlikely to support focused or effective action.

The same issue is evident in the statement that each outcome addresses all three parts of the general duty, which is unlikely to be the case. This assertion indicates a misunderstanding of the different parts of general duty and their requirements.

The draft equality outcomes included are not recognisable as equality outcomes as defined by the EHRC’s guidance on the duties⁷. Here, an equality outcome is defined as a description of “changes that result for individuals, communities, organisations or society as a consequence of the action”. An outcome is a change, for example an improvement or a reduction; a description of a generalised aim is not sufficient to meet the requirements of the specific duties.

⁷ Equality and Human Rights Commission (2016) *Equality Outcomes and the Public Sector Equality Duty: A Guide for Public Authorities, Scotland* available at <https://www.equalityhumanrights.com/en/publication-download/equality-outcomes-and-public-sector-equality-duty-guide-public-authorities>

Equality outcome 1, “Social Security Scotland will deliver a seamless service that is inclusive and where our clients are able to access the support they need”, is simply a reiteration of the very purpose of Social Security Scotland as an organisation. It is not the intended purpose of equality outcomes to describe the work of an organisation.

Similarly, equality outcome 5, “Social Security Scotland service is delivered through having established partnerships with relevant public sector, third sector and community bodies providing clients person centred advice no matter their circumstances”, reiterates part of the Agency’s Charter, but does not add any detail which would indicate how this work will speak directly to issues of gender or other inequality.

Equality outcomes 2, “Social Security Scotland will have a culture built on inclusivity where differences are supported, our people feel valued and they have opportunities to reach their full potential”, and 3, “Social Security Scotland will be an employer of choice and through our recruitment process we will look to build a workforce that is representative of the population of Scotland”, refer to inclusive culture and a representative workforce. However, they fail to address the specific barriers faced by women and other protected groups in the workforce and describe only the most basic equality principles required of an employer.

Equality outcome 4, “Social Security Scotland uses the equality data (evidence) collected from clients, our people and other sources to respond to feedback and continually improve the service provided to all clients”, commits to gather and use employment, and service user, data. As a new organisation, a commitment to developing effective data gathering systems which will identify any gender impact of policies, and different outcomes experienced by different protected groups, is welcome. However, this is a separate requirement of the specific duties, and equality outcomes should not duplicate other parts of the duty.

None of the equality outcomes set out are measurable. Close the Gap is therefore concerned that clear accountability on progress is not possible to establish. The measures set out offer no baselines, or targets, and do not draw on evidence on the known issues affecting women and other protected groups.

The actions set out are described as “Activities *that could* support achieving this outcome”. This indicates a lack of a strategic approach, and of a commitment to a specific action plan, with clear timescales and aims.

A number of the proposed activities describe actions which the organisation is required to deliver under its basic function, including “Delivery of the Social Security Charter”, without setting out how this will engage with the specific needs of different protected groups. There are also actions which reiterate separate requirements of the specific duties, for example publishing equality impact assessments. Close the Gap is concerned that there appears to be a lack of connection between the activities and the outcomes to which they are connected.

The standard of the equality outcomes set out, and the issues described in this response, indicate that there is a fundamental lack of understanding of the duties. The consultation document conflates mainstreaming and equality outcomes, which are two different things. Equality outcomes are specific changes or improvements you seek to achieve, while mainstreaming is how you ensure equality is embedded in everything you do. Equality outcomes themselves are not evidence of mainstreaming: evidence of mainstreaming is a separate requirement of the duty.

CONCLUSION

The experience of social security is heavily gendered, which has a significant impact on women’s economic and wider inequality. Women’s disproportionate reliance on social security, alongside their concentration in low paid work and provision of unpaid labour, places them at greater risk of deeper and more sustained poverty.

Social Security Scotland is required by the public sector equality duty to ensure that gender equality is mainstreamed in the development of their strategy and policy. This means that the advancement of gender equality must be identified as a key objective of such. Gender equality, and equality more broadly, should be central to social security design and delivery.

It is therefore of crucial importance that Social Security Scotland takes steps to ensure its equality outcomes, and wider equality strategy, are founded on a clear understanding of the duties, and of the barriers and inequalities experienced by women, and other protected groups. In their current form, the draft equality outcomes do not appear to have taken account of the wealth of

available evidence of women's different experiences of social security in Scotland and the UK, or on wider gender inequalities which are relevant to these experiences.

The Agency's equality outcomes should set out specific targets and how these will be measured, in order to ensure continued focus on delivery, and accountability. It is important to recognise that the duties are not solely about tackling discrimination, but about taking steps which will mitigate structural inequalities, in the Agency's functions as a service provider and an employer.

Close the Gap's experience is that generic commitments to equality rarely result in tangible action or change. It is therefore critical that Social Security Scotland uses its equality outcomes to address evidenced inequalities affecting women and other protected groups. Engagement with groups of people who share a protected characteristic is a requirement of the duty and should enable the development of targeted outcomes. However, it will not necessarily identify the most relevant areas of focus, nor engage with evidence of the structural inequality. In order to support this, it may be useful to undertake closer engagement with expert organisations working on characteristic-based inequality.

Close the Gap recommends that Social Security Scotland takes steps to fully revise its equality outcomes, utilising the available evidence on gender and other inequalities, with a view to supporting more targeted and tangible action to address the different barriers and inequalities affecting women and other protected groups.