Social Justice for a Heterogeneous Population? An Investigation into the Public Sector Equality Duty in Glasgow

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Abstract

Policy-making and service development tends to what has been called the 'ideal of impartiality' whereby difference between different population groups is reduced to unity. At the same time, inherent within equality law is an understanding that the population is heterogeneous, experiencing complex forms of injustice which require the opportunity for legal redress. The Equality Act 2010 includes a general duty on public authorities, the Public Sector Equality Duty (PSED), to have due regard to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups in relation to nine protected characteristics. Secondary legislation in Scotland has added significant additional requirements with the potential to transform the way that public authorities think and act about equality including duties to report progress on mainstreaming the equality duty, to publish equality outcomes and report progress and to assess and review policies and practices. The way that this secondary legislation has been conceptualised, interpreted and how it has informed planning and practice within public authorities has not previously been the subject of a body of research.

This thesis has sought to contribute to greater understanding about the potential of the PSED in Scotland by applying interpretive policy analysis to the application of the duty in one city, Glasgow. Interpretive approaches to policy focus on meanings that shape actions and institutions and draw on a range of methods to follow the objects, the language, the relevant actors and the acts associated with the policy. Within this context, an assumption has been made that a compound narrative about injustice, equality as constitutive of social justice and institutional change within the city can be derived by investigating meaning and action associated with the PSED from a number of different perspectives. Firstly, the framing and the discourses associated with formal texts required for compliance produced by five key institutions with responsibility for different facets of city life have been investigated critically. These five institutions are the Scottish Government, Glasgow City Council, the Glasgow Health and Social

Care Partnership, NHS Greater Glasgow and Clyde and the City of Glasgow College, selected for both their relationship to social structures which determine equality and for their responsibilities for its different dimensions. Secondly, the perspectives of three communities of meaning - those directly responsible for compliance, those indirectly responsible for compliance and advocates for social groups - have been gathered through the use of semi-structured interviews in order to compare and contrast their interpretations with the formal texts. Lastly, the meaning and actions associated with the mainstreaming requirement of the secondary duties have been considered in order to ascertain whether and how equality aspirations have shaped the strategic and operational responsibilities of Glasgow City Council, health and social care provision and further education in the city in relation to theories of urban justice.

The PSED was largely viewed as an important and beneficial piece of law, that there was no room for discrimination within the city and that equality across different social groups was an acceptable ideal. The duty was also viewed as a means of exerting pressure on public institutions both from within and from the outside to reflect on the meaning of equality and to consider the way that organisations both perpetuated and resolved inequality. At the same time, the opportunities afforded by the secondary duties to transform social systems and dimensions of equality were not met and as a consequence the potential for Glasgow to be a more just city for its heterogeneous population not realised.

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Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Signed

Printed Name

<u>List of Abbreviations</u>

ALEO   Arms-Length Organisation

COG   City of Glasgow College

CRE   Commission for Racial Equality

CRER   Campaign for Race Equality and Rights

DLR   Discrimination Law Review

DRC   Disability Rights Commission

EHRC   Equality and Human Rights Commission

EOC   Equal Opportunities Commission

EQIA   Equality Impact Assessment

GCC   Glasgow City Council

GCPH   Glasgow Centre for Population Health

GCPP   Glasgow Community Planning Partnership

GEF   Glasgow Equality Forum

GHSCP   Glasgow Health and Social Care Partnership

IJB   Integrated Joint Board

IPA   Interpretive Policy Analysis

JR   Judicial Review

NDC   National Disability Council

NHSGGC   NHS Greater Glasgow and Clyde

PSED   Public Sector Equality Duty

Chapter 1: Introduction

1.1 Background

This thesis has its origins in the application of equality law within one institution, NHS Greater Glasgow and Clyde (NHSGGC). The author had, for many years, a lead responsibility for formulating the compliance response to the requirements of the most recent iteration of the law, the Equality Act 2010, and the associated conceptual and practical challenges. This work stimulated a process of reflection about its meaning and its potential to transform lives which has been translated into the work for this study.

The Equality Act 2010 brought together 116 separate pieces of pre-existing legislation with the intention of harmonising, clarifying and extending the law. It included a general duty on public authorities, the Public Sector Equality Duty (PSED), to have due regard to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between different groups in relation to nine protected characteristics. Secondary legislation in Scotland, the Scottish Specific Duties, added significant additional requirements with the potential to transform the way that public authorities think and act about equality including duties to report progress on mainstreaming the equality duty, to publish equality outcomes and report progress and to assess and review policies and practices. In this respect, Scotland is significantly different from England where secondary legislation associated with the PSED places very limited additional requirements on public authorities.

Compliance with both the general duty and the secondary legislation within NHSGGC was not however straightforward, partly because of the multiple ways in which different members of the population experience discrimination and inequality, partly because equality is elusive and complex and partly because of a pre-disposition by the institution to equate equality with sameness. Despite these difficulties, the experience led the author to conclude that the PSED in

Scotland had the potential for placing the differential needs of the population at the heart of policy making and service provision in a way that had not been achieved before. Further, in a country which has developed a strong discourse on fairness and social justice since both devolution (Scottish Government, 1999, 2016) and in relation to the more recent debate around Scottish independence (Mooney and Scott, 2016), a piece of law which makes a presumption of heterogeneity within the population could surely contribute to this aspiration. A preliminary literature review identified a significant lack in both theorising about the PSED in Scotland and in empirical evidence about how it has been interpreted. This thesis aims to address this gap in both theory and knowledge.

1.2 The heterogeneous population

That the population is heterogeneous is both self-evident and complex. The most recent UK census, undertaken in 2011, provided a detailed snapshot of the demography of the population and its changing nature over time (ONS, 2012). Overall, the population of the UK was estimated at 63.2 million on census night of which 53 million lived in England, 5.3 million in Scotland, 3.1 million in Wales and 1.8 million in Northern Ireland. This was an increase of 4.1 million since the previous census in 2001. In terms of sex, 31 million people were men and 32.2 million were women. By age, 10.4 million or 16% of the total population were aged over 65, an increase of 1 million since the previous census but with no change in the proportion. Historical shifts in birth rate have however translated into an increased proportion of the population in the 60 – 64 year old cohort and the 40 – 49 year old cohort. In relation to race and ethnicity, the minority ethnic population comprised nearly 8 million, representing 14.1% of the total population of England and Wales rising from 7.9% in 2001. In Scotland, there had similarly been an increase in the minority ethnic population, rising from 2% in 2001 to 4% in 2011 with considerable regional variations. As a partial measure of disability, 10 million people or 18% were found to be limited by ill health in their daily activities in England and Wales (ONS, 2013) with a similar proportion (20%) in Scotland. Elsewhere, the Office for National Statistics has also classified the population into nine socio-economic categories or social classes that relate to occupational status. Higher managerial, administrative and professional

occupations are at one end of the scale and never worked or long-term unemployed are at the other (ONS, 2010).

Social divisions are embedded within the demography outlined above. These are regarded as socially constructed, long-lasting and sustained by dominant cultural beliefs. They create shared identities for members of the same category and, significantly, comprise an imbalance of opportunities and resources or inequalities between different groups (Payne, 2000). Historically, much of the theoretical focus for analysing division has been in terms of economic inequality and through the lens of social class. This however has been augmented over the past 50 years by arguments that other types of division or social identity have meaning and impact for individuals in their everyday lives which cannot be explained solely by their economic position (Young 1990, Fraser, 1997a, Baker et al, 2009). Social identity has been described as a 'specific kind of narrative in which people tell themselves and others who they are' (Yuval-Davis, 2010: 279). The roots of this wider conceptualisation lie in struggles by those groups whose experience makes them subordinate to others: women in relation to men, black and ethnic minorities in relation to the white population, disabled people in relation to those who are non-disabled, gays, lesbians and bi-sexual people in relation to the heterosexual population, older people in relation to younger people (Pincus 2006). The existence of social divisions has been partly acknowledged in the Equality Act 2010 which protects the following characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. From this also flows a categorisation, and now commonly used terminology, whereby individuals with these characteristics are organised into equality groups.

This thesis is using the construct of a heterogeneous population as a means by which the various configurations of demography, equality group formation and the experience of a range and intensities of oppressions can be encapsulated. Firstly, and very specifically, it is intended to act as a counterpoint to a range of perspectives which place the onus on homogeneity. This can be seen in a conventional view that equality is realised by treating everyone the same (Healy

et al, 2011:3), in the inclination by many policy makers who aspire to what Young calls the 'ideal of impartiality' in terms of decision-making, thereby rendering the population as homogeneous (Young, 2001), to what Marsella (2009) calls 'global monoculturalism' whereby powerful global corporations actively seek to minimise heterogeneity, and to the development of dominant cultures in the building of nation states where heterogeneity is subordinated (Kymlicka, 2008). Secondly, the use of the term and an understanding of diversity has gained some traction at the level of both national and organisational policy making and might be regarded by some as having gained acceptance in the popular imagination (Vertovec, 2012). It also creates a viable discursive space (Cooper, 2004) yet there remains a tendency for it to be used as a term to describe difference from a traditional norm rather than as a signifier of equality (Choo and Ferree, 2010; Walby et al, 2012). Recently, the term 'super-diversity' has been introduced in recognition that immigration from many diverse cultures brings a complexity to the locations where immigrants settle that is greater than previously experienced (Vertovec, 2007). As the *Institute for Research into Super-diversity* highlights, such movement and relocation of peoples raises important questions that emerge at the nexus of migration, faith, language, ethnicity and culture (University of Birmingham, 2014) and it is an undeniably important phenomenon. Although there is acknowledgement of other social divisions and the term describes a form of heterogeneity that acknowledges a new context for social policy, it nevertheless paints only a partial picture which is not sufficient for the scope of this thesis. Lastly, individuals are heterogeneous too, defined by combinations of class, gender, ethnicity, disability, sexuality and age. Using terms such as 'diversity' and 'difference' do not sufficiently reflect the intersections of different forms of discrimination and oppression that are thus experienced and about which there is growing awareness and theorising (Crenshaw, 1989, 1991; McCall, 2005).

1.3 From one institution to the city

Working to promote equality in the NHS was taxing both for the reasons alluded to but also because one institution alone cannot deal with the issues that lie behind the Ill health manifestations of discrimination and inequality. The site of

exploration for this thesis is therefore the city because of the significance of the city as a unit, politically, economically and socially. Cities both shape and are shaped by the lives of their residents and have been described as places where 'social differences are gathered together at unique scales and levels of identity' (Fincher and Jacobs, 1998:1). Many argue that the city is also the crucible for struggles for rights and entitlements (Harvey, 2008). How these conflicts play out and the extent to which city policy, urban planning and the activities that form city life respond to the heterogeneous population and what constitutes fairness and social justice is now subject to considerable analysis (Brenner et al, 2009; Marcuse et al, 2011; Fainstein, 2010). Young (1990) argues that the ideal of city life is an urban population and environment where social differentiation of groups features without adverse exclusions, where heterogeneity is accepted and diverse activities and uses of public spaces are adequately supported. Prince (2006), in considering what form a good city takes for disabled people, identifies a vision for all equality groups:

> 'Thus, a fundamental goal in the vision of an inclusive city is the prevention and reduction of discrimination that occurs when people are unfairly treated because they are viewed through the dominant culture as having a spoiled identity, because institutional practices disenfranchise them of a voice in politics and policy making, because the environment presents barriers and obstacles to their daily living and active participation in the market economy and civil society.' (Prince, 2006: para 36)

The subject city is Glasgow. Like all cities, Glasgow is characterised by heterogeneity. Successive waves of immigration have created an ethnic, cultural and religious mix. Its poor health record is both a cause and a consequence of significant levels of disability. The historical development of gender relations has resulted in Glasgow being described as having a strong masculine identity, the 'hard man' of repute. Prejudice of individuals and discrimination and inequality created by both national and local policy making are manifest in, for example, displays of sectarianism, under-representation of different equality groups in senior decision-making roles and the disproportionate experience of poverty amongst disabled people.

Against the backdrop and by contrast, Glasgow has also been at pains to present itself as welcoming to refugees and asylum seekers and to reflect an image of 'urbaneness, solidarity and self-confidence' (Barbehon and Munch, 2016:51). There have been successive attempts to promote equality through institutional measures such as the employment of women's officers within the City Council, support for anti-discrimination campaigns and establishment of equality networks. Not only NHSGGC but all the major public institutions within the city have produced the necessary compliance documents as required by the Equality Act 2010 and by secondary Scottish equality legislation.

1.4 Study aims

Drawing these themes together, the aim of this thesis is to 'bring something intelligent to real world policy making' (Wagenaar, 2011:10) for the heterogeneous population in cities. It recognises that the challenge of social justice and the role of equality within it can be classed as a 'wicked problem,' one that is complex rather than merely complicated and which requires interdisciplinary collaboration and perseverance to bring about effective change (Rittell and Webber, 1973; Grint, 2005, 2008). It is not therefore a forensic examination of a minute gap in knowledge or understanding but it is what Witcher (2013:3), in attempting to draw together many strands of thinking about social justice and equality, calls 'a wide-angled charting of the landscape.'

Policy and its effects are often considered from a scientific, positivist perspective and judged quantitatively in terms of, for example, costs and benefits, attitudes or survey measures (Yanow, 2007). Such approaches rarely get 'underneath' the policy to determine its meaning for those responsible for its application, whether this be an individual or an institution. The effects of policies on their recipients may be similarly downplayed or ignored (Yanow, 2007, Wagenaar, 2011). Interpretive policy analysis on the other hand focuses on meanings and actions and its aim is to both introduce an ethos and to draw on different methodologies which elucidate this ethos.

By taking an interpretivist approach to the politics and practice of compliance with the PSED, it is intended, as Sidney (2010:36) argues, to contribute to a greater understanding of 'identities and interests in cities, linking these to the nested contexts within which they make sense and considering whether, where and how actors and/or groups might prompt change.' The overarching research question that the study seeks to answer is **whether and how the Public Sector Equality Duty and the Scottish secondary duties enhance social justice within Glasgow.** This is elucidated in two ways, **firstly, by determining the meaning that can be attributed to compliance with the PSED and the secondary duties** and **secondly, by investigating how the meanings and actions associated with the secondary duties shape key city organisations with the greatest impact on social systems and dimensions of equality**.

1.5 Thesis approach

The thesis has taken a bricolage approach where bricolage is taken to mean the deployment of different strategies to research complexity (Kincheloe, 2005). This has been determined by two key factors. Firstly, there is the recognition that equality is a wicked problem which requires an open and transdisciplinary form of inquiry in which all forms of knowledge are brought to bear (Brown et al, 2010). Secondly, it takes account of the positionality of the researcher which is rooted in a career working on different aspects of inequality and what this means for organisational change. This has led to the view which is inherent in this study that the PSED has the potential to act as a catalyst for social and urban justice but that this requires the surfacing of knowledge 'in the liminal zones where disciplines collide' (Kincheloe, 2005:689) in order to make sense of this potential. Further, the author's experience has familiarised her with the range of actors who contribute to the conceptualisation of injustice in Glasgow and to the way that the PSED does or does not connect to this. From this experience has come the knowledge of differing attitudes and commitment which require investigation to establish their meaning and implications.

As a bricoleur therefore, the author has adopted a number of 'tools' which interdigitate with each other as the thesis progresses and which have enabled a

narrative about equality in Glasgow to emerge. The first of these has been the reflexivity of the researcher whereby there has been an iterative process of review and revision to establish a coherent inter-relationship between research aims, theory, methodology and method. Although difficult to capture, this process has determined the sequencing of the thesis, the approach taken to the findings and the construction of the final conclusions. The second has been to draw salience from multiple and multidisciplinary literatures in the fields of social theory, human geography, urban studies and equality law sourcing these through a set of key words; social justice; equality and fairness; social identity and social groups; cities and the urban and; equality legislation and policy. This has culminated in a set of sensitising concepts drawn from across the literature review which acts as one means by which data is collected and analysed from multiple sources. The last tool is the choice of methodology and associated methods and sampling strategies. In its concern with situated meaning, context and subjectivity the use of Interpretive Policy Analysis allows questions to be asked of the symbols of compliance with the PSED by a sample of public authorities, the formal texts, but also of groups of actors who are associated with the PSED in different ways and who bring different levels of power to its interpretation and application. It also legitimises investigation of other textual data associated with the authorities concerned to determine meaning that can be ascribed to specific requirements of the PSED thereby surfacing both the complex ways that it connects to their responsibilities and the silences.

1.6 Thesis outline

In the spirit of this form of inquiry, **chapter two** grounds the thesis within a frame of social justice drawing firstly on a summary of contemporary evidence to summarise the nature and range of injustice that is borne by the heterogeneous population. Its aim in doing so is to make clear that there is a case for policy and action. Different perspectives on of the causes of injustice are then considered before presenting an overview of the utility of social justice theory as it relates to the heterogeneous population, critically exploring contrasting views on the relative significance of cultural recognition and economic redistribution as the routes to greater fairness and equality.

Chapter three turns to the city. After briefly expanding on the rationale for using the city as a key site for social justice, it mirrors the previous chapter by reflecting on the urbanisation of injustice for the heterogeneous population before considering the relevance of theories of urban justice for furthering the aim of equality. It includes a consideration of conceptual and tangible examples of how change might or has been realised within cities and concludes by turning its attention to the context for social justice in cities in the UK, especially those, like Glasgow, that have significant economic, social and cultural implications for their region or country.

The focus of **chapter four** is to consider critically how the PSED might be considered as a tool for promoting social justice. Whilst there is evidence that public duties can create a discursive space for problem solving (Woodhams and Corby, 2007; Richardson and Munro, 2013), its role in public life appears to be murky. By tracing successive waves of anti-discrimination and equality law, this chapter seeks to describe how the complex interplay between a range of factors has contributed to its current iteration. Subsequently, it appraises the strengths and weaknesses of the current Act and the regulatory process that surrounds it and theorises how the nature of the secondary duties in Scotland create opportunities for systemic change within organisations and how this might be scaled up within the context of the city. **Chapter 5** explores in more detail the methodology of interpretive policy analysis and how this methodology has been applied to the research questions. It identifies which organisations bound by the PSED have been selected for study – Glasgow City Council, NHS Greater Glasgow and Clyde, Glasgow Health and Social Care Partnership and City of Glasgow College – and seeks to build on the themes identified through the literature review in order to gather meaning from both texts and actors.

The following three chapters consider the findings from the investigation that has been undertaken with **chapters six and seven** primarily concerned with the dialectic between the formal compliance documents for the PSED and the perspectives of officials responsible for the documents and representatives of organisations who advocate on behalf of equality groups. **Chapter 8** scrutinises compliance texts, interviews with politicians and decision makers and texts that

are associated with strategic aspirations for individual organisations in order to determine the relationship between the PSED, these aspirations and urban justice.

The final chapter returns to the principle research question and draws the findings together in order to present a social justice as equality narrative for Glasgow in relation to the themes that have been the basis for acquiring data. This will show how in terms of both social justice and urban justice theory there are strengths and limitations in both the understanding of the needs of the heterogeneous population and how the city is being shaped to take cognisance of these needs. Acknowledging also the strengths and limitations of the study, the chapter concludes with consideration of the implications of the study in the development of further theoretical and empirical work on the PSED. Policy implications of the findings and their analysis are also presented.

Chapter 2: Social Justice for a Heterogeneous Population

2.1 Introduction

This chapter is an exploration of the heterogeneous population, its experiences of injustice, theories as to why these patterns of injustice occur and the effectiveness of different conceptualisations of social justice in explaining both its causes and consequences. The principal aim is to examine critically the centrality of heterogeneity to social justice theory including the relative significance of cultural recognition and economic redistribution as the routes to greater fairness and equality. It concludes by briefly considering tangible frameworks for equality both as they relate to theories of social justice and in terms of their practical implications. It is recognised that there are extensive literatures for each component part of the chapter which cannot be considered comprehensively but its purpose is to draw salience from these in order to compose an argument about relevance and applicability.

2.2 The reality of heterogeneity - Experiences of injustice

By any yardstick, the life experiences of the heterogeneous population as defined in this thesis are not uniform. The aim of this subsection is to use selected evidence of three interlinked markers of injustice: prejudice, discrimination and inequality to describe briefly how these are manifested as everyday reality and that by implication, these experiences should constitute concern by policy makers. These markers draw on themes which dominate the inequality policy literature (See for example, Cabinet Office, 2007) but also resonate with popular understanding of the experience of being different from accepted norms. The focus is primarily on forms of identity with which recent equality legislation is concerned although it is recognised that there is a 'mutual shaping" between social identity and the ways in which economic power is mediated through social

class whereby each change the other at the point where they intersect (Walby et al, 2012). Because of the empirical focus of this thesis, the section draws on relevant, Scottish specific evidence where available.

2.2.1 Evidence of prejudice

Prejudice has been described as 'bias that devalues people because of their perceived membership of a social group' (Abrams, 2010:107). In their 2006 report for the Government Cabinet Office Equalities Review, Abrams and Houston, identified that overall, the British population was strongly committed to principles of equality and justice and that people generally viewed themselves as being unprejudiced, although there was apparently greater willingness to express prejudice towards some groups than others, immigrants being a notable example. Nevertheless, nearly half of the population indicated that they had experienced prejudice or discriminatory behaviour in the previous year and in complex ways. Negative experiences of being a black woman for example were evidenced as being qualitatively different from being just black or just a woman.

A more recent report aimed at assessing the extent of fairness in Britain by the Equality and Human Rights Commission (EHRC) has considered prejudice and attitudes to different social groups as one its subject areas (EHRC, 2011a). Its overall conclusion was that, despite increasing diversity in the population, Britain had generally become a fairer place when compared with the past, people had generally become more open and tolerant of diversity and more critical of the inequalities associated with it. The EHRC report cited evidence, for example, of a considerable weakening of stereotypical views about the role of women in the domestic sphere and a greater acceptance of homosexuality. By contrast, the Review noted an increase in the proportion of the population who thought there was more racial and religious prejudice than five years earlier.

The British Social Attitudes Survey indicates certain trends flagged up in the EHRC report have been maintained and show both a consistently more relaxed view about some issues (sexual orientation) with fluctuating views about others, most notably racial prejudice. The most recent survey (Kelley et al, 2017) raised

concerns about the persistence of racial prejudice in the face of a trend towards more socially liberal attitudes on other issues. To be disabled also prompts prejudice. Scope, a leading national charity supporting disabled people, has shown that negative attitudes towards disabled people still exist and that they are widespread. In another survey, 85% of the general public agreed that disabled people faced a little or a lot of prejudice whilst 67% felt uncomfortable talking to disabled people and 36% tending to think that disabled people are not as productive as non-disabled people (Aiden and McCarthy, 2014).

Hate crime, or crime 'motivated by malice or ill will towards a social group' (Police Scotland website), can also be regarded as a measure of underlying prejudice in society and it can be motivated by disability, gender identity, race, religion or faith and sexual orientation (Home Office, 2013). In 2014/15 there was an increase of 18% in the numbers of hate crimes recorded by the police in England and Wales in all of the monitored hate crime strands as compared with the previous year. Of these, 82% comprised race hate crimes followed by sexual orientation hate crime (Corcoran et al, 2015). Using self-reported data from the Crime Survey for England Wales, this suggests that the actual experience of hate crime is much higher than reported with race hate crime and disability the second most reported motivating factor. In Scotland, the hate crime statistics for 2016/7 suggest that race and disability hate crime have been declining slightly as compared with previous years whilst sexual orientation and religious hate crime reporting have increased (Crown Office Scotland, 2017). Although not recorded under hate crime legislation, physical, psychological and sexual violence experienced by women can also be considered as a manifestation of prejudice and hate.

2.2.2 From prejudice to discrimination

If prejudice is an attitudinal phenomenon, discrimination against individuals or social groups is a process which Thompson (2003:82) describes as 'the process (or set of processes) by which people are allocated to particular social categories with an unequal distribution of rights, resources, opportunities and power.' Perversely, whilst Abrams and Houston (2006) found that as few as 3% of the

population explicitly expressed prejudice towards women, 'everyday sexism'[1] violent behaviours and discrimination towards women is still evident. Wage discrimination, for example, has consistently led to a gender pay gap, the overall difference between men's and women's earnings as a percentage of men's earnings. Despite a general trend towards parity, in 2013 the overall pay gap was 19.7% (Department for Culture, Media and Sport, 2014). For women over 50 the gap has stayed at the same level since 2005.

Prejudice towards black and ethnic minorities and disabled people are also translated into acts of discrimination. Although apparently consistently present they can be influenced further by external events. Johnston and Lordan (2014) have shown the impact of economic downturn on both racial prejudice and consequential labour market discrimination with a marked increase in self-reported prejudice amongst those most likely to be employers or managers. Government labour market data shows that whilst unemployment for white groups remained constant between 2012 and 2013, the already higher unemployment rate for ethnic minorities rose slightly, with Pakistani and Bangladeshi groups particularly badly affected. Unemployment for 16-24 year olds from ethnic minority backgrounds rose from 33% to 37% whilst the average unemployment rate for this age group is 21% (Department of Work and Pensions, 2014). Data shows that despite small improvements in the percentage of disabled people in the workforce, in 2016 there remained a 32.2% gap in the proportion of disabled people in employment as compared with non-disabled people (Mirza-Davis and Brown, 2016). For disabled women, discrimination and access to employment is even more marked than for disabled men both in the UK and across Europe (European Parliament, 2017).

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[1] The everyday sexism project charts women's experiences of sexism as a tool for empowerment http://www.everydaysexism.com/index.php/about

2.2.3 Manifestations of inequality

That these processes translate into measurable inequalities is no surprise. EHRC reports into fairness across the Britain and in Scotland consider differentials in relation to 10 domains drawn from work on capabilities, a measure of social justice which will be considered later in this chapter (EHRC, 2011a, 2015, 2016). They highlight a range of inequalities for different groups across all of those domains from which it is concluded that whilst there are some signs of growing tolerance between different groups, vast numbers of the population currently get neither equal outcomes nor equal chances. Key domains relate to wealth, health and power and although the body of evidence that is available for these is once again beyond the scope of this thesis to fully summarise, a few key examples are presented in order to further illuminate differential experiences across the heterogeneous population.

A recent study into the financial histories of disabled people (McKnight, 2014) confirms that there is cumulative disadvantage with disabled people overall having lower household wealth and fewer components of wealth such as property and pensions than people who are not disabled. Unsurprisingly those people who are disabled during the stage of life when wealth is most likely to be accumulated (35-64 years) are particularly disadvantaged. A recent cumulative impact assessment of the impact of tax and social security measures in response to austerity (Reed and Portes, 2014) has shown that families containing at least one disabled person, particularly a disabled child, women as compared with men and older people are differentially affected by tax changes and welfare reforms.

Although inequalities in health are most usually compared in terms of wealth, income and geography, with a marked gradient between the most and the least deprived communities, the relationship of social groups to prejudice and discrimination also impacts on health and wellbeing. Two examples illustrate this. Firstly, data from England shows that Bangladeshi, Pakistani, Black Caribbean and other Black groups all have lower disability-free life expectancy than white British women and men (Wohland et al, 2015) and that this is likely compounded by the direct experience of racism (Paradies, 2007; Bhopal, 2017).

The second example is that of poor health amongst Lesbian, Gay, and Bisexual (LGB) people as compared with their heterosexual counterparts; one recent Scottish Government report (Scottish Government, 2017) has highlighted a 12% age-standardised difference in the reporting of good health between the two groups. The same report also pointed to evidence that suggests that LGB young people are more prone to poor mental health. Russell and Fish (2016) attribute data like this to a range of stress processes; experiences of prejudice and discrimination, expectations of rejection and internalised homophobia.

The opportunities for the heterogeneous population to make decisions on the policies and actions designed to address these variations in experience and wellbeing similarly mirror other patterns of inequality. For example, despite an apparent shift away from gender stereotyping, access to power of women and men in the UK still show significant differences irrespective of social class. The Sex and Power Report produced by the Centre for Women and Democracy (2013) shows that, despite some improvements over the previous 10 years, women are still under-represented at all levels of political power and that the UK often compares unfavourably with other Western countries.

2.3 The machinery of social injustice

In the face of evidence such as that outlined above, the emergence of social movements concerned with different forms of social identity is unsurprising. These in turn have had a significant impact in calling to attention the complexity and heterogeneity of the population. Although many have their origins in 19th century struggles for equality and emancipation and are often not easy to disentangle from class struggles, activity from the 1960s onwards has arguably gained momentum and impacted on both societal attitudes and social policy.

Social movements have been described as 'a series of challenges by groups of people against those who have power over them, using a wide range of conventional and unconventional actions and of formal and informal organisations' (Baker et al, 2009:193). This has created for many people a new type of politics and communication (Castells, 1997). Gilroy (1997:301) argues

that 'we live in a world where identity matters … as a concept, theoretically and as a contested fact of contemporary life.' Identity has been described as the combination of the personal with the social, a construction that combines what a person thinks about themselves with the social, economic and cultural factors that inform experience (Woodward, 2004). Identity for the individual can provide a sense of personal order and belonging (Yuval-Davis, 2010) and as the previous evidence has highlighted, can comprise a number of individual or interlocking facets; for example, class, gender and ethnicity combining to create more than a sum of its parts. Although social movements and recognition of the significance of social identity have been important in raising the profile of social divisions, analysis as to the root causes and the consequences of social injustice for the heterogeneous population is both contested and extensive.

Theorists approach the heterogeneous population and the issues of identity in different ways. Social movements associated with each form of identity have generated their own theories about the causes of injustice, especially in the different fields of gender, race and disability. Others have attempted explanations by considering the dispersal and internalisation of power across the population, some focussing on the oppressed, others naming the power held by the privileged. Some place the emphasis on cultural explanations, yet others on the construction of the capitalist or, more recently, the neoliberal economy. Forging a path through the range of theories in order to create a platform for greater social justice for the heterogeneous population as a whole is therefore complex especially if the entirety of burdens and privileges that it bears is to be taken into account.

Donnison (1994) has described the processes that lie behind unfairness and inequality as the machinery of social injustice. Whilst his focus is primarily on the multiple causes behind income inequality and poverty, his emphasis on the interlocking nature of these causes and the limitations of tackling each cause independently of each other hold for all forms of injustice. Prejudice, discrimination and inequality have both personal and cultural components (Thompson, 2011) but they can also be shown to have deep roots that lie in what Rawls (1971:3) defines as the 'basic structure of society' and therefore in the

institutions which allocate rights, opportunities and resources. There are dominant themes in the literature, - power, privilege and oppression and the nature of the current economic system – for which there are extensive overlaps and in relation to the different manifestations of inequality. These themes are illustrated primarily using gender, race and disability as examples as well as acknowledging that different forms of injustice overlap and compound one another.

2.3.1 Privilege and Power

From the empirical evidence about the experience of injustice across the heterogeneous population, it is axiomatic that there is a differential distribution and use of power. Some groups are dominant, others subordinated and oppressed, differentials in power relations 'played out in a variety of interconnected domains, including the economic, the cultural, the political and the affective' (Riddell and Watson, 2011:191). Much attention is paid to the manifestation and origins of powerlessness (Cudd, 2006) but it is important to recognise that this focus can have two related by-products. It can make those who are more privileged or powerful invisible as the subjects of investigation or analysis whilst paradoxically creating the norms against which others are measured. The invisibility of those who are dominant has the effect of cementing the otherness of some groups in the eyes of both the privileged and the individuals who constitute the 'other' (Young, 1990; Kimmel and Ferber, 2010). For Baumann (1991) otherness is both a means of subjugation and a threat to social order:

> 'In dichotomies crucial for the practice and the vision of the social order, the differentiating power hides as a rule behind one of the members of the opposition. The second member is but the other of the firsts, the opposite (degraded, suppressed, exiled) side of the first and its creation' (Bauman 1991: 14).

Privilege theory approaches power from the perspective of the powerful and argues that certain characteristics, particularly whiteness, maleness and

heterosexuality automatically confer a set of advantages or privileges which are often not recognised by those who carry these characteristics or who do recognise their position but chose to continue to benefit from it. This, it is maintained, contributes to the perpetuation of injustice because of the ways in which privilege shapes the lives of the advantaged (Kimmell and Ferber, 2010). Such thinking can be traced back to ideas generated within the crucible of "identity politics" and the emergence of feminism, anti-racism, disability politics and explorations of sexuality and sexual orientation. Choonara and Prasad (2014) argue that privilege theory was driven by the apparent failures of a dominant Marxist analysis and the politics of class to drive change for those facing other forms of prejudice and discrimination. It builds on the ideas of post-Marxist theorists such as Foucault who view power as something which is diffuse, located in social and interpersonal relationships and is constituted in individuals rather than deployed by them (Gaventa, 2003).

Important as it is to make the characteristics of the powerful visible, privilege theory places overwhelming focus on privileged individuals to both acknowledge and then resist their advantages (Choonara and Parasad, 2014). Young (2001), although clear that power and privilege is differentially distributed, places the emphasis on theory which locates inequality in terms of social groups rather than individuals. Specifically, she argues, 'group-based comparison helps reveal important aspects of institutional relations and processes' (ibid:2). Injustice, in the form of structural inequality, she maintains has its origins in structures, structural inequality theorised 'as a set of reproduced social processes that reinforce one another to enable or constrain individual actions in many ways' (ibid:3). Understanding exactly how this operates, she argues, requires the telling of a 'plausible structural story,' akin to Donnison's machinery of social injustice, and that the focus should be on elucidating oppression.

2.3.2 Oppression

Oppression has been defined as:

'Inhuman or degrading treatment of individuals or groups; hardship and injustice brought about by the dominance of one group over another; the negative and demeaning exercise of power. It often involves disregarding the rights of an individual or group and is thus a denial of citizenship' (Thompson, 2003:10).

According to Cudd (2006:20), understanding oppression has a long theoretical genealogy, the differing analytic traditions nevertheless arriving at a consensus that oppression 'comes out of unjust social and political institutions' where institutions comprise both formal and informal structures and constraints. Different social movements have sought to explain how oppression operates for their focus of concern and whilst each is helpful in elucidating specific experiences and will be considered briefly below in relation to gender, race and disability, it can be difficult to identify the ways in which separate theories can be brought together and applied to the heterogeneous population in its entirety. This is further compounded when social movements seek to challenge oppression as it applies to one form of identity rather than in conjunction with others.

In the quest for greater equality and social justice for women, succeeding waves of feminism have evolved different but often overlapping theories to explain women's oppression which have echoes in other forms of identity (See for example, Bryson, 1992). Seeking explanations in sex differences, gendered norms in society, the establishment and maintenance of a class society, has seen the emergence of an understanding of patriarchy whereby many facets of the machinery of social injustice combine to have a unique impact on women. Walby (1990), drawing on a range of perspectives, proposes that there are six interlocking forms of patriarchal or male dominated structures. These are worth considering briefly for the way that they illuminate the deep-seated nature of oppression.

Firstly, a set of gender roles are grounded in the household whereby women are still constrained by the expectations that they are the primary care givers and providers of domestic labour. By creating financial vulnerability if the woman is either not engaged in waged labour or limited in her availability to participate

fully in the workplace, this gives men unequal power within the family. The workplace itself constitutes the second patriarchal structure as many women are excluded from better forms of work by both male prejudice and the limitations imposed by other responsibilities. This is particularly demonstrated in the struggles for equal pay, an issue which evidence cited previously shows has not been resolved despite it now being a legal requirement. Thirdly, the state itself, as well as being capitalist, has 'systematic bias towards patriarchal interests in its policies and actions' (ibid:21). These range from controls on abortion to the organisation of the welfare state which has historically focussed on ameliorating the imbalance in class relations rather than a recognition of gender relations. The current political management of economic crisis with its differential impact on women through cuts in welfare and public services (Reed and Portes, 2014) is further evidence of the state's role in maintaining male-female differentials. The fourth structure, male violence, takes many forms and is persistent and widespread and remains poorly addressed by the state despite some improvement in recognition and detection in recent years. This is linked to the fifth structure, that of sexuality whereby heterosexuality is viewed as normative. Further, double standards as to what constitutes acceptable sexual behaviour for men and women remain. The last structure is that of cultural institutions such as religion where women struggle for recognition as clergy, the media and the way it represents women and even education which serves to reinforce gender differentiated forms of perceived reality.

The narrative for race and ethnicity is a similarly complex and contested one especially where 'race' has been couched historically in terms of biological differences and inferiorities (Rex, 2009). Whilst there has been considerable debunking of biological theories, what is clear however is that some groups in society whether they are defined by their relationship to colonialism, colour or their status as immigrants are still regarded as different and inferior (Back and Solomos, 2009). In the same way that feminism has exposed the ways in which the structures of society both create and reinforce women's oppression, struggles for race and ethnic recognition and equality have highlighted how people defined as being of a different race or ethnicity from the dominant one face differential treatment by both state and workplace especially in evolving

multicultural societies (Kymlicka, 2007). In attempting to explain structural inequality in a tangible way, Young (2001;11) has described how 'the structural confluence of many distinct actions, expectations and effects' lead to and perpetuate residential racial segregation. Racial discrimination in both behaviour and policy she argues, limit the choices of "people of color" so that they are limited to certain residential areas. Higher levels of poverty and unemployment limit the extent to which people can leave those areas and limit their attractiveness to potential businesses thus perpetuating low incomes and life chances. That such structural oppression persists in the UK in 2017 has been reinforced by a recent UK Government sponsored report (Cabinet Office, 2017). That institutional racism was prevalent in the UK was exposed by the murder of British schoolboy, Stephen Lawrence in 1993 and the nature of the police response about which the subsequent report could say:

> 'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people' (Macpherson, 1999 para 6.34).

Historically, disabled people have been feared, patronised and infantilised and excluded from mainstream society (Thompson, 2011). In an attempt to shift the understanding of disability away from individual tragedy and limits to participation in society caused by impairment, the social model of disability, was devised out of struggles by disabled people to be heard and legitimated. The social model of disability emphasises that the physical and social limitations experienced by disabled people are largely imposed on them by social and economic structures (Oliver 1990, Bagilhole 2009, Thane 2010). Whilst recognising the importance of a social model of disability, Shakespeare (2004) has nevertheless highlighted that this does not necessarily address the cultural representations of disability as negative nor the differential forms of recognition that people with different forms of impairment seek: deaf people for example

seeking recognition as a linguistic minority in the same way that different ethnic groups do (Lane, 2005).

The history of social movements has not however always been entirely delineated by oppression of individual identities. Within feminism, there has emerged a recognition that women can face multiple oppressions, and that as a consequence, explanations of injustice which focus on specific forms of identity render some women invisible. The term intersectionality (Crenshaw, 1989, 1991) has now become recognised as an important construct for understanding the ways in which gender, race and class intertwine. As Walby et al (2012) point out however, there are considerable differences as to its implications and some difficult tensions concerning the relationship between structural and political intersectionality, and how to make visible the projects of small minorities without losing the bigger picture. Some regard intersectionality as having greater descriptive value than as a means of theorising about the underlying causes of injustice faced by the heterogeneous population (Garry, 2011) and argue that its complexity creates methodological difficulties (McCall, 2005). Others highlight the importance of theories of intersectionality in highlighting how different social structures interact (Weldon, 2008). These differing perspectives highlight what McCall refers to as the 'slipperiness' of intersectionality yet it remains a construct which undeniably helps to make visible the ways in which different forms of social injustices interact.

By contrast, others have attempted to identify the common ways in which oppression operates. It is social groups, Young (1990, 2001) maintains, that experience oppression, and individuals, she further argues, are largely defined by a perception of the characteristics of a group they are assigned to. Although she also acknowledges that groups can be fluid and heterogeneous, Young seeks to determine the common ways in which they experience oppression. In doing so, she also determines the ways that structures constrain individuals. Such an approach takes the explicit oppressions of racism, sexism, homophobia and ageism for example and 'reformulates them into broader modalities of power' (Fincher and Jacobs, 1998:15). This is a relational form of recognition which moves away from affirming specific forms of identity in a way that is exclusive

and potentially divisive. By implication, this helps to identify the overarching ways in which injustice is experienced within the heterogeneous population.

Key to understanding whether a group is oppressed or privileged, Young (1990:48) maintains, is the extent to which it is subjected to five conditions, or faces, of oppression: exploitation, marginalisation, powerlessness, cultural imperialism and violence. Others (see for example, Thompson 2011) have also attempted to explain how oppression is operationalised across groups but it is Young whose work which resonates through the literature on social justice. Ferguson and Nagel, (2009) argue that the five faces of oppression form a framework which is compelling and influential and grounded in lived experience. Again, these are briefly summarised for their explanatory power.

Exploitation, Young maintains, is rooted in capitalist society. Engaging with Marxist analysis concerning class distinctions between the owners of capital and the means of production and those who work for them, one class being exploited in order to further the interests of a dominant, more powerful class she nevertheless maintains, like Walby (1990), that this does not sufficiently explain gender and race exploitation. The feminisation and race-specific forms of menial and domestic labour, it is argued, compound other forms of exploitation serving also to limit power and status.

Marginalisation is a form of oppression in which 'a whole category of people is expelled from useful participation in social life and thus potentially subjected to severe material deprivation and even extermination' (Young, 1990: 53). Marginalisation can be experienced by both the young and the old, by different ethnic groups, by those who are disabled, by women in certain circumstances such as single parenthood and by anyone who is unemployed. Although Western societies purport to protect against marginalisation by providing welfare, this is rarely unconditional and its provision can add further layers of marginalisation by denying rights and freedoms others have and by introducing punitive procedures which only those who have already been marginalised have to commit to. In the UK this is currently extremely pertinent in a time of austerity measures and reductions in welfare benefits, which have been shown to have the deepest

impact on women and disabled people, resulting, in some cases, in suicide (Moffatt et al, 2015).

By creating a professional class to support and manage many of its affairs, the capitalist system further creates powerlessness for a large proportion of the heterogeneous population. The privileges of professionals are exhibited predominantly in the workplace but also extend to non-working life in that professionals accrue more status and respect than non-professionals. Powerlessness, she argues, confers a lack of authority, status and sense of self-worth (Young, 1990:57). Sexism and racism for example can mediate professional status for some people because of pre-existing expectations about the worth of women and people from black and ethnic minority populations.

It is through cultural imperialism that Young relates to concepts of otherness and the ways in which the experience and culture of the dominant group or groups becomes the norm. As the result of access to the means of communication and dissemination, the values, goals and achievements of dominant groups appear as the norm and the differences other groups exhibit are perceived as somehow lacking and negative. Living with cultural imperialism means both being marked out in stereotypical ways, often considered deviant but at the same time, as the oppressed group having its experiences and interpretations of life made invisible. Undoubtedly, this 'face' overlaps with privilege theory, but its strength lies both in its connection with the other 'faces' that Young identifies and in its concerns with groups rather than the behaviour of privileged individuals.

Lastly, by claiming violence as a face of oppression, a case is made for its manifestation as a signifier of social injustice and a product of institutional, structural issues which reflect cultural imperialism. The existence of hate crime, examined briefly in the first section of this chapter is but one manifestation of this. It is not though the acts themselves that are considered to be oppressive but the context in which they occur which makes them both possible and acceptable. Its systemic nature means that it is directed at members of groups merely because of their group membership. Its oppressive nature lies not only in direct victimisation but also in the fear of its potential. Despite the widespread

nature of different forms of violence, particularly its systemic character and as a form of social practice, it is unduly ignored by many in the construction of social injustice.

However well these five faces describe oppression it is the experience of their impact which determines how individuals or groups act. Powerlessness, and indeed power, can become embodied as a series of dispositions, what Bourdieu (1979) defined as habitus, which reflect both the way that structures operate and the agency of individuals in relation to these structures. Inequalities and privilege become part of the everyday world, affecting the choices that people make and creating a process of ongoing reinforcement (Bourdieu and Wacquant 1992). This raises the possibility of either unconscious collusion at worst or forms of resistance that are designed only within the context of the way that structure and experience combine. An example of this might be the difficulties that women have in fleeing violence because of the way that the role within the family has been internalised and because of the lack of economic and social options. More broadly, internalisation of oppression has implications for creating solidarity between groups in challenging injustice.

2.3.3 The economic system as the root cause of social injustice

The concern with identity and cultural differentiation as a means of explaining the range of injustices, or oppression, experienced by the heterogeneous population differs from views of injustice that place social class and economic distribution at the core of their analysis. Indeed, some regard the politics of social movements of gender and race and other forms of heterogeneity to have eclipsed an understanding of social class divisions as the basis of injustice and that this is highly detrimental to the furthering of social justice (Harvey, 1996, Michaels, 2008). Michaels (2008) goes as far as to say that recent developments in identity politics and a focus on tackling discrimination in the workplace and wider society has actually contributed to the widening of economic inequality by promoting marginal change within a commitment to free-market, neo liberal economics:

'Why? Because it is exploitation, not discrimination, that is the primary producer of inequality today. It is neoliberalism, not racism or sexism (or homophobia or ageism) that creates the inequalities that matter most in American society; racism and sexism are just sorting devices' (Michaels, 2008:34).

Undoubtedly, the issue of class both as a sociological and an economic phenomenon, is a factor in the extent of oppression borne within the heterogeneous population. Social divisions in relation to wealth and income are inherent within a capitalist system and the inequalities that exist between the least and most affluent are currently widening (Cribb et al, 2017). The primacy of class over other forms of social division is the source of much debate (see for example, Olin Wright, 2005) and yet it is possible to see how the capitalist economy impacts on identity and social groups in other ways. Oliver (1994:164-165) for example, explicitly frames disability within materialist theory, arguing that 'the economy, through both the operation and the social organisation of work plays a key role in producing the category 'disability' and in determining societal responses to disabled people.' The mode of production and its drive for profit at the expense of other considerations, he further argues, is responsible for various impairments as the result of industrial injury. Similarly, others have argued that patriarchy and capitalism are so entwined that it is difficult to distinguish separate cultural reasons for women's oppression (Hartmann, 1976; Eistenstein, 1978).

Whilst placing the market at the centre of the ways in which injustices are generated, Fraser (1997b) takes a more nuanced view. In what she calls the "redistribution-recognition dilemma" (Fraser, 2007:13), she distinguishes between two, intertwined mechanisms of injustice with different analytic origins. The first she describes as socioeconomic injustice and the second as cultural or symbolic injustice. In presenting the redistribution-recognition dilemma, Fraser recognises that what she calls the 'struggle for recognition' as the 'remedy for injustice' is a form of politics which has become more and more significant over the latter part of the 20th century and into the 21st century. Acknowledging the existence of injustices rooted in a cultural politics of

difference, she nevertheless argues that understanding the origins or machinery of, for example, gender or race injustice is more complex than those who espouse identity politics would allow. She is particularly concerned with what she considers to be the 'decoupling of the politics of recognition from the politics of redistribution' both in social life and intellectual life (ibid:5) and in this respect that she attributes the work of Young as insufficiently crossing this divide. Latterly, Fraser has become more critical, arguing that some social movements have become concerned with emancipation alone, have ended up embracing both social protection and market economics and have limited their impact in terms of social change (Fraser, 2013). With this argument she aligns herself to those, like Michaels who claim that all injustice faced by the heterogeneous population has its roots in capitalist exploitation and that sexism and racism work in the interests of the that system.

2.4 Social justice and equality for the heterogeneous population

Insomuch that the mechanisms of injustice are complex and contested, there is similarly no clear-cut view of social justice, related as it is to different perspectives in political philosophy and social policy-making which in turn relate back to theories of injustice. Whether in terms of common processes, ways in which they combine to have impact on specific groups or in relation to the contested significance of cultural and economic injustice, defining social justice for the totality of the heterogeneous population is a complicated task. As Barry (2005:23) identifies however, there is an ongoing quest for social justice as a consequence of the 'inadequacies of liberal justice,' whereby all individuals are notionally considered equal but where the social context of the circumstances and experiences that they have are disregarded. Navigating across this terrain is nevertheless important for the challenge of equality.

Although it is rare for the promotion of unfairness and social injustice to be constituted as an explicit policy position (Witcher, 2013:1), certain themes and attitudes which accept the inevitability of social injustice currently predominate in Western political thinking (Dorling, 2010). Countering this can be difficult because of the many interpretations of social justice. Theories of social justice

however generally concern themselves with the meeting of basic needs, resources available to people relative to others, negative and positive freedoms, participation, opportunity, deservingness, status and recognition (Goodlad and Riddell, 2005; Burchardt and Craig, 2008). Understanding of equality is a key principle of justice yet this also raises important questions in terms of equality of what, between whom and where. In this part of the chapter the development of theories of social justice are considered for their applicability in addressing both the evidence and the machinery of injustice faced by the heterogeneous population. By necessity, it reflects the nature of the debate about equality.

2.4.1 Social justice as fairness

The foundations for modern social justice theory were laid by Rawls's (1971) theory of justice as fairness and the basis of a "well-ordered society" whereby rational people choose to contract with each other to govern themselves by law. As the basis of a well-ordered society, Rawls makes it clear that justice is the primary way in which a society should be evaluated and that justice is 'the first virtue of social institutions, as truth is of systems of thought' (ibid:3). It takes as its cornerstone, the liberal view that every individual should be viewed as equal and also accepts that modern, welfare capitalist societies, whilst imperfect, can be developed in ways that are socially just.

Justice as fairness was conceived as a set of principles which rational people would be expected to choose in a hypothetical state of equality and based on the availability of primary goods such as basic rights and liberties, freedom of movement and choice of occupation, income and wealth, social bases of self-respect and powers and prerogatives of office. These primary goods should, Rawls maintained, be distributed fairly on the basis of a key principle, the equal liberty principle whereby individuals have an equal claim to a fully adequate arrangement of equal basic rights and liberties. The second principle, the social inequality principle, recognises that where there is no choice but to consider social inequalities, it should satisfy two criteria of acceptability; firstly, social inequalities should only be attached to positions available to all and secondly, that they should be to the greatest benefit to the least advantaged. Further,

these principles Rawls argued, should be considered hierarchically such that when judgements were to be made, the equal liberty principle had priority over the social inequalities principle. Within the principle of social inequalities, the first criterion or fairness of opportunity principle should be given priority over the second, difference principle. According to Wolff (2008:18) this means that a 'society is just only if the worst-off in society are better off than the worst off would be under any alternative arrangement.'

Rawls's theorising has been significant not least because it reintroduced justice into political and policy discourse following the dominance of utilitarianism which still influences some ethical thought (Alexander 2008). Rawls' theory of justice has however been the cause of much debate not least because it fails to consider a number of contrasting issues. These have been the subject of a substantial literature and this thesis can only take a short overview of some of the key themes and the perspectives that these critiques have generated. The first theme is that it does not sufficiently address whether those who are worse off have arrived in that position as the result of either a conscious decision or bad luck (Dworkin, 1981). Secondly, it is argued that it takes insufficient account of how the economic system has caused a maldistribution of primary goods (Harvey, 1973, Barry, 2005; Olin Wright, 2006) or whether some people may have more expensive needs or fewer talents than others (Nussbaum and Sen, 1993; Nussbaum, 2007; Anderson, 1999). Lastly, there are those who question whether there is a way of addressing the machinery of injustice in a way that does not place all the emphasis on distribution of primary goods but recognises that other processes confer negative experiences on different groups in the way that has been outlined in the previous section (Young, 1990, 1998; Fraser, 1997, 2007; Baker et al, 2009; Witcher, 2013).

None of these themes is mutually exclusive and indeed differing theories qualify or interact with others. Differing perspectives all reflect the challenges of defining justice and equality for the heterogeneous population. Further, extracting from each theory the social policy implications and applying them in real-life scenarios for the heterogeneous population is similarly problematic (Burchardt and Craig, 2008). A range of alternative perspectives which build on

the critiques outlined above of Rawls' theory are now considered for the light they shed on the implications for heterogeneity, but they are not exhaustive.

2.4.2 The role of luck - social justice as equality of resources or fortune.

It has been argued that the difference principle does not take sufficient account of the reasons why those who are worse off have come to be so and what is to be done with people who have more expensive needs or have higher expectations of the primary goods on offer (Dworkin, 1981; Cohen, 1989; Arneson, 2000). Dworkin (1981) has differentiated between "brute luck" and "option luck," the first requiring recompense from society and the latter, not. Brute luck is a recognition that for some people, life confers distinct disadvantages over which they have no control, especially for those who are born disabled or who become disabled. Option luck on the other hand, relates to good or poor decision making in the face of ostensibly sufficient resources or welfare. The basis of social justice therefore lies both in individual responsibility and in the availability of both sufficient resources to enable people to live the life that they choose together with additional 'insurance' to support those with greatest needs or those with superior talents.

Although this approach allows for differences across the population to be taken into account more fully that Rawls' focus on individuals as homogenous beings, this type of theorising also has limitations. Anderson (1999), for example, argues that what she calls 'luck egalitarianism' or the desire to neutralise bad luck using resources from undeserved components of others good fortune fails to confer equal respect and concern for all citizens. It does this in three ways. Firstly, it denies the social conditions of freedom to some people because they have made bad choices. Secondly, it bases compensation for brute luck on notions of inferiority of some in relation to others – whilst it acknowledges the significance of disability, it locates disability in a medical context, as something wrong with the body or a lack of physical resources, rather than as a consequence of the way that society responds to difference. Her final criticism is that inherent within equality of resources or fortune are requirements for people to take responsibility for their actions thus inviting subjective views on what is

acceptable and what is not. In subsequently arguing for 'democratic equality' as an alternative, Anderson places heterogeneity and identity at the heart of social justice and this will be considered further in the section 2.4.5 below on social justice as the politics of difference.

2.4.3 Social justice as a function of the economic system

Neither justice as fairness nor justice as equality of resources or fortune considers that the capitalist economic system is the heart of injustice. Nevertheless, issues of class and social justice in the heterogeneous population cannot be ignored because of the differentials in power and wealth that are experienced (see for example, Marshall et al, 1997) and also because of the intersections between class and other experiences of injustice. For the purposes of this thesis two contrasting views will be briefly examined in this sub section. Firstly, it will consider Harvey's work on urban social justice undertaken from a Marxist perspective (Harvey 1973, 1996) because it set a benchmark for new ways of viewing the city and which will be further elaborated in chapter 3. Secondly, it will consider Barry's work on why social justice matters and, on the role and potential of social democratic societies in furthering its development (Barry, 2005).

Harvey's approach to social justice was stimulated as a direct counterpoint to Rawls's liberal conception, arguing that it was generated 'from a predisposition to regard social justice as a matter of eternal justice and morality' as opposed to it being 'something contingent upon the social processes operating in society as a whole' (Harvey, 1973:15,16). In making this shift, Harvey brought production centre stage, arguing that distribution is 'defined by production' (ibid:15). Siting social justice in the city or as a function of urbanism was a conscious reflection of the role of the city in taking forward the aims of capitalism in terms of appropriation of surplus goods and the development of private property and space. The essence of social justice, he argued, lay in the ordering of three key concepts: need, contribution to common good and merit. Briefly, this involves individuals having rights to equal levels of benefits necessitating equitable distribution to reflect variations in need. Contribution to the common good

entails those whose activities benefit most people having more claims than those whose activities confer fewer benefits. Merit relates to those who have to overcome the most hazards or danger in order to contribute to production and whilst no specific reference is made to the different exposures, it can be seen that this has some bearing on the heterogeneous population.

Barry (2005) has also taken the economic system as his starting point, using empirical evidence to work out from the principles of justice, specifically those that are based on a 'contract' between individuals, viz Rawls, what action should subsequently follow. In doing so, he argues for a social democratic political programme in which a 'deep' form of equality of opportunity is the lynchpin alongside rights and resources. Unlike Rawls who maintains that institutions are the subjects of justice, Barry places emphasis on institutions as the means of achieving justice. In emphasising equality of opportunity, Barry makes it clear that this is no superficial assessment of individuals based on their presenting characteristics, for say a job, but one in which society creates a level playing field in which all historical barriers to acquiring the characteristics necessary for the job are removed (ibid: 37). He maintains that there are three key aspects of social democracy which are crucial to ensuring such equality of opportunity; the curbing of the power of capital, redistribution of wealth through taxation and other measures of transfer and the universal provision of high quality education, health services and housing.

2.4.4 Recognising differential needs - social justice as equality of freedom to achieve

Capability theorists are also critical of post-utilitarian theorists such as Rawls, calling for a more defined understanding of what equality should entail (Alexander 2008). The capability approach originally derived by Sen (1979) and further elaborated by Nussbaum (Nussbaum and Sen, 1993) and others (see for example, Anderson, 1999; Alkire, 2002) maintains that the freedom to acquire wellbeing is a fundamental moral imperative and is dependent on peoples' opportunities to do and be what they consider as valuable (capabilities). These capabilities are underpinned by functionings or 'beings and doings' where

'beings' are building blocks such as being educated or not, being nourished or not and 'doings' are actions such as voting or caring for others. Of ultimate importance is 'that people have the freedoms or valuable opportunities (capabilities) to lead the kind of lives they want to lead, to do what they want to do and to be the person they want to be' (Robeyns, 2005:95). Given the availability of substantive opportunities, people can then choose what they most value. In this respect, the approach chimes with Barry's (2005) focus on equality of opportunity but without specifying the political means of realising this.

Some argue the capability approach does not constitute a full theory of social justice because it was conceived as a flexible and multi-purpose framework for change (Robeyns 2005, 2011; Alexander 2008). It nevertheless resonates with people's different circumstances and highlights the difference between means and ends. The capability approach, its proponents argue, has greater application in terms of social policy than other distributive theories of social justice because it has been possible to define metrics that can both be used to evaluate progress and define goals (Carpenter, 2009). In this respect, Nussbaum (2000) has identified a list of central capabilities which she argues represent the key aspects of life but which she also argues are open for further democratic development. These include life, health, bodily integrity, affiliation, practical reason and control over one's environment.

Further, the capability approach pays more heed to heterogeneity than other theories because it allows for a plurality of functionings and capabilities which some groups might consider important and others less so. It also recognises that there are a range of 'conversion factors' that enable, or limit, the extent to which individuals can access capabilities which can be personal, social or environmental. By appreciating the differentials in conversion factors, justice for groups such as women or disabled people is made more visible than is made possible by universal theories. Indeed, specific concern for the inadequacies of the claims of Rawlsian justice to meet the needs of disabled people (Nussbaum, 2007) and women (Nussbaum, 2000) has been instrumental in informing the approach. Further, as Robeyns (2005) points out, it is possible to recognise the

strengths of group affiliation by including group-based processes as part of what are considered important capabilities.

Despite its many attractions, it has been argued that the capabilities approach also has some fundamental weaknesses which paradoxically, have been highlighted by the relative ease by which it has been applied to policy, especially in relation to developing countries. This implies a lack of potential in measuring or challenging progress in the underlying structures through which inequality and injustice are created. Dean (2009:274), for example, maintains that it 'distracts from a politics of need' and that it fails to address the impediments to meeting both need and freedom that lie in the capitalist mode of production. Nussbaum (2011:17) herself points out that where the central capabilities have been used as measurement, reports 'use the notion of capabilities as a comparative measure rather than as a basis for normative political theory.' This is observable in the use of the approach by the Equality and Human Rights Commission in the UK for its assessment of the current state of fairness, previously referred to, about which Walby et al (2012) have highlighted a number of difficulties. Not least of these is in easily identifying robust measures that can distinguish between functionings and capabilities, but also the lack of clarity as to the implications of the measurements for institutional changes through which power and oppression is dispersed.

2.4.5 Social justice as the politics of difference

Whilst it might seem that each of the theories outlined above have something to offer the heterogeneous population, none use as their starting point the full set of claims of injustice which currently pertain for social groups in Western society. This sub section turns its attention to those theorists who do recognise the complexity of heterogeneity and use this as the basis of social justice and equality. It will use as its starting point, Young's arguments for a politics of difference which were first fully developed in 1990 and then trace a chronological line through subsequent theorising that builds on and develops this thinking, often critically, including Young's later developments of her own arguments.

Building on her analysis of oppression, Young's (1990) approach to social justice explicitly recognises the significance of group membership and relations, where differences are not ignored or dissipated but one in which institutions 'promote reproduction of and respect for group differences without oppression' (ibid:163). Good societies, she maintains do not eliminate group difference, rather equality between groups is sought and groups show mutual respect and affirm each other's differences (ibid: 163). Such an approach is critical of Rawls and others who follow similarly distributive models. Distributive justice, she argues, focuses primarily on individuals as consumers or possessors of things (Young 1990: 24) and aspires to an 'ideal of impartiality' (ibid:96) or a seeking of unity, rather than understanding difference. Such theories thereby take insufficient account of social equality which she defines as the 'full participation and inclusion of everyone in society's major institutions and the socially supported substantive opportunity for all to develop and exercise their capacities and realise their choices' (ibid:173). Whilst Rawls acknowledges that distribution as fairness should ensure that forms of social identity do not act as a barrier, Young argues that social justice cannot be fully achieved without addressing the membership and characteristics of, and relationship between, groups of people.

She is also critical of concepts of formal equality in which sameness of treatment is considered to be fairness of treatment. This, she argued, is the cornerstone of arguments for assimilation whereby equal social status is achieved by treating everyone according to the same standards and rules. People, she has maintained, gain strength from group association and that a politics of difference, rooted in domination and oppression, is more emancipatory than assimilation. In addition to affirming the reality of social groups, a politics of difference 'also promotes a notion of group solidarity against the individualism of liberal humanism' (ibid: 166). Difference or heterogeneity, following this logic, is a cause of celebration and a route to greater fairness and can only be achieved through a participative democracy which provides mechanisms for the effective recognition and representation of the distinct voices of those who are oppressed. Young subsequently summed this up:

'Structured social differences of gender, race, age or sexuality, as well as class, can serve as important resources for learning about what is need and reasoning about what is fair. People's structurally different positions in the division of labour and social space and their varying physical and cultural needs, gives them different perspectives on issues and problems. When expressed and heard, these multiple social perspectives help everyone produce a more objective and comprehensive account of the issues that face them than they have from their own position alone' (Young, 1998:41).

Ignoring difference or maintaining 'the norm of the homogeneous public', she maintained, has three oppressive consequences (Young, 1990: 164). Firstly, privileged groups set the rules of society, assimilation means that non-privileged groups are identified as being 'the Others' and are constantly being judged by standards that they have not had the opportunity to create. Secondly, a humanity which does not recognise social group differences allows privileged groups to appear neutral and universal when these groups have marked social characteristics themselves. Thirdly, the undermining of social groups who deviate from a supposedly neutral set of standards and rules can produce an internal devaluation by the members of such groups.

For some, such as Fraser (1997) the arguments that lie behind a politics of difference have been critiqued as being insufficiently rooted in political economy despite Young's acknowledgement of social class and wealth inequalities. By acknowledging that there is a redistribution – recognition dilemma, Fraser conceptualises social justice as a process that combines two analytically separate but practically entwined phenomena. Further, she distinguishes between the affirmative and the transformational, whereby the former seeks to correct inequitable outcomes without dismantling their underlying framework and the latter seeks to restructure the underlying framework. Where each bisects with the goals of redistribution and recognition they produce varying degrees of benefit and Fraser's dual systems solution, tested against race and gender, is a combination of socialist economics and 'deconstructive cultural politics.' Applied more specifically to gender justice, gender parity, Fraser, (2007:24) argues, requires 'a two-dimensional conception of justice' which has at its heart, 'the

principle of parity of participation.' For this principle to be realised, all members of society need to be able to interact with each other as peers and two conditions must be met: the distribution of material resources must be sufficient to ensure independence and 'voice' and that 'institutionalised patterns of cultural value' must change to ensure that equal opportunities for self-esteem can be realised. Importantly, whilst describing gender and race as being fully 'bivalent,' that is equally susceptible to both types of injustice, injustice faced by LGBT+ people originate, she argues, in what is considered acceptable behaviour by the dominant heterosexual culture as opposed to economic relations.

Examining the significance of Fraser's dual systems theory from the perspective of a population comprising different groups, Young (1997, 2008) concludes that disputes about the relative significance of cultural identity and political economy are a chasm that has been created in academia rather than amongst social groups that have been struggling for justice. A politics of difference should not however be conflated with identity politics if the latter is concerned only with cultural injustice, lack of freedom of expression, and not with positional injustice, injustice arising from structural inequality.

Key to the politics of difference is that 'democracy is both an element of and a condition of social justice' (Young, 1990: 91). Later authors concur. Anderson (1999) follows up her critique of luck egalitarianism by arguing for democratic equality as a means of refocusing distributive forms of theorising. Building on the capabilities approach, she argues that full participation as a citizen requires functioning not only as a political agent but as an equal in civic life. For this to occur, social institutions that allow for such participation need to be created and for the functionings and capabilities of the individual to be fully developed which also allow for such participation. It is born out of an appreciation that justice is only as good as meets the needs of groups such as women or disabled people or ethnic minorities who have been constrained historically by social structures outwith their control. Similarly, Alcoff (2006) asserts that identity provides a 'horizon of intelligibility,' contributes to effective civic engagement and is

therefore a cornerstone of democracy. Or, as Mason (2010:8) maintains, identity politics, 'when properly understood, are the *sine qua non,* of social justice.'

2.5 From social justice theory to the challenge of equality – equality of condition and substantive equality

It can be seen that the impact of social movements and concerns about social identity have been profound, creating a nuanced debate about social justice often leading to revisions in original theorising about social justice as distribution. Miller (1999) argues that no one theory of social justice suffices for the range of injustices and contexts that exist. It can also be questioned as to whether liberal theory is ever sufficient to apply to the different forms of injustice experienced across the population. Further, exponents of social justice are forced to weigh up whether some forms of inequality are either necessary or at least unavoidable. This section therefore concludes by considering the way that theory has been linked to more everyday discourse about inequality and equality and turned into more tangible forms of action. Although a number of authors have attempted to draw out salience from a range of theories (See for example, Thompson, 2011; Witcher, 2013), this final section focuses on the work of Baker et al (2009) on equality of condition and Fredman's conceptualisation of substantive equality (Fredman, 2016).

Recognising the centrality of equality to social justice, Baker et al (ibid) usefully and explicitly ask themselves the questions that are often implied in the social justice literature, equality of what, for whom and where. Having considered the limits of what they regard as two approaches to equality, a basic approach and liberal egalitarianism which currently pertains in most Western democracies, they argue for 'equality of condition' (ibid: 33) as an aspiration more likely to meet the needs of a heterogeneous population and rectify the structures of domination and oppression. Like Young (1990), equality is concerned with group identity rather than as individual experience. Basic equality, they maintain is limited to tenets of basic respect, the meeting of subsistence needs and basic protections, reflecting Rawlsian concepts of social justice. Although liberal egalitarianism is grounded in tolerance of difference, the development of rights,

liberal democracy and equal opportunities, they conclude that these qualities are insufficient as they do not require major structural change rather, they merely seek to make things more fair. In considering how the three approaches would be interpreted in relation to the literature which question equality of *what*, they identify five dimensions of equality: equal respect and recognition; resources; love, care and solidarity; power and working and learning as equals.

Drawing on theories of structural inequality, they argue that equality of condition is a function of change to four types of social system: economic, political, cultural and affective. Recognising that these systems both overlap and interact, they nevertheless maintain that both theory and action can shed light in each structural domain for each of the five dimensions of equality. By creating this conceptual map, not only is the redistribution-recognition dilemma accommodated and a politics of difference recognised but a means of assessing the strengths and weakness of policy and practice has been created. The characteristics of equality of condition include universal citizenship, acceptance of difference and critical dialogue about cultural differences, distribution of resources aimed at satisfying need and equal prospects of wellbeing, ample opportunities for love, care and solidarity, more participatory politics extended more widely and the educational and occupational means for self-development and satisfying work.

Fredman (2016) similarly argues for an approach to equality which meaningfully addresses the experiences of injustice to which policy and more specifically, law could be attuned. Drawing on a recognised discourse of substantive equality or a focus on outcomes rather than opportunities, she proposes a four-dimensional principle. This, she suggests, provides 'an analytic framework to illuminate better the multi-facetted nature of inequality and to assist in determining whether actions, practices or institutions impede or further the right to equality' (ibid: 713). Moving beyond formal equality, whereby law is applied to all people in the same way, the principles are aimed at; redressing disadvantage; addressing stigma, stereotyping, prejudice and violence; enhancing voice and participation; and accommodating difference and achieving structural change. Although she does not define this as social justice it too embraces the ethos of

redistribution, recognition and democracy as well as making more explicit the experiences of prejudice and discrimination as definable measures of injustice.

2.6 Conclusion

In embracing the reality of injustice, theories of causation and theories of social justice, as well as practical approaches to equality against which policy and law can be judged, this chapter has been necessarily judicious about the nature and extent of the literature upon which it has drawn. Although their relative impact is contested, it is clear however that the systems and structures of society both create and reinforce divisions between different groups which can be attributed to a potent mix of cultural processes and socioeconomic maldistribution. Addressing injustice and realising social justice for all those regarded as 'other' is therefore complex and open to different interpretations. The purpose of covering a range of theories and concluding the chapter with examples of tangible frameworks against which current actions to promote social justice might be analysed is that they provide a basis for interpreting the significance of equality law and its application. This is the subject of Chapter 4 and the basis of the empirical work of this thesis.

Chapter 3: Social Justice for the Heterogeneous Population in the City

3.1 Introduction

Chapter 3 turns its attention to social justice for the heterogeneous population in the city, specifically the Western city. After briefly developing the rationale for using the city as a key site for social justice, it mirrors the first chapter by reflecting on the urbanisation of injustice for the heterogeneous population by the way that places and spaces are constructed and by the experience of being the other in the city. The chapter then considers the relevance of theories of urban justice for furthering the aim of social justice. It will conclude by turning the focus more specifically onto cities in the UK and the potential for change in the face of the range of contradictory policy agendas. In keeping with the approach of this thesis, each component part of the chapter draws out salient issues from the literature rather than aiming for comprehensiveness.

3.2 The significance of cities

Over half the world's population currently lives in cities and this is set to grow to 70% by 2050 (UN, 2014). Typologies of cities do however show that cities themselves are varied in size, status and history and that they have undergone, and are undergoing, constant evolution (LeGates and Stout, 1996). They can be defined by both their political or administrative boundaries or by large urban zones that surround the core. Developments in transport, communication and information technology have enhanced the connections between cities and between cities and rural habitations creating new sets of relations, where once cities might have been considered as discrete entities (see for example, Eurostat, 2014). In order to facilitate comparability, there are attempts to create harmonised definitions of a city which relate to size, population density and the presence of an urban centre (Dijkstra and Poelman, 2012). Arguably, global cities, of which London is the only one in the UK, are the most significant

centres of the globalised economy (Sassen, 2005), and perhaps stand apart from smaller cities. Nevertheless, all are touched by the current political and economic hegemony.

The city and the engine that shapes its current development, urbanism, are well-trodden sites of investigation. Cities have been explored from every angle by geographers, anthropologists, political scientists, economists, sociologists and psychologists but also by novelists, journalists, artists and poets. Arguably, this is because:

> 'Cities have the capability of providing something for everybody, only because, and only when, they are created by everybody.' (Jacobs, 1961: 238)

They have been considered from an all-seeing, panoptic view and from the street, (de Certeau, 1984), from localities and neighbourhoods (Wacquant, 2002; Hall, 2012) from grand ambitions (Caro, 1975) to the minutiae (Perec, 2010). Many authors have highlighted, in different ways, the powerful interests that shape cities to meet their needs (Harvey, 1973, Hannerz, 1980, Harvey, 1989, Merrifield and Swyngedouw, 1996, Marcuse, 2009a). Others have focussed on the role and development of the public realm – the space where strangers meet (Habermas, 1991; Sennett, 2010). Cities, especially Western cities, are viewed as sites of modernity – of invention and creativity, of cultural development – exciting places to live, in which a specifically urban way of life is to be had (Robinson, 2011). They are also places which can be dirty, stressful, violent and badly run, yet people still choose to live there. Cities make space have meaning for people (Tuan, 1976).

Cities have been the subject of both international and national policy making. Significant international organisations such as the United Nations emphasise the need to work towards a better urban future, creating for example, nine principles for 'The City We Need' (UN Habitat, 2014). Within the UK, 10 core cities, second only in size to London and including Glasgow, are attempting to create a unified voice for extending their role in driving economic growth (Core Cities, 2017). At the same time, many argue that cities have been distorted by

globalisation with urbanisation being the key process by which the current needs of capital are met (Harvey, 1989, Sassen, 1991; Marcuse et al, 2009). This, it is argued, leads to a state of superficial engagement with the richness that cities have to offer whilst stimulating a drive towards the development of standardised milieus which serve the needs of profit. There is a view that cities have little autonomy as compared with the nation state (Harvey, 1989) but by contrast, others argue strongly that cities are sites of governance, the scale and authority of which have meaningful implications for quality of life and outcomes that could be considered as either more or less just (Fainstein, 2010). Fincher and Iveson (2012) highlight moves in urban social justice literature which go beyond describing and analysing cities to exploring and even proscribing solutions. Thrift (2005) reminds us that cities are organic places, capable of both resilience and repair at times of crisis and carrying within them deep wells of care and compassion which can be harnessed for the common good.

The significance of cities for the heterogeneous population is manifold as is the significance of the heterogeneous population on city life, not least because city populations are constantly changing, people flowing in and out with different origins, cultures and experiences. Indeed, the growth of city populations has largely come about as the result of inward migration rather than as a consequence of an increase in the pre-existing population (Sandercock, 2003). Cities concentrate differences and are places where members of the heterogeneous population can both thrive and experience oppression (Young, 1990). Experiences of the city, of its design, form and culture vary according to identity; women's experiences differ from men's (Wilson, 1991, Jarvis et al, 2009), disabled people's from non-disabled (Gleeson, 1998). For many, the anonymity that can be created in cities, especially large ones, can be liberating. Some areas in cities are characterised by monocultures, either in terms of privilege or disadvantage, others by superdiversity. By concentrating differences, cities are also sites of contestation and struggle, with claims about a right to the city becoming increasingly vocalised (Lefebvre, 2003; Marcuse, 2009b, Brenner et al, 2012).

Overall, urbanisation can be seen as a deliberate development rather than one that is accidental or the product of historical processes that reside outside the development of the current economic system (Williams, 1973). Thus, the city is the premier site for understanding and analysing the extent to which the needs of the heterogeneous population are understood and met (Brenner et al, 2012). It is however important to understand the negative impact of city processes and this will be considered in more detail in the next sub-section.

3.3 Urbanisation of injustice

Fainstein (2010:3) contends that urban decision makers have been criticised by urban scholars since the 1960s for increasing the disadvantages experienced by members of the heterogeneous population, citing particularly the effects on 'low-income, female, gay and minority residents' of the priority given to business at the expense of neighbourhood needs, to facilities which encourage tourism at the expense of services, schools and employment. Similarly, Connolly and Steil (2009:1) highlight that rapid urbanisation in many places has led to poverty, violence and exploitation as well as what they describe as 'the physical expressions of unequal access to social, cultural, political and economic capital that arise from intertwined divisions between, race, class and gender categories.' Harvey's (1973) influential analysis of social justice and the city set a benchmark for an understanding of the relationship between justice and injustice, social relations, spatial form and planning processes, defining cities under capitalism as machines that generate inequality. Latterly, there has been considerable focus on the impact of neoliberalism on cities (Morange and Fol, 2014; Harvey, 2008; Brenner and Theodore, 2002) highlighting its destabilising nature, creating ongoing and shifting tensions in urban governance and expressions of urban crisis.

These expressions of injustice are reflections of a critical approach to urban studies which, echoing Fincher and Iveson, continue to seek to analyse the extent to which capitalism shapes urbanisation. As elaborated by Brenner et al (2012:5), this critical approach aims:

'to examine the changing balance of social forces, power relations, socio-spatial inequalities and political-institutional arrangements that shape, and are in turn shaped by, the evolution of capitalist urbanization; to expose the marginalisations, exclusions, and injustices (whether of class, ethnicity, "race," gender, sexuality, nationality, or otherwise) that are inscribed and naturalized within existing urban configurations; to decipher the contradictions, crisis tendencies, and lines of potential or actual conflict within contemporary cities; and on this basis, to demarcate and politicise the strategically essential possibilities for more progressive, socially just, emancipatory, and sustainable formations of urban life.'

It is within the spirit of this approach that the urbanisation of injustice will be explored, first by considering what is meant by spatial injustice, then by elaborating on the experience of being the 'other' in the city; as a woman, from the perspective of being disabled, from the perspective of race and also through the lens of sexual orientation. This is not to ignore social class and the privileges and disadvantages associated with it, rather the issues of class will feature implicitly and explicitly as part of the overview of spatial injustice but also in the way that class intertwines with the other forms of social identity that comprise the heterogeneous population. Perspectives on the experience of injustice in the city clearly mirror the debate about the relative importance of maldistribution of resources in the city and the lack of recognition of different social groups. Describing urban injustice in the city in a straightforward way is similarly confounded by the combined or relational impact on individual lives of different forms of identity: the experience of intersectionality.

3.3.1 Spatial injustice

The relationship between social injustice, as explored in the previous chapter, and spatial injustice is complex, yet it is important because of the spatial implications of city life, both public and private. In their consideration of the urbanisation of injustice, Merrifield and Syngedouw (1996:11) argue that there are 'accelerating and spatially deepening uneven processes of 'creative destruction'' which 'leave urban communities uprooted and displaced.' At the

same time, those with privilege and power have been able to appropriate areas that are suited to their needs, often using technology to create safe spaces. Fainstein (1999), examining three different perspectives on the creation of urban space, political economy, post structuralism and urban populism, highlights how each bring different ways of understanding spatial injustice that relate to economic inequality, an unwillingness to acknowledge and accept diversity and a lack of democracy.

Marcuse (2009b) maintains that there are two fundamental forms of spatial injustice: the involuntary confinement of a group to a proscribed or limited space in the form of ghettoisation or segregation and the unequal allocation of resources over space which include employment opportunities, political power, social status. Further, Marcuse argues that whilst spatial injustices are the consequence of social injustice, social injustices invariably have a spatial aspect. The interrelationship means that social injustices cannot be tackled effectively without also taking their spatial manifestations into account. Soja (2010:5) echoes this perspective by adding spatial (in)justice as a key dimension alongside social and economic injustice, arguing that there has been a renewed interest in urban spatial causality which examines the effects of the ways that cities are organised on everyday behaviour. He too highlights that the biases that certain populations face because of their geographical location are fundamental in creating locational discrimination and spatial injustice. Class, gender and race are key forces which shape this form of injustice.

Valentine (2007) similarly highlights that spaces are power laden and affect the extent to which identity can be enacted or where different forms of identity might be excluded. By way of illustration she cites the example of a Deaf woman who faces different forms of exclusion in the workplace and within her domestic space that are exacerbated by the lack of support services available in the city in which she resides. At a population level, Brenner and Theodore (2005) again cite neoliberalism as being a political strategy which creates spatial inequalities. They give as examples transport policies which favour suburban commuters at the expense of inner-city low-income residents who are more dependent on mass transit, and regional development policies which aim to provide a pool of

workers for employers regardless of limitations that it imposes on those workers. They are also at pains to point out that the policies of neoliberalism are highly adaptive and modify themselves to the local environment, using 'inherited spatial configurations in highly variegated, place and scale-specific ways' (ibid:106). Others (Smith, 1996; Macleod, 2002; Macleod and McFarlane, 2014) go further by claiming that the claiming of space and the mass gentrification that has taken place is a form of revanchism or act of revenge against the post-war liberal, welfare capitalist consensus where urban space is not only appropriated but essential services are threatened. Mitchell (2003) even suggests that there has been the emergence of the 'post-justice' city.

3.3.2 On being the 'other' in the city

The emerging account points to the city as a microcosm of wider society, its injustices mirroring the structural relations considered in Chapter 2 which underpin social injustice and justice. For those groups who are not dominant, who comprise the 'other', the impact of the city can be under-theorised, under-reported and sometimes invisible. For example, whilst there is a stream of feminist analysis on women in the city, women's position, role and needs in cities, often appears to be an afterthought in urban theory, as does the wider consideration of gender (Jarvis et al, 2009, Sharp, 2007; Massey, 1994). The impact on the city of capitalism and neoliberalism has been considered in great detail but the relationship of patriarchy to the city is less explored, effectively rendering the city as a gender-neutral space (Fenster, 2005).

Peake (1997) has however identified the city as a patriarchal site, its recent history shaping space to confine women to traditional roles with suburbanisation separating out the home and the workplace; access to jobs, transport, services and facilities also circumscribed by gender roles. There has been a reduction in services provided by the Western and more specifically the UK state which has increased in both pace and extent in the last few years and many have been subsequently either privatised or domesticised. This, Peake argues, further changes and curtails women's activity patterns over space and time. Similarly, Milligan and Wiles (2010) highlight the importance of understanding 'landscapes

of care,' the social spatial arrangement of care between institutions, community and the home for their impact on the gendered nature of care.

Roberts (1991), in considering modern housing design and other public buildings, considers cities to be 'man made' as a consequence of both policy and cultural expectations of family life, gender relations, women's role as mothers and public health. Wilson (1991: 7,8) has posed the suggestion that cities are based on both masculine and feminine 'principles' which are in tension with each other, whereby the 'triumphal scale' of the city – its tall buildings, its distant views and its industrial areas – represents the masculine and its 'enclosing embrace, its indeterminacy and labyrinthine uncentredness' represents the feminine. Despite its feminine face, she too argues that women have to live 'their lives on sufferance in the metropolis,' not granted full access to the streets, needing to have their sexuality controlled, denied appropriate housing when they head up households. Having a right to the city, which will be explored in more detail in the next subsection, is arguably predicated on two main rights: the right to the appropriation of urban space and the right to participation (Purcell, 2003), yet women repeatedly report feeling denied to both (Fenster, 2005). Massey (1994), has similarly highlighted the historical extent to which women have limited access or are excluded from public spaces except where those public spaces are organised around services that are deemed as women-appropriate such as health care. Valentine et al (2014) reporting on a recent study of lived urban experience present findings which show that, despite improvements in the ways that women connect to city life, the normalisation of male expectations still dominate the way public and workplace space is organised.

Everyday practices have also been theorised as dictating the extent of belonging to the city and control over urban space (de Certeau, 1984). Everyday experiences have already been referred to as gendered, for example, in the ways in which care of children curb the freedoms of women, differently than for men. Jarvis et al (2009:131) refer to the 'infrastructure of everyday life' from which it is possible to deduce what is available in a given situation and highlight the fragility of strategies of coping, exacerbated for women by 'androcentrism by design' (ibid: 133). For de Certeau (1984), the street is where people walk,

connects the ways in which space is used and the extent to which people belong to that space. Fear of public spaces - the street, public transport and parks - arising from harassment and sexual violence as well as cultural expectations of participation create a very different set of everyday experiences for women to those of men (Valentine, 1989; Pain, 2001). Extreme forms of gendered violence such as prostitution most often confine prostituted women to 'marginal, deprived and culturally undervalued localities' within cities' (Hubbard, 1999:15).

If cities are not largely constructed and organised with the needs of women as they currently experience society in mind, neither are cities organised to serve the needs of disabled people. Imrie and Edwards, (2007) reviewing the corpus of work on the geographies of disability and learning disabilities have drawn attention to the limited analysis of the relationship between disability and urbanisation. The theoretical dilemmas connected to static categories of disability, they argue, have impeded inquiry into 'space and place, that is, to the specific values and contexts of conduct, the diversity of lived encounters, and embodied experiences, of disability, and the temporal/spatial fluidity of (disabled people's) identities' (ibid:635). The apparent paucity of recent literature on the extent to which urban policy and planning relates to disability seems to bear this out, reinforcing social model of disability constructs considered in the previous chapter. Taking this into account however, it is possible to extract from the literature at least a high-level overview of the limitations which city life imposes on disabled people.

Imrie (1996) came to the conclusion that essentially, disabled people were 'locked out' of the city by a series of hostile environments. Gleeson (1998) has also argued that the experience of disabled people in Western capitalist cities is also highly oppressive, characterised by inaccessibility, poverty and socio-spatial exclusion. The physical layout of cities, both at the level of macro land use and in the design of buildings act to exclude people with physical impairments. Subsequently, Imrie (2000) has highlighted limitations placed on disabled people by the built environment as the result of local urban policy making in the UK but has also noted the considerable variations arising as a consequence of permutations in the power of economic interests, awareness (or not) of disability

issues by policy makers, interpretation of national standards and the strength of groups representing disabled people. Historically, disabled people have faced considerable barriers in living in their chosen environments. Whilst considerable emphasis in recent years has been placed on moving disabled people out of institutions into communities, this has created different spatial dislocations in different cities, depending on local policies and a willingness to overcome local opposition (Milligan, 1996). Choulnard (2006) highlights how neoliberal policies have heightened differentials in access to housing in cities for disabled people, especially women, by reducing income support and privileging more affluent citizens.

An examination of the priorities for the 'open city' for people with dementia by Blackman et al (2003) serves as a reminder of the heterogeneity of disability and also of the limitations that can be experienced as the result of ageing. The impact of steep pavements, poor lighting, the lack of good signposting or the unfriendliness of public spaces which impinge on people who are physically disabled can be compounded for people experiencing cognitive impairments. McClimens et al (2014) have explored the experience of the city for people with learning difficulties negotiating the city centre space from the context of participation and inclusion as a citizen. Commenting on the lack of a body of work, they nevertheless draw out from that literature that the use of city centre spaces, so important for 'being and belonging,' can be frightening and intimidating for people with learning difficulties. Imrie (2013) has evaluated a recent approach in the UK to urban design, shared space, which aims to improve the environment and facilitate movement and mobility. By focussing on the implications of shared space for people with vision impairments, he concludes that places 'continue to be designed with little understanding of the interrelationships between design, disability and space' (ibid:3446). For people with visual impairments, shared space represents the design of dangerous space because of the mingling of people and vehicles. This, he argues, is an indicator that impairment is not being viewed as an integral part of the human condition or that such knowledge should be intrinsic to the planning of space. That such a conclusion can be arrived at so recently suggests little has changed since Gleeson

(1998:10) observed that 'the built environment thus appears as a phenomenal form of substructural processes that devalue physically impaired people.'

Unlike the apparent marginalisation of disability in urban research, race and ethnic diversity and their implications have been central themes of urban sociology from the point when the first systematic analyses of cities were taking place (Bridge and Watson, 2010). Considerable emphasis has been placed on examining the origins, nature and implications of racial segregation, especially in cities in the United States. Whilst acknowledging the significance of spatial differentiation, Amin and Thrift (2002) have highlighted that the implications of race and ethnicity are also constructed from a set of unique local histories and the nature of and interplay between different ethnic groups that settles in specific cities. They have further argued that the city frames experiences of ethnicity in two main ways; firstly, they have come to symbolise the 'racialisation of modernity' (ibid:292) which leads to, for example, the demonisation of black inner-city areas and assumptions that public spaces are preserves for white privilege. Secondly, as for women, the city frames the everyday experiences of ethnicity, providing the tangible negotiations which can either lead to hostility or to cultural exchange.

The relationship between race and cities cannot be divorced from the impact of migration which arguably, has had a differential impact on European cities than those in the USA where much of the literature is focussed. Sandercock (2003) highlights that such migration cannot be disentangled from prior colonial history which has often dictated where migration has been from and in what context. In the face of 20th century migration, Sandercock further argues that space has been regulated in such a way that mitigates against new ways of belonging in cities; firstly by the ways in which planning is infused with the values of the dominant culture; secondly by the attitudes of policy makers and planners who are imbued with the dominant culture; thirdly where planning disputes exist as the result of expressions of the incoming culture (the location of a mosque for example) they are often found in preference to the dominant culture; and lastly, where cultural preferences of incomers are overlooked in the use of space.

For LGBT+ people, the city can be both a place of liberation and a place where injustices are magnified. Aldrich (2004:1719) argues that historically, homosexuality has been both central and marginal to city life and development, 'subverting normative standards of behaviour, carving out social niches, fertilising cultural life, demanding political changes.' Whilst the city and its policies and practices, like society, can be seen as largely protecting both capital and a white, heterosexual culture there has nevertheless been an appropriation of 'queer spaces' as havens for sexual minorities (Knopp, 1998; Doderer, 2011; Doan, 2015).   Paradoxically, this has been both facilitated and discouraged by urban policy makers and planners, using the vibrancy of such spaces to promote the cultural complexity of certain cities whilst at the same time furthering the ghettoisation of LGBTQ communities. The shift in attitudes towards sexual minorities highlighted in Chapter 2 has led to a concomitant acceptance of gays and lesbians in urban areas but some argue that this has led to further marginalisation by ignoring the ongoing need for safe spaces to live, work and play (Doan, 2011, 2015).

3.4 Urban justice for the heterogeneous population

In the face of the pressures, difficulties and injustices that the heterogeneous population faces in the city, what then is the potential for greater justice that takes the multiplicity of needs into account? How, as Amin (2006: 1015) puts it, identifying four registers of solidarity – repair, relatedness, rights and re-enchantment - does the city place 'an equal duty of care towards the insider and the outsider,' how does it create a 'politics of relatedness' (ibid:1016) whereby the inclusive city draws out untapped potential and maximises its human and social capital? How does the 'being together of strangers' as Young (1990:237) defines the city translate into effective and fair ways of living together? How might the conceptual map proposed by Baker et al (2009) or the principles which might underpin equality law and policy as outlined by Fredman be applied as a means of assessing or promoting the fairness of the Western city? Rae (2013), exploring English urban policy between 2001 and 2011, comes to the conclusion that like the overall tenor of this thesis, the devising of effective city policy is also a wicked problem and that wicked solutions may not abound.

Recognising the multitude of disadvantages that the modern city creates and the extent of powerful interests which pull cities in different directions, many authors have set themselves the task of imagining alternatives which are both pragmatic and Utopian. Badged in many ways - the right to the city, the emancipatory city, the just city, the cosmopolitan city, the good city, spatial justice – they all paint a picture of improved urban justice. Sandercock is particularly poetic in her description of the just city:

> 'I dream of a city of bread and festivals, where those who don't have the bread aren't excluded from the carnival. I dream of a city in which action grow out of knowledge and understanding...where social justice is more prized than a balanced budget; where I have a right to my surroundings, and so do all my fellow citizens; where we don't exist for the city but are seduced by it; where only after consultation with local folks could decisions be made about our neighbourhoods...where no-one flaunts their authority and no-one is without authority...I want a city where the community values and rewards those who are different...' (Sandercock, 2003, 207-8).

There is therefore a challenge to elucidate from this extensive literature how best to meet the twin ideals of redistribution and recognition, around which theories of social justice are clustered. All have implications for the complex needs of the heterogeneous population yet at the same time, such perspectives need to be considered within the context of current city development, what Brenner et al (2012:117) describe as the 'contours and consequences of emergent urban transformations.' This challenge will follow the ongoing iteration of ideas concerning the what, for whom and where questions of urban justice, using the framing of the right to the city (Lefebvre, 2003) as a starting point.

The concept of the right to the city has resonated throughout the literature since its formulation in the 1960s when Lefebvre made it clear that it was not a claim on the existing type of city but one in the future still to be constructed, where interconnections between the urban and the rural were based on mutuality. Borne out of a set of circumstances particular to its time, its historical location is

however now less important than its subsequent reverberations, culminating as it has in a series of social movements, with different interpretations but all recognising the close relationship between urbanisation and capitalism and claiming that the benefits that can be accrued in the city should be for all, rather than the privileged few (Mayer, 2011). Some, as Marcuse (2009a) points out, already have rights to the city and are running it in a way that serves those interests. Despite contextualising the right to the city as a function of an equitable economic system, Harvey has highlighted its aspirational and transformational function:

> 'The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization' (Harvey, 2008:23).

By linking individual emancipation to changes in the city, he has intimated a range of aspirations largely viewed through the lens of class struggle. Others, however, are more explicit about addressing all forms of injustice created by city life and urbanisation. Marcuse (2009a: 189) asks, 'whose right to the city is involved, who the potential actors, the 'agents of change', are and what moves them either to propose or to oppose basic change.' He concludes that the call comes from people who are both directly oppressed by dint of class, race, ethnicity and gender – and also those who are alienated from any economic class, who might be young but who generally view the prevailing system as 'preventing adequate satisfaction of their human needs.' Their rights are multiple, together making a complex whole: a right to public space, to information, to access city centres, to services. Acknowledging the limitations that capitalism imposes, he nevertheless claims that there are sectors of public life such as education, health care, housing and the arts where 'commonality is visible, where action for people, not for profit, is the rule' (ibid:195). The potential of sectors such as these are examined in the investigative part of this thesis.

In establishing such sectors as possible islands of justice, Marcuse acknowledges both the importance of and the limitations of spatial justice. Soja (2010) however claims the need to emphasise spatial justice as a theoretical component of justice if the significance of 'spatial organisation of human society, particularly as it takes place in the modern metropolis (ibid:14)' with its implications for the ways in which it shapes 'behaviour, political action and societal development.' Also mindful of the need to conceptualise a right to the city, Soja maintains that spatial justice can only be achieved by the explicit countering of unjust geographies created by such factors as racism, gender discrimination, religious discrimination and negative responses to differing experiences of sexuality. In recognising these wider impacts on urban space, he argues that the right to the city needs to be multifaceted and multiscalar and that progress requires heterogeneous coalitions which go beyond the narrow and separate movements of the past.

Implicit within this wider conceptualisation of the right to the city is that ideally, cities are planned with heterogeneity in mind. Mirroring general theories of social justice, some (Young, 1990; Sandercock, 1997, 2003, 2006; Fainstein, 2005, 2010) place urban diversity at the heart of the just city although they differ in their consideration of what constitutes diversity. Amin (2006) similarly regards the challenge of creating a good city is one in which well-being and emancipation need to be fashioned out of multiplicity and difference. These authors will be considered briefly in turn before elaborating on the potential and reality of city planning and policy making for social justice.

For Young, (1990) the city is not merely the site of historical development but a normative ideal that she presents in opposition to those who argue that the disadvantages of liberal individualisation can only be countered through the establishment of strong communities. From the realities and the potential of modern cities, Young has identified four key virtues that cities can bring to the heterogeneous population and vice versa. Firstly, the city provides the basis for 'social differentiation without exclusion' (ibid: 238), where group differences are reinforced by city life, intermingling and overlapping in a way that is not confined by identity and also not viewed as 'other.' Where groups effectively

mingle, using public space in different ways, the second virtue of variety is created. With variety, she argues, comes new pleasures and excitements, an opportunity to move out of fixed routines and where the third virtue, eroticism, can take on a pleasant rather than a fearful form in the 'place of many places' (ibid: 240). The existence of public spaces in which different groups come together and interact can create the opportunities for more democratic forms of politics in which people can maintain a sense of their distinctiveness, a politics of difference. This fourth virtue she labels as publicity, whereby ideas are exchanged. For Young therefore, the city is where the public is unassimilated and as a result is:

> '...heterogeneous, plural and playful, a place where people witness and appreciate diverse cultural expressions that they do not share and do not fully understand' (ibid: 241).

In her work, Sandercock (1997, 2003, 2006) builds the concept of the cosmopolitan city to describe 'an emerging urban condition in which difference, otherness, multiplicity, heterogeneity, diversity and plurality prevail' (Sandercock, 2006:37). Acknowledging the difficulties that some urbanists have with cosmopolitanism, she nevertheless argues that 'cosmopolitan urbanism' can form the basis of both an imagined way of living especially in a way that embraces cultural differences, as well as being a political project; away from the multicultural politics of co-existence to one which is intercultural. The basis of this political project is that plurality is desirable and that political life should be structured accordingly, recognising the value and importance of structuring an agonistic politics in which dialogue, freedom of speech, participation, ethical norms and a policing of discriminatory activity are paramount. This is a view endorsed by others. In his overview of assimilation and multiculturalism in the USA and Europe and the significance of cities in framing migration experience and cultural diversity, Arapoglou (2012) similarly concludes that a dialectical, agonistic approach to politics is essential. Amin (2006) argues that the ultimate test of whether a city is a good one is the extent to which it can incorporate pluralism and dissent and the extent to which it can withstand the idea that it

needs to be managed by an 'enlightened, urban elite that attends to the interests of all' but which, in practice:

> 'casts a veil over the impossibility of central reach over a constant and transjurisdictional city, a usually supplicant relationship with government and power based elsewhere, and the mischief of an itinerant business community forever threatening to exit if its demands are not met. The idea of good urban governance is an illusion for all that it cannot capture, but also for its panoptic authoritarianism veiled as stakeholder democracy' (Amin, 2006:1021).

Instead, he advocates a distributed form of democracy which enhances urban solidarity rooted in the ability of cities to undertake continuous maintenance and repair, to promote relatedness, to register the rights of its citizens and to foster re-enchantment, a concept that echoes Young's appeal to eroticism.

Others urge a note of caution about the ways in which the term diversity can be interpreted. Although accepting of its importance, Fainstein (2005) nevertheless asks what is meant by 'cities and diversity,' what is it about diversity that is desirable and whether it can be planned for. For the urbanist, diversity, she maintains, can relate to both variety in urban form and in social relations. Arguing that the promotion of cultural diversity has become popular with planners, she also warns that the promotion of diversity can be viewed too narrowly and become counterproductive in the search for urban justice:

> 'Overall the claims for diversity are important. Diversity underlies the appeal of the urban, it fosters creativity, it can encourage tolerance, and it leads city officials to see the value in previously underappreciated lifestyles. For instance, whereas gays were once the object of police raids, they now are viewed as urban pioneers, taming areas of the city once considered dangerous and nurturing innovative industries. At the same time, however, the argument for diversity can be carried too far, and it tends to lose sight of the continued importance of economic structure and the relations of production' (ibid:13).

As this quote implies, diversity has been elevated by some as the touchstone for economic success in cities. Florida (2005) for example makes claims for the benefits generated from the appeal to others of the creativity associated with gay communities, yet the reality has often meant that this has favoured the few rather than the many. Instead the route to the just city, Fainstein (2010) contends, is one in which diversity is tempered by democracy and equity and that although these values might pull in different directions, criteria can be developed for assessing the worth of new policies and planning decisions. Likening this approach to that of Nussbaum's list of capabilities, (Nussbaum, 2000) Fainstein argues that in the just city, these values require to reach a minimum level. The importance of these values and how they relate to other conceptualisations of planning are explored further in the following subsection.

3.5 Planning for social justice for the heterogeneous population – concepts and reality

If the right to the, city in its broadest sense, is to embrace and address the different ways in which social injustice manifests itself in the heterogeneous population and bring out the joys and pleasures of difference, there is a need for reflection on real life, tangible attempts to introduce change. It is necessary to ask whether and where theory has been translated into practice. Is there a praxis of urban heterogeneity or a route towards a clumsy solution and what does it look like? Can and does this relate to, for example, synthesised models of social justice and equality theory such as that of equality of condition (Baker et al, 2009) which concluded chapter 2 or Amin's four registers of solidarity (repair, relatedness, rights and re-enchantment, Amin, 2006) or Fainstein's core values for a just city (democracy, equity and diversity, Fainstein, 2010) considered as part of Chapter 3?

If cities are shaped by their populations – both the powerful and the disaffected - by international, national and local policy, by the nature and culture of its public organisations and its business, by the political movements that reside within them, then determining the potential for change is complex. If Marcuse is correct and that whatever the external economic conditions imposed on cities,

there are nevertheless islands of justice, how should these be identified, evaluated and enhanced? This section will explore both the ways in which planning for change at city level has been conceptualised and the nature of the processes and experiments in creating justice for the heterogeneous population.

Sandercock (2003) places the emphasis on planning as the key process. Critical of an old model of planning she highlights the need for new models which are 'not only about mobilizing resources and power, and changing institutions, but about also organising hope, negotiating fears, mediating collective memories of identity and belonging, and daring to take risks' (ibid:179). The old model of planning she describes as overly rational and technical, unnecessarily comprehensive and hierarchical, based on limited, technical forms of knowledge, part of 'state-directed futures' (ibid:210) and elitist, with planners assuming to know best for the population. By 'expanding the political horizons of planning' (ibid:211) and by 'developing a therapeutic approach to urban conflicts' (Ibid:212), Sandercock maintains that an expanded language of planning which takes account of the heterogeneous public can be generated. The qualities of planning that she outlines in this paradigm shift are communicative and value driven, negotiated and interactive, draw on different epistemologies, involve partnership with the population and are transparent about their political intent.

Fincher and Iveson (2008), echo the values that underpin this description of just planning and identify three specific ways in which the nature of heterogeneity can interact with the formal planning system. Paying due heed to the debate exemplified by the philosophies of Young and Fraser, their 'social logics' (ibid:3) of planning for a just diversity place the redistribution/recognition dilemma at their heart but also recognise the importance of encounter. This latter concept, they maintain, is central for opportunities to be accepted as a legitimate citizen and to be able to socialise freely in public space. In this, they concur with Young's view that cities are the being together of strangers:

> 'Seeking encounter through planning means facilitating fleeting interactions as
> well as more stable ones, and it is a planning strategy that acknowledges
> urban inhabitants as strangers with variety of attachments and group-based

identities that might be adopted in a variety of contexts during their lives' (Fincher and Iveson, 2008:215).

In relating theory to practice, they draw on a wide range of literature and take a broad view of planning which covers a range of interventions aimed at improving urban conditions for those experiencing injustice. They are also alert to the obstacles and barriers to change and the contradictions that one seemingly just policy might lead to for others. Without specifying it as such they attempt to grapple with the wicked problem of equality in cities by approaching their logics both conceptually and practically. Their social logics and the 'decision rules' which they extract from the analysis of both theory and practice overlap with the ideas of equality of condition and substantive equality by linking dimensions of equality to social systems. In this context it is helpful to consider the social logics of planning in more detail.

The case for the social logic of redistribution in urban planning, Fincher and Iveson argue, is to reduce the difference in rights between the rich and the poor by 'examining the spatial dimensions of material differences' (ibid:23) for both physical and social space. Recognising that any contemporary planning for redistribution is now tempered by social and economic policy that favours competitiveness and privatisation, they nevertheless maintain that scope remains for transformational development. This is a view shared by Fainstein (2010) who similarly argues for the necessity to incorporate justice into urban policy-making even whilst it continues within a capitalist context. Policies and plans which seek to rectify issues of locational disadvantage through socio-spatial segregation, and access to services, are key to redistribution in planning. It is however the nature of the discourse behind planning decisions which Fincher and Iveson (2008) maintain needs to be closely scrutinised. Such is the prevalence of prejudice and disdain for otherness and disadvantage, it is vital for just planning that people experiencing injustice are not presented as unworthy or as a problem to be solved rather than their contribution to city life being recognised and substantiated. Similarly, Low and Iveson (2016) maintain a moral and theoretical based argument and evaluative framework is required.

Their three examples of redistribution in practice are chosen to exemplify its own social logic but also the importance of its interrelationship with recognition and encounter. Difficulties notwithstanding, they cite as a positive example, urban renewal which clearly recognises the needs of the population that it serves in the provision of low cost housing and services, replicates ways of living that suits the culture of the communities involved and reinforces successful forms of encounter. This chimes with Fainstein's exploration of equity as a cornerstone of a just city (Fainstain, 2010). Their next chosen example of planning for affordable, available childcare is a form of distributive planning which recognises the disadvantages relating to one form of identity – gender - in cities. The last example, the deinstitutionalisation of disabled and mentally ill people through care in the community, can be seen to both reallocate resources in their favour and create opportunities for contact and co-existence.

Like others already considered in this thesis, Fincher and Iveson (2008) regard recognition as being relational rather than essentialist, formed within different social contexts and where difference is viewed as a strength rather than as a difficulty to be overcome. This emphasis has significant implications for approaches to urban governance and planning as it needs to be translated in a more complex way than merely affirming specific groups as fixed identities. By way of illustration they pose the dilemmas of young, Asian women who wish to mix both tradition and modernity into a new form of gender relations and gender equality that is nevertheless contextualised by commitment to their religion. The decision rules associated with a relational approach require more emphasis on cross-group dialogue and resource allocation whilst also acknowledging the relevance of responding to the claims of individual groups where that is required. Other practical examples further illustrate the interrelationship between recognition, redistribution and encounter such as work to develop child friendly cities where groups who lack adequate citizenship and representation are placed at the heart of planning. Similarly, planning for new immigrants where it has occurred has been a mark of both recognition – understanding new and diverse cultures - and of redistribution – redirecting resources and services to meet a disadvantaged group. Planning for different sexualities in a way that counteracts heterosexual norms has evidenced considered thinking about the ways that gay

men, lesbians and transgender people are represented and both the merits and disadvantages of protecting gay spaces and spaces which maximise diversity.

In their consideration of recognition theory and their choice of examples, Fincher and Iveson (ibid) nevertheless expose strategic and tactical dilemmas that permeate the literature and debates on the ground. This is in keeping with the view of this thesis that a clumsy solution to wicked issues can and should be constantly negotiated. Whatever the desirability of a politics of difference as an approach to resolving the different ways in which oppression is constituted, efforts have and will be made that represent the interests of specific groups and the structural issues that limit access and freedom in city life. This section therefore concludes by considering two other approaches adopted at the city level; firstly through the mainstreaming of identity issues into urban planning and policy and the secondly through the development of equality specific policy.

Equality mainstreaming is a method which has become a recognised orthodoxy within the UK and across Europe (McKie and Riddell, 2006). It is not possible here to provide a comprehensive account rather to acknowledge its role in bringing concepts of equality into policy, planning and service delivery. Although it has its origins in efforts to create greater gender equality (Squires, 2005; Derbyshire, 2012) mainstreaming is now becoming used more widely to take account of all forms of inequality. Although its significance is also contested not least because of the different ways in which both inequality and equality are conceptualised (Walby, 2005; Verloo and Lombardo, 2007), studies show it can make a difference to experiences for specific groups in city life. Briefly, it will be considered from the perspective of two European developments: gender mainstreaming in urban planning and the intercultural cities programme. It draws on the Council of Europe (1998) definition of gender mainstreaming as its basis for understanding mainstreaming:

> 'the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies, at all levels and at all stages, by the actors normally involved in policymaking.' (ibid:15)

The European Union has made explicit its support for gender mainstreaming providing both regulation and incentives and this has extended to urban planning. In their review of gender planning in Europe, Sanchez de Madariaga and Roberts (2014) have concluded that despite resistance and obstacles and inconsistency across countries, inroads have been made towards greater safety for women, better use of public space, greater sensitivity to gender inequalities in architectural design and zoning arrangements as the result of mainstreaming. Certain cities, such as Vienna, are held up as exemplars. It has had more than 20 years of gender sensitive planning initiatives and in 2009/10 was rated as the city with the highest quality of living in the world, its gender mainstreaming approach arguably contributing significantly to this (Irschik and Kail, 2013).

The drive towards the development of intercultural cities has also been embraced at a political level within Europe in broad recognition that cultural and ethnic diversity is an asset rather than a threat and that multiculturalism has not created a sufficient level of interaction between groups (Council of Europe, 2010). Certain authors (Bloomfield and Bianchini, 2004; Wood et al, 2006) regard the intercultural approach as an attempt to mitigate some of the effects of neoliberalism on city life:

> 'Interculturalism goes beyond equal opportunities and respect for existing cultural differences, to the pluralist transformation of public space, institutions and civic culture… Cities need to develop policies which prioritise funding for projects where different cultures intersect, 'contaminate' each other and hybridise… city governments should promote cross-fertilisation across all boundaries, between 'majority' and 'minorities', 'dominant' and 'sub' cultures, localities, classes, faiths, disciplines and genres, as the source of cultural, social, civic and economic innovation' (Bloomfield and Bianchini, 2004:70).

Initiated in 11 European cities, the Intercultural City programme is another example of mainstreaming, identifying new approaches to the needs of diverse communities through policies, governance and participation. Characterised by

explicit recognition of the value of heterogeneity, it seeks to enhance interaction, mixing and hybridisation through different domains such as education, housing, use of the public realm and the development of neighbourhoods. In reviewing the effectiveness of the approach, Khovanova-Rubicondo and Pinelli (2012) contrast it with other models which have been adopted - of segregation, assimilation, marginalisation and multiculturalism - and have concluded that there are both economic and social benefits, with special significance in dealing with the contested issue of immigration. Evidence from the application of the Intercultural Cities Index shows a direct correlation between success in applying the criteria of the index and economic success (Council of Europe, 2010).

In contrast to this approach of mainstreaming equality into policy making covering the domains of city life, other cities have developed equality specific legislation and policies for specific forms of social identity. The Municipal Equality Index, for example, has been adopted to further equality for the LGBT population in the USA. The index is a high-profile assessment using criteria in six broad categories: non-discrimination laws; relationship recognition; the municipality's employment practices; the inclusiveness of city services; law enforcement; and municipal leadership for equality. Fitting with the discourse that diverse cities, especially those with vibrant gay and lesbian communities, are good for business (Florida, 2005), the index has now been utilised by cities of varying sizes drawn from every state. In 2012, the index was used to rate 137 cities, by 2014 this had grown to 353 cities (Oakley, 2014). Annual reporting of the index shows cumulative improvement in scoring suggesting that a momentum can be created through the use of such a tool. That high scores do not necessarily correlate with the liveability and friendliness of individual cities for LGBT+ people is however a paradox that is also noted in the 2014 report.

Each of these three examples attempt, in their own way, to further the development of what Marcuse (2009b) regards as sectors where social justice in the city pertains. Arguably however, each is dependent on the pivotal role of the 'enlightened urban elite" in driving change. Further, none explicitly question the underlying and dominant economic model that cities are being required to adopt.

The limitations of top down approaches have been highlighted by many (Young, 1990; Sandercock, 2003; Amin, 2006) yet the progress made as the result of both mainstreaming and equality specific initiatives confirm that the city is a relational space in which there are opportunities for interventions which 'destabilise existing logics and advocate for alternatives' (Purcell, 2008:3). Also, the interventions described have not arisen spontaneously but are the consequence of social movements pressurising the local, urban state or engagement with the policy process by theorists (Wainwright, 2003; Massey, 2008). Siltanen et al (2014) show that progressive change can be brought about in cities by working both within and outside the local state and by enacting or modelling equitable and inclusive ways of operating. The reality and potential for greater justice in UK cities is explored in more detail below and in the empirical section of this thesis.

3.6 Urban justice in the UK

As a final component of the evidence being marshalled as the basis for determining social justice for the heterogeneous population, this final section of the chapter turns its attention briefly to urban justice in the UK. It takes cognisance of those 10 cities that have classed themselves as core cities, eight English cities together with Cardiff and Glasgow, not least because of the significance of Glasgow to the empirical part of this thesis. The purpose is to set a context for further deliberation on the impact in cities of the legislation designed to tackle discrimination and foster greater equality, the theme of the next chapter and subsequently of the research. In doing so, it will consider whether the multifaceted city or local state is, as McGuirk and O'Neill (2012:1377) maintain, 'resolutely hybrid and multi-layered, resistant to a common, singular rationality, driven by diverse ideologies, and holding on to multiple political projects and motivations mobilised simultaneously.' It will also consider whether, within this context, there has been a move beyond planning to strategy as the means whereby, as Kornberger (2012:85) argues, 'epistemology coincides with politics,' where evidence and values meet.

In a briefing note for the Scottish Cities Knowledge Centre, Maclennan (2012) highlights that city policy in the UK has been evolving over the past 40 years and that although there have been differences between England and Wales and Scotland, the city has been gradually emerging as a key locus for the meshing together of both policies and interests. Partly, this highlights a growing autonomy and partly, that UK cities are merely the place where national economic and social policies are played out. It can be argued that the coming together of the core city leaders to advocate and campaign for greater city devolution is the antithesis of participatory democracy and further embodiment of the actions of the enlightened urban elite criticised by Amin (2006). At the same time, it has been argued that in strengthening the role of the city, especially those most affected by Government austerity programmes, there is the possibility of greater fairness and social justice (Bell and Davoudi, 2016).

The focus on core cities is important because they represent the economically largest areas in the UK outside London, delivering 26.5% of the UK economy, and are home to 29.8% of the UK population (Core Cities website). Although to a certain extent self-styled as a lobby, the city leaders are attempting to build a politically united voice for greater devolution of power in order to 'enhance their economic performance and make them better places to live, work, visit and do business.' The policy environment in which the core cities are operating is one that largely places wealth generation as the primary raison d'etre and is one currently recognised and encouraged by Central Government via the City Deal process established in 2011 to enable cities to take charge of decisions affecting their area, create economic growth and decide how public money is spent. A White Paper, Unlocking Growth in Cities, (HM Government, 2011) makes it clear that politically cities are viewed as engines of growth critical to economic recovery and that given reasons for doing so, the Government is open to transfer power. The first substantive devolution has seen the creation of the Greater Manchester Agreement (HM Government, 2015) created as the means for a transition to a directly elected Mayor, a transfer of certain economic powers and increased power to plan health and social care. The Core Cities Modern Charter for Local Freedom, also launched in 2015, also focuses on driving prosperity but with two further aims: increasing equality and strengthening democracy (Core

Cities website). Most recently, the publication of a Core Cities Green Paper attempts to contextualise the role of the city in relation to both Brexit and in terms of their contribution to a stronger fairer Britain (Core Cities, 2017).

The potential contradictions that McGuirk and O'Neill (2012) and others (Mitchell, 2003; Martin and Pierce, 2013; Purcell, 2008) have noted, whereby cities, or the local state, contain within them the resources for challenging dominant economic and social policy because of their multifaceted nature warrants further investigation. Newman (2014), for example, considers the relationship between neoliberalism and local governance in the UK. In doing so she builds on both historic and current theory and practice which, like the work of Siltanen et al (2014), shows the potential for working both 'in and against the state', a phrase first coined in the 1970s (London Edinburgh Weekend Return Group, 1979). After considering neoliberalism from three different perspectives – 'as ideology, as governmentality, and as mobile and connective assemblage' (ibid: 3293) – Newman uses this framework to indicate that local authorities can be both subjected to and promulgate ideologies which assume the dominance of the market. At the same time, she suggests that UK cities are being 'implicated in strategies associated with other ideological forms' (ibid: 3294) which maybe the result of current or merging expressions of experimentation or the residual impact of such perspectives as municipal socialism or compassionate conservatism. This, she further argues, creates a 'landscape of antagonism' (ibid: 3297) representing contradictory political forces.

This sense of contestation, of multiple perspectives and alternatives being discharged simultaneously within UK cities becomes then a useful way to consider the core cities phenomenon and individual cities within the group despite their attempts to appear united, comparable and strategic. Newman herself cites the fact the leaders of three Northern cities within the group came together in an act of antagonism against central Government to highlight the possible outcomes of austerity. Further concerns about the impact of austerity on poverty and inequality have led to the establishment of Fairness Commissions in many of the core cities. Although largely led by local authorities they have often been in response to other voices within civil society to collect evidence

and produce recommendations. Whilst there has been a move towards shaping action in partnership with the private and third sectors, others are arguing for more adversarial approaches to social justice which are yet to be played out (Bunyan and Diamond, 2014). Other members of the Core Cities group have come together to participate in a Cooperative Councils Innovation Network (Glasgow City Council website) which again suggests a democratic impulse which arguably sits at odds with a straightforward neoliberal agenda. Commitments by individual core cities both historically and currently to initiatives such as sustainable cities, sustainable food cities, cities of culture and healthy cities reinforce a view that cities are sites of contradiction, with the potential for progressive change. Understanding civic leadership and the way it is exercised across the political realm, the managerial realm and the community realm can also open up new possibilities for innovation and new perspectives (Hambleton et al, 2009).

3.7 Conclusion

This thesis is attempting to juxtapose the reality of injustice with the potential for equality. It has recognised the enormity of the task of change and that the way forward is only ever going to be a 'clumsy solution." This chapter has sought to place the drive for change within the city for two reasons; firstly because of the ever-expanding urbanisation of the population and secondly because of the potential strengths that the effective being together of strangers can bring to social justice and equality. That Western cities are exposed to economic and social policies that are inimical to social justice is beyond doubt as are the effects on the heterogeneous population. Yet, both theory and practice point to ways that change has been claimed in the past and might be claimed in the future. It also acknowledges that there are different perspectives on the nature of identity and that what might constitute the way forward needs to be accommodated in a way that does not limit progress as the result of theoretical discord, through a politics of difference. There are some examples of tangible progress and convincing evidence that cities are not monoliths, unsusceptible to democratic tendencies yet there remains a paucity of literature that takes an overview of the combined impact of different approaches to promoting equality in city life. The following chapter, charting the origins and development of

equality legislation, will however build on the general overview of urban justice in UK cities by considering the potential role of equality law and more specifically the Public Sector Equality Duty that is associated with it in both naming and challenging existing injustice from the perspective of the heterogeneous public and in promoting greater social justice within the city.

Chapter 4: Equality law and its implications for social justice for the heterogeneous population in the city - a Scottish perspective

4.1 Introduction

The purpose of this chapter is to consider the extent to which current equality law has the potential to create the basis for greater social justice for the heterogeneous population within the city context. It commences with an historical overview of the interplay between social movements, research and Government actions and the development of anti-discrimination and equality legislation over the past seventy years before considering critically the most current iteration of the legislation, the Equality Act 2010 and its associated Public Sector Equality Duty (PSED). In summarising the course of the development of equality legislation, the intention of this chapter is to highlight how it has been growing in focus and strength and how its current form creates the potential for greater accountability on public authorities to improve their policy and practice in relation to equality, especially in Scotland. At the same time, it acknowledges both conceptual critiques and weaknesses in implementation. It concludes nevertheless by theorising how the PSED, and associated secondary legislation in Scotland, creates opportunities for institutional transformation and whether and how this could be aggregated to city level.

4.2 History and development of equality law

Since the Second World War, successive UK Governments have introduced and developed incrementally a raft of legislation aimed at tackling discrimination and promoting good relations between different social groups and comprehensive historical accounts exist of these developments (Bagilhole 2009; Thane, 2010; Hepple 2011a). That legislation has been deemed necessary is formal recognition

that certain groups and the individual members of those groups face such significant forms of discrimination or inequality that these need to be rendered unlawful. The building of this equality legislation has comprised a complex interplay between the painstaking struggle of social movements, research reports by non-Government groups, the enthusiasm of some Governments for egalitarianism and a recognition that fairness can contribute to economic efficiency (Bagilhole, 2009; Thane, 2010). Latterly, the European Union (EU) has exerted a powerful influence on national law making (Dickens 2007) and without it, the UK Government would be in a position to repeal all or part of current equality law, given Parliamentary approval (Fredman et al, 2015). The aim of this first section is to present a brief overview of the evolution of this legislation from individual rights to institutional responsibilities and from negative to positive duties. It also considers the regulation and enforcement of equality law.

4.2.1 From individual rights to institutional responsibilities

Bagilhole (2009) describes five eras in the construction of national equality policy during which equality legislation evolved: the 'moral era' of the 1940s and 1950s in which there was a focus on the needs of the disabled people, especially disabled ex-servicemen and civilian casualties of the 2nd World War; the 'liberal legislative era' during the 1960s and 1970s when gender, race and gay men's issues came to the fore; the 'politically hostile' era of the 1980s in which the quest for further rights for disabled people were actively ignored by the Government of the time and gender and race rights were threatened; the 'public relations and professional era' of the 1990s during which there was an increased understanding of the breadth of the equality agenda, where 'managing diversity' came to be seen as benefit to organisations and where the rights of the disabled population became more recognised. Lastly, the early 2000s, the 'fairness tempered with economic efficiency era,' have seen a broadening of the equality project and a more proactive approach to the issues of race, disability, gender and sexual orientation. Throughout there has been a shift away from focussing exclusively on negative duties whereby the emphasis was placed on establishing rights of protection and redress for individuals who could evidence experience of discrimination. Initially this related mostly to the workplace but also partly in

relation to the availability of good and services. This change from individual rights is explored firstly through a chronology of legal provision for individual forms of social identity.

4.2.1.1 Race and Gender provisions

Building on a notable previous history, the 1960s saw a significant groundswell of activity designed to address the discrimination and oppression experienced on grounds of race and gender. Feminist and anti-racist thinking and movements are well documented (Cochrane, K, 2012; Back and Solomos, 2000) and both shaped and reflected a particularly liberal era in social politics under the auspices of the then Labour Government whose Home Secretary, Roy Jenkins, was determined to use the office to create a more 'civilised society' (Campbell, 2015).

In the face of a growing manifestation of racism, the first anti-discrimination legislation, the Race Relations Act was enacted in 1965, followed by a further Act in 1968. Both were designed to address the exclusion that existed in public places, employment and housing for black and ethnic minority people. Recognised as insufficient however the two Acts were eventually repealed and replaced by the Race Relations Act (RRA) 1976, the timing and construct of which was determined by another key piece of anti-discrimination legislation, the Sex Discrimination Act 1975, passed the previous year. Indeed, as Sooben (1990) argues, there were strong practical, moral and intellectual reasons for ensuring similar rules for both race and sex equality.

Based around the precepts of American anti-racist law, the RRA 1976 recognised for the first time, three types of discrimination in relation to employment, training, the provision of goods, facilities and services; direct discrimination, indirect discrimination and victimisation. Direct discrimination regards as unlawful treatment of another person unfavourably on the grounds of race (or other forms of identity). Indirect discrimination describes treatment that is formally equal but discriminatory in effect as, for example, is recruitment by word of mouth if it excludes communication with racial groups. Lastly, victimisation was also viewed as discrimination if in the face of individuals

asserting rights provided for them within the Act, they were subsequently treated unfavourably. The Act also permitted employers to take limited positive action – the use of more favourable treatment if required – to counter previous discrimination.

The death of Stephen Lawrence in 1993 and subsequent inquiry into the nature of the police investigation (Macpherson 1999) marked a watershed in the awareness amongst the public and public institutions that the activities normally associated with ensuring justice can be applied differently for different groups in society. The report of the inquiry cited evidence that the term institutionalised racism, 'should be understood to refer to the way institutions may systematically treat or tend to treat people differently in respect of race' (ibid:46) and was particularly condemnatory of the Police. It led directly to the first augmentation of race equality legislation since the 1976 Act. The Race Relations (Amendment) Act (RRAA) 2000 placed new obligations in the form of a general duty for public institutions, including the Police, to promote racial equality in the discharging of all their functions.

In complying with the general duty, public institutions had to eliminate unlawful racial discrimination, promote equal opportunities and promote good relations between people of different racial groups. In a new departure, a set of specific duties were also created to help organisations meet the general duty which included the publication of a Race Equality Scheme. Schemes needed to make clear the policies of the organisation relevant to the general duty, monitor the impact of these policies, ensure public access to information and services (and by implication consider the need for translation and interpreting), train staff on the duties and monitor the racial breakdown of applications for employment, promotion and training.

Protection against discrimination for religion and belief was not included in race relations legislation despite a growing ethnic and religious plurality in the UK. In recent years there has been a 'spurt of legislative activity' for which the Human Rights Act 1998 was a key trigger as were increasing rights obtained by the EU to act on equality and diversity (Thane, 2010). Directives from the EU on

employment equality included religion and belief and this heightened momentum led to the Employment Equality (Religion or Belief) Regulations in 2003. This was followed by protection against discrimination in the provision of goods, facilities, services and public functions by the Equality Act 2006.

The interplay between social pressure, external EU obligations and Government political policy is similarly discernible for sex/gender equality. Whilst the initial focus was on meeting demands for women's equality, legislation has mostly had regard for the rights of both women and men. The Equal Pay Act (EPA) of 1970 was however recognition that women did not necessarily receive equal pay for equal work. It had arisen from a combination of extensive Trade Union activity and campaigning and strike action taken by women together with influence from the then European Community. It did not however become operational until 1975 by which time the Sex Discrimination Act (SDA)1975 had also been introduced in acknowledgement that sex discrimination was not limited to pay. The EPA was itself further amended in 1983 in line with the EU Equal Pay Directive of 1995 to reflect differences in the nature of women's and men's work and introduced the notion of comparable value.

As previously indicated, the SDA 1975 set the scene for the RRA 1976 by introducing three components to discrimination; direct discrimination, indirect discrimination and victimisation. It was the first piece of legislation to fully cover employment and the provision of goods, facilities, services and the disposal and management of premises. Although regarded by some as a blunt instrument because it did not address sufficiently women's role in society (Vallance, 1975) it nevertheless saw a transition from formal equality to substantive equality (Hepple 2011a). Formal equality, which underpins the construct of direct discrimination, 'employs the concept of equality as a system of formal rules' and 'asserts that a person's individual, physical or personal characteristics should be viewed as irrelevant in determining whether they have a right to some social benefit or gain' (Clifford 2008:16). By contrast, substantive equality or equality of outcome takes into account obstacles (including discrimination) which make equality of opportunity difficult to achieve (Fredman, 2012). Parameters for

substantive equality have already been considered in Chapter 2 and it is a theme that will be revisited through the course of this current chapter.

The SDA was not revised until the Equality Act of 2006 which introduced a Gender Equality Duty for public institutions thus harmonising gender equality with race equality. The duty required public bodies to have 'due regard' of the need to eliminate unlawful sex discrimination and to promote equality of opportunity between women and men. Similar to the requirement under the RRAA 2000, there was a requirement to produce a Gender Equality Scheme which had to set out three-year objectives for meeting the duty. In Scotland, in addition to the specific requirements set out for the UK, an equal pay policy statement was also required.

4.2.1.2 Disability and the struggle for acknowledgement and definition

Early post-war legislation recognised that physically disabled people needed legal safeguards to ensure participation in wider society although the approach was essentially paternalistic. The focus of the Disabled Persons Employment Act 1944 for example, was on ensuring a minimum standard or quota for participation in the workforce whilst the National Assistance Act 1948 required local authorities to provide services for disabled people (Mercer and Barnes, 2004). Following a significant hiatus this was augmented subsequently by the Chronically Sick and Disabled Persons Act 1970 which further required local authorities to create a register of disabled people and to publicise services. Alongside this was an increasing recognition of the poverty associated with disability and a gradual improvement in the availability of state benefits, Invalidity Benefit, for example, being introduced in 1971 (Thane, 2010; Hepple, 2011a).

Key to understanding subsequent legislation and policy was the struggle by key individuals and organisations such as the Disability Alliance and the Union of the Physically Impaired Against Segregation (UPIAS) (both formed in the 1970s) for independent living and recognition that disabled people were as much limited by society as any impairment that they were experiencing. The social model of

disability, although not without its critics, emphasised that the physical and social limitations experienced by disabled people were largely imposed on them by social and economic structures and that disability should no longer be viewed as a matter of individual tragedy (Oliver, 1990; Bagilhole, 2009; Thane, 2010).

In 1995, the then Conservative Government, in response to extensive campaigning by disabled people and the growing implications of EU anti-discrimination legislation introduced The Disability Discrimination Act (DDA) 1995. Whilst recognising for the first time that disabled people experienced discrimination and that disability could occur as the result of both physical and mental impairment, disability was still essentially defined in medical rather than social terms. Its focus was on direct discrimination in relation to three main factors: employment, public services and the selling of land. Despite requiring structural changes to buildings to improve access it was generally regarded as a weak Act because of its limited powers and the lack of a regulatory body with sufficient authority to monitor it (Thane 2010). Further supplementary legislation was introduced to cover omissions, not least in relation to education.

In 2005, following Government reports on the requirements of disabled people (Prime Minister's Strategy Unit, 2005) and further lobbying by the disabled community, the Disability Discrimination (Amendment) Act was introduced. In addition to consolidating the previous supplementary legislation, the DDA 2005 extended anti-discrimination protection to land transport, small employers and private clubs and extended the definition of disability to give more people protection. In line with the evolution of equality legislation from individual rights to institutional responsibilities, the DDA 2005 also introduced a duty on all public organisations including Government Departments to promote equality for disabled people by eliminating discrimination and harassment[2], taking active

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[2] Within the DDA 2005, harassment is defined as follows: For the purposes of section 31AA, a body subjects a disabled person to harassment where, for a reason which relates to the disabled person's disability, the body engages in unwanted conduct which has the purpose or effect of—

account of disabled persons disabilities, promoting positive attitudes and encouraging participation by disabled people in public life. In line with the precedent set by the RRAA 2000, fulfilment of the general duty required evidence of action and monitoring in the form of a Disability Equality Scheme.

Although not formally referencing the social model of disability, the introduction of the Disability Equality Duty was acknowledgement of external barriers and difficulties experienced by disabled people that needed to be addressed. In also allowing, although not mandating, positive action in meeting the needs of disabled people, it provided for the possibility of creative solutions to structural deficits in overcoming barriers faced by disabled people.

4.2.1.3 Sexual orientation and gender Identity – emerging recognition

It is only more recently that social orientation and gender identity (as gender reassignment) have gained legal recognition and protection and are here considered together as this change reflects a growing acceptance of these forms of sexual identity.

Sexual orientation was unique amongst all forms of sexual identity in that male homosexuality was a criminal offence until 1967 when the Sexual Offences (England and Wales) Act decriminalised private acts between gay men. A different legal regime in Scotland meant that whilst homosexual activity was regarded as unlawful, prosecutions were rare. This did not however reflect attitudes which were generally considered to be more homophobic in Scotland (Thane, 2010). Male homosexuality was eventually decriminalised in Scotland in 1980.

(a) violating the disabled person's dignity; or (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for him

Similarly, as for the struggles for equality for other forms of identity, the fight for gay rights has involved active campaigning from a range of groups of which the Gay Liberation Front, the Campaign for Homosexual Equality and Stonewall are notable examples. The advent of AIDS in the 1980s created a considerable backlash against emerging recognition. Despite attempts by some Labour controlled councils to tackle homophobia, the 1987 Conservative Government passed section 28 of the Local Government Bill (1987) which made illegal the promotion of homosexuality as an acceptable way of life by local authorities. This was eventually repealed in 2003.

The first law – the Employment Equality (Sexual Orientation) Regulations - to actively address discrimination against lesbians, gay men and bisexuals in the workplace was not passed until 2003. The following year, the Civil Partnership Act was passed giving same sex couples the same rights and responsibilities as married heterosexual couples. The 2006 Equality Act finally made discrimination against gay men and lesbians with respect to the provision of goods and services illegal.

The increasing acknowledgement and acceptance of lesbians and gay men by the general population and civic society has been mirrored by growing understanding of 'trans people,' initially the preferred term for people experiencing what they considered to be a misalignment between natal sex and perceived sex. (see for example, GIRES, 2015). From the late 1950s onwards, the availability of surgery enabled transition from assigned gender reality to chosen gender reality and legal entitlement granted under the Gender Recognition Act 2004 although this was usually dependent on a medical diagnosis of gender dysphoria. Surgery did not however eliminate the difficulties experienced by trans people as they could not acquire the full legal rights of their new reassigned sex, often faced considerable prejudice and direct discrimination. Following intervention by the European Court of Justice, the Sex Discrimination Act was amended in 2001, and the Equality Act 2006 provided comparable protection to trans people as to other forms of identity. More recently, transgender rights and the implications for the meaning of sex and gender have become the basis of contest but consideration of this is not within the scope of this thesis.

4.2.1.4 Age and legislation – the impact of changing demography

Recognition of and response to experiences of older or younger people on the basis of their age has been limited through most of the five eras of equality policy and legal development. This is despite a long history of research into (older) age discrimination going back to the 1930s and growing concern since the 1970s of the policy and personal implications of increasing longevity and concomitantly longer retirement periods (Macnicol, 2005).

Any discussion about age equality is intertwined with the rights of older people either not to work or to work if they wish and policy and legislation with regard to pension age and entitlement. Further, crucial to any assessment of the efficacy of equality legislation and policy is an understanding of the interaction of both ageism – whereby older people are cumulatively undervalued as the result of set of perceived attributes - and age discrimination whereby older people are denied employment rights and access to everyday goods and services as a consequence of ageist practices (Bytheway et al 2007; Bond et al 2007).

The introduction of pensions during the early part of the twentieth century was initially a means of safeguarding some older people against poverty but it wasn't until the 1946 National Insurance Act that pensions were made universal. Despite the fact that the level of pensions was relatively low and often had to be supplemented by additional state assistance, the underlying conceptualisation was, in response to the activity of Trade Unions, one which recognised that workers deserved retirement and rest after many years of labour. The insufficiency of the basic level pension (occupational pensions not withstanding) led to the establishment of campaigning organisations such as Help the Aged (now Age UK) which aimed to raise the profile of disadvantage experienced by many older people. This has contributed to a desire by many older workers to continue in the workplace and to a growing sense of discrimination at not being entitled to do so (Thane 2010). At the same time, successive Governments have been increasing the age of pension entitlement, firstly by harmonising the female

retirement age to that of men and secondly, in order to reduce overall costs of pensions as the population lives longer. Although this could be seen as a counter to ageism it has also brought into conflict the desire to work in older age against a desire to retire at an age when still active enough to enjoy other pursuits.

The first legal measure which acknowledged the existence of age discrimination was the Employment Equality (Age) Regulations 2006. This introduced older age as a characteristic protected under law and constituted part of an EU-wide endeavour to tackle age discrimination in the workplace and for vocational training. The regulations covered recruitment, terms and conditions, promotions, transfers, dismissals and training and in addition to prohibiting unfair treatment on the grounds of age, they gave employees the right to request to work beyond retirement age.

A time-line of anti-discrimination and equality law together with the means of their regulation is summarised in Appendix 1.

4.2.2 The nature of regulation and enforcement – both enabler and barrier?

The extent of the effectiveness of successive generations of equality law has been intrinsically linked with the establishment of regulatory and enforcement bodies and the extent of their authority and their capacity for informing policy. The Race Relations and Sex Discrimination Acts were significant in introducing two enforcement agencies, the Commission for Racial Equality (CRE) and the Equal Opportunities Commission (EOC). Initially, the DDA 1995 was backed by the National Disability Council (NDC) but this was replaced by a stronger enforcement body, the Disability Rights Commission (DRC), in 2000. These arrangements were also backed by provision for individuals to take cases of discrimination to employment tribunals in what Dickens (2007) refers to as a two-pronged approach.

The report of an independent review of the enforcement of UK anti-discrimination legislation identified a pyramid with seven levels of action as necessary for effective enforcement: information and persuasion; internal

scrutiny; support for individuals and provision of conciliation; inquiry and investigation; unlawful act notices and compliance notices; agreements in lieu of enforcement and lastly, sanctions (Hepple et al, 2005). A subsequent review of the equalities landscape commissioned by the Prime Minister's Office in 2006 concurred that the three Commissions had been given a wide range of information, advice and enforcement powers which notionally embraced the enforcement pyramid. These included powers to take action at the top end of the pyramid – seeking injunctions against persistent discrimination, conducting investigations into unlawful acts, and compelling evidence about any organisation that was not complying with equality law. They also had additional powers to act where public institutions were failing to meet the positive equality duties – such as issuing enforceable compliance notices without a prior investigation – if public institutions did not meet the duties on race, disability or gender. The general duties associated with each separate piece of legislation were not however enforceable by the Commissions, only by judicial review. Although broadly similar in their roles, there were some differences, the DRC for example being the only Commission which was able to enter into binding agreements with organisations to promote a co-operative approach to tackle non-compliance, in lieu of enforcement act (Cabinet Office, 2007).

The existing Commissions reported that they felt restricted in applying their powers as strenuously as they felt would be appropriate because of the form of the laws by which they were set up. Having powers that were pitched at a high level made proportionate, targeted interventions difficult and, in many circumstances, slow to pursue. Limited resources also curtailed their activities – despite initially being committed in supporting cases to employment tribunals, demand quickly outstripped the support they were able to give (Bagilhole, 2009). Hepple (2011b) has argued that the three Commissions, in being freed from dealing solely with individual complaints, were largely successful in their objectives of setting and raising standards through developing codes of practice, especially for organisations as employers.

In the face of weaknesses in their construction, inadequate resources and the weight of emphasis on fairness in employment, the overall impact of the

Commissions is difficult to assess. Despite his positive view on the creation of guidelines, Hepple (2011b) is of the view that the individual commissions had less impact on organisational behaviour and policy. Dickens (2007) maintains that both the EOC and the CRE, and particularly the CRE were particularly active in their early years in investigating different employment sectors and this helped to stimulate progress. Latterly, the CRE felt sufficiently confident to mount a formal investigation against the Department of Health to assess whether the Department was failing to meet its responsibilities to promote race equality (Dyer, 2007).

The Equality Act 2006 was the first attempt to bring into line a number of previous pieces of legislation and to extend protection on the grounds of sexual orientation, proposed, commenced or completed gender reassignment and religion and belief. Its main intention however was to establish a unified Commission to replace the individual commissions and to work towards the establishment of a comprehensive realignment of existing equality legislation into a single Equality Act. Its remit was also intended to cover human rights as no statutory body had been created following the enactment of the 1998 Human Rights Act although this can be viewed as an 'afterthought to the core business of creating a single equality body' (Harvey and Spencer, 2012:1655).

The Equality Act 2006 and the mandating of a unified body, initially the Commission for Equality and Human Rights but subsequently, the Equality and Human Rights Commission (EHRC) was a significant development as it was a formal acknowledgement that both the law and the separate enforcement arrangements were insufficient to drive further change towards equality. Although the EHRC was given a range of responsibilities which the Department of Trade and Industry signalled as being a balance between regulation and promotion, it was however given only two key enforcement powers: the ability to conduct an inquiry and ability to conduct a formal investigation.

4.3 The Equality Act 2010: embracing complexity and proactivity?

With a substantial if contested legal framework for equality and new regulatory powers in place by the 2000s, the second part of this chapter focuses on the Equality Act 2010, which sought to consolidate and extend existing law. The foundations for the Act were set out in an Equality Bill in 2009, following both an Equalities Review (Cabinet Office, 2007)) undertaken under the auspices of the then Prime Minister and a Governmental Discrimination Law Review (DLR) led by the then Department for Communities and Local Government. The Equalities Review was commissioned to explore the causes of persistent discrimination in Britain and to identify a definition of equality in keeping with current society. Its specific aims were to provide an understanding of long-term and underlying causes of disadvantage that need to be addressed by public policy; make practical recommendations on key policy priorities for the Government and public sector, employers and trade unions, civic society and the voluntary sector; and inform both the modernisation of equality legislation and the development of the new Commission. The aim of the DLR was to create a simpler, fairer legal framework and enforcement regime.

This combination of activity was the culmination of many years of campaigning including the acknowledgement by the three individual Commissions of the need to reform the legislation, largely as a consequence of the increasing complexity of discrimination and, as the Lawrence Inquiry had highlighted, the need to tackle systemic, institutional discrimination and inequality more rigorously. Further, there was greater awareness of the interaction and synergy between different forms of discrimination and the implications of intersectionality but that complex experiences could only be the subject of separate investigation by the individual Commissions under separate pieces of legislation.

The Equality Act largely came into force on October 1st 2010. Its full provisions and sequence of enactment can be found as Appendix 2. In harmonising and making consistent all previous legislation, Hepple (2011a) has argued that the key advantages of the Act were that it adopted an integrated perspective on equality law regulated by one Commission, that it clarified definitions about

what constitutes discrimination, harassment and victimisation and that these applied almost consistently across the range of protected characteristics previously covered by separate pieces of legislation, that positive duties have been expanded and that there is greater scope for positive action. The characteristics that are protected by law from discrimination cover both different forms of social identity - age, disability, gender reassignment, race, religion or belief, sex and sexual orientation and experiences that can flow from those identities - marriage and civil partnerships, pregnancy and maternity. The inclusion of age as a protected characteristic for all the terms of the Act, acknowledges the consistent reports that older people still face considerable everyday experiences of discrimination (Bytheway et al 2007) but is not confined to older age. It is as unlawful to bar 30 year olds from a particular service as 80 year olds unless this can be objectively justified.

The Act further clarified what is meant by discrimination because of a combination of two protected characteristics. It also protects against indirect discrimination, that is when there is a practice, policy or rule which applies to everyone in the same way, but it has a worse effect on some people than others. A further aspect relates to work and employment service which includes provisions for equal pay between men and women, pregnancy and maternity pay and a power requiring private sector employers to publish their gender pay gap. There is a further range of other powers including enforcement through the civil courts but arguably, the most important development with transformational potential within the Act is the extension of duties placed on public authorities in the form of the Public Sector Equality Duty (PSED) the purpose of which is 'is to ensure that public authorities and those carrying out a public function consider how they can positively contribute to a more equal society through advancing equality and good relations in their day-to-day business' (EHRC, 2012:8). As this is the main concern of this thesis, the following section addresses critically its intentions and its reality.

4.3.1 The Public Sector Equality Duty (PSED): an analysis

The PSED was introduced in April 2011 under Section 149 (1) of the Equality Act 2010 and its main purpose was 'to bring about a culture change so that promoting equality becomes part of public bodies' core business' (GEO, 2009). It comprised a general duty requiring public organisations (and private organisations with public functions) in the exercise of their functions to pay due regard, when undertaking these core functions, to meet three aims:

- To eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act,
- To advance equality of opportunity between persons who share a relevant characteristic and persons who do not and
- To foster good relations between people who share a protected characteristic and those who do not (Equality Act 2010: Part11, Section 149).

In explaining what was required in relation to the aims of advancing equality, the Act makes it clear that this requires organisations to:

- remove or minimise disadvantages suffered by people due to their protected characteristics.
- take steps to meet the needs of people from protected groups where these are different from the needs of other people. This involves taking steps to take specific account of the disabilities experienced by disabled people.
- encourage people from protected groups to participate in public life

A further, socio-economic, duty was also introduced by the Equality Act, which was designed to reduce inequalities of outcome which resulted from socio-economic disadvantage but this was subsequently scrapped by the UK Coalition Government when it came to power in 2010.

The new duty can be considered as an extension of pre-existing proactive duties to protect against discrimination and promote equality. As the previous section has shown these had been evolving as it became clearer that the problems of inequality and discrimination extended beyond the actions of individuals to the structures and institutions of society (McLaughlin, 2007; Hepple, 2011a; Fredman, 2012). Hepple, (2011a) has argued that in extending the duties, a further move towards transformative equality could be achieved. This would contribute to 'enabling people to have the skills they need to participate in society, to engage in productive activities, and to participate in decision making activities' (ibid: 22) which, in a reference to capability theory, he likened to 'equality of capabilities.'

Although not intended to replace formal equality, the treating of like alike, which had commenced with the RRA in 1965, or substantive equality, transformative equality aims to introduce measures which would address institutional discrimination and prevent inequality. Such measures operate at several levels. They might for example include the introduction of equality impact assessments (EQIA) to determine the likely effect of new policies and procedures on people with protected characteristics or the introduction of reasonable adjustments to facilitate access to services. More fundamentally they might inform the fundamental basis of policy making which, taking the example of gender equality, ensures that:

'The lives of women and men must be considered in a contextual way, and measures adopted towards a real transformation of opportunities, institutions and systems so that they are no longer grounded in historically determined male paradigms of power and life patterns (CEDAW, 2004: para 10).'

In terms of the effectiveness of proactive duties, a recent report by Crowley (2016) for the European Network of Equality Bodies (Equinet) maintains that:

'Statutory duties have been found to contribute to institutional and societal change. At an institutional level, they have made a positive impact on organisational culture, decision-making, consultation mechanisms, and

resource allocation. They have enabled more coherent, evidence-based and inclusive policy making. At a societal level, they have contributed to improved outcomes in employment and from service provision (ibid:3).'

Such effectiveness is however contingent on the role of the PSED as a form of reflexive law and thereby on the interpretation of 'due regard.' Reflexive, or responsive, law is the development of legal systems where law focuses on the regulation of self-regulation. It has developed as a means of casting light on the relationship between law and society and encourages change in organisations through the use of legal stimuli (Blackham, 2016; McLaughlin, 2014; Fredman, 2011). McLaughlin (2014:3) describes it as occupying 'a middle ground between purely voluntarist approaches on the one hand, and 'command and control' forms of law on the other' and based as it is in systems theory it has the capacity to take account of both the functions and culture of an organisation rather than imposing a prescribed set of actions, acknowledging therefore the ethos and culture that exist within individual organisations. For this approach to be effective however, Hepple (2011b) has indicated that there needs to be a triangulation between three interconnecting mechanisms; internal organisational scrutiny of the issues covered by regulation, deliberation between a range of stakeholders and external assistance and communication in order to support the organisation to adjust itself. Where self-regulation fails, there needs to be an enforcement process which for UK equality law is currently under the jurisdiction of the Equality and Human Rights Commission as previously described.

As a legal instrument informing case law where compliance is contested, 'due regard' appears to have limitations. In her study of the effectiveness of litigation, McColgan (2015) points to some, albeit limited, successes where certain organisations have been found to have drawn on inadequate information about the effect of their decisions on different protected characteristics and where these decisions have been overturned in the courts. As such, she argues that the PSED has 'the potential to reach into much public sector decision making especially in relation to budgetary decisions' (ibid:478). Fredman (2011) on the other hand has argued that by maintaining the due regard standard of the previous separate race, gender and disability duties, the Labour Government

which introduced the Equality Act missed an opportunity to improve the standard and place more responsibility for action on public organisations. Further, in contrast to McColgan she has highlighted difficulties that the courts have had interpreting due regard referring to certain interpretations which have been deferential to the decision making of public authorities leading to the perpetuation of certain inequalities.

It also appears that the Conservative-Liberal Democrat coalition Government in office immediately after the Equality Act came into force attached no great significance to the PSED, indicating their expectations that compliance with the due regard requirement should not be onerous for public authorities:

> 'The specific duties do not require public bodies to prepare or publish equality schemes, equality action plans, equality impact assessments, or separate annual reports on equality' (GEO, 2011).

In making this statement the Government signalled the reduced scope of secondary duties which had previously been attached to individual positive duties. By also removing requirements to engage with stakeholders stipulated previously in relation to the separate duties, the dialogic process which potentially brought in the views and experiences of those affected has been rendered voluntary rather than mandatory. Indeed, there have been distinct signs of a second politically hostile era, with moves by the UK Coalition Government to establish an independent steering group to review the necessity of the equality duty requirement, ostensibly to minimise bureaucracy (GEO, 2013). O'Brien (2013:486) has highlighted that the nature and purpose of the review presented a considerable threat, suggesting that 'innovations in the structure of equality law, forged by a generation's experience of its application are in danger of being brushed aside with scarcely a political murmur.'

Stephenson (2014) concurs, arguing in the face of submissions from over 140 organisations, that the final report to Government contained both misrepresentations and omissions. Further, echoing O'Brien (2013), she raised a number of causes for concern: the recommendation that the duty would be

reviewed again in 2015, the Chair's personal view that the specific duties should be abolished and the recommendation that alternatives to judicial review (JR) should be explored. As JR is one of a limited set of means to enforce compliance, it is possible to conclude from the willingness of the then Coalition Government to consider alternatives that implementation of the PSED has the potential to deliver organisation change that it either did not desire or that it did not want to challenge non-compliance. In also considerably reducing the resources to the EHRC from 2010 onwards which has been intensified since the general election of 2015, organisations have argued that the Government has also reduced the likelihood of effective enforcement of equality law (Doward, 2016). At the time of writing, the PSED is still intact but the whole process of internal and external regulation has also been made more complex according with Hepple's (2011b) view that reflexive regulation can be manipulated for political ends.

In the face of this action, it is not difficult to be pessimistic about both the Equality Act and the PSED and the extent to which it has the power to enhance social justice for a heterogeneous population. Indeed, many authors question whether the form of current legislation is sufficient to either counteract the impact of other policy and legislative measures that might be pulling in a different direction or to tackle the origins and effects of ongoing prejudice and discrimination within the population and within social structures. McLaughlin (2003), for example, suggests that equality law is insufficient without a welfare system which has a redistributive or equalising impact and that an 'equality regime' of legislation and social policy is required. Riddell and Watson (2011) similarly highlight the need for a balance between different forms of inequality including economic inequality. In the face of this, the scrapping of the socioeconomic duty from the Equality Act 2010 could be seen as diminishing other aspects of the legislation. Further, other authors argue that particular circumstances allow for political developments which the formalism of new equality law should theoretically make difficult to create yet for which it appears to be inadequate to the task. For example, Kapoor (2013) maintains that the advancement of neoliberalism and the waging of the "War on Terror" is in direct contradiction to the aspirations of more effective equality legislation for the promotion of race equality. Burton (2014) similarly critiques the Act and the

PSED in the context of its English secondary duties as having been constructed within a neoliberal context and as such unable to meet the redistributive and representation requirements of gender justice.

In its review into fairness in Britain, the EHRC was able to point to some shifts in prejudiced behaviour and unequal outcomes (EHRC, 2011a). The conclusion of the review, previously considered in Chapter 2, was that, despite the increased diversity in the population, Britain had generally become a fairer place. A limited overview of attitudes and public opinion highlighted that people had generally become more open and tolerant of diversity and more critical of the inequalities associated with it although some paradoxes remained. It cited evidence, for example, of a considerable weakening of stereotypical views such as the role of women in the domestic sphere and a greater acceptance of homosexuality. On the other hand, the report noted an increase in the proportion of the population who thought there had been an increase in racial and religious prejudice than five years previously.

By identifying a trend towards greater tolerance, the review nevertheless also concluded that there was considerable variation across the equality characteristics within each of the domains that it examined. There was substantial evidence that led the organisation to claim that vast numbers of the population were receiving neither equal outcomes nor equal chances. Disabled people were fairing particularly poorly in terms of income and life expectancy. There was also evidence that disabled people were more likely to experience bullying in school and in the workplace than non-disabled people. The gender pay gap remained, there were significant levels of extreme homophobic bullying in school despite changing attitudes in the wider population and women, ethnic minorities and disabled people were particularly under-represented in decision making roles. By 2015, in a report on progress, the EHRC was still able to claim that Britain had become a fairer place as compared with a generation previously and that for many, life had improved since the publication of its original review. Its conclusions were however more downbeat than previously and highlighted the persistence of certain forms of injustice which have also been summarised in chapter 2.

Such findings suggest that equality law had not been sufficient to significantly or irreversibly change the conditions which it purported to address. Even with the introduction of race, gender and disability duties in legislation prior to 2010, there are reports that implementation was often ad hoc, tokenistic or limited by competing priorities (Ahmed, 2007; Ferrie et al, 2009). There has been recognition that existing institutional culture is often difficult to change or to sustain practices that run counter to the mainstream (Cooper, 2004, Richardson and Munro, 2013) and that often 'you end up doing the document rather than doing the doing' (Ahmed, 2007). The Equinet report concluded that where there had been poor implementation of positive duties, this was:

> '...linked to a lack of understanding and appreciation of equality more generally among duty bearers who see no added value from implementing the duty. It reflects a lack of skills and awareness to meet the demands of moving to a proactive and systemic approach to equality and non-discrimination and limitations in the supports available to duty bearers. Poor implementation ranges from lack of implementation to formulaic implementation with an emphasis on process rather than outcomes' (Crowley, 2016:3).

By contrast, there is some evidence that the presence of proactive duties within UK equality law has helped to open up the discourse and promote some action. Richardson and Munro (2013) for example identify that legislation has facilitated advances in sexualities equalities and appropriate performance assessment. Woodhams and Corby (2007) have highlighted the positive effect of the Disability Discrimination Act and earlier legislation on recruitment of disabled people. An assessment of the costs and cost effectiveness of the specific race, disability and gender duties carried out by Schneider Ross for the Government Equalities Office showed that 70% of the sample of organisations surveyed regarded the publishing equality schemes as effective (GEO 2009). Whilst the same research indicated that equality impact assessments (EQIA) were often seen as bureaucratic, the volume of EQIAs that have been available on the worldwide web suggest at least some organisational ownership of equality law.

Since the introduction of the PSED, empirical evidence as to its efficacy has been limited although research carried out by NatCen, an independent research organisation, was largely positive (Arthur et al, 2013). The general view of informants to the research was that the PSED was either 'working well or had the potential to do so' with organisations recognising the importance of 'the legal leverage offered by the duty (ibid:5).' In terms of impact, the report cited that the PSED had introduced a proactive approach to equalities work, had improved awareness amongst staff, thereby supporting mainstreaming, and significantly, had improved decision making which in turn led to improved service provision. Similarly, research by Clayton-Hathway (2013) into evidence of impact pointed to examples of organisational good practice with a number of common factors that could account for successful implementation. These comprised visible and committed leadership, expertise on equality issues and presence of equality champions, consultation and engagement with social groups, the development of a strong evidence base and the setting of measurable goals.

4.3.2 Scotland - a special case?

In the face of concerns about the efficacy of the way that the PSED has been constructed as a form of reflexive law and the limits this imposes on its ability to promote social justice, the different political context within Scotland to that of England and Wales paints a more hopeful picture. McLaughlin (2007), in reviewing the shift from negative to positive equality duties in equality law highlighted the differences that related to Scotland post-devolution as compared with both England and Wales at that time. By enshrining human rights principles into the Scotland Act 2000, provision for equality was met by the defining of grounds whereby proposed legislation should be equality proofed. Both the establishment of a government Equality Unit and Parliamentary Equal Opportunities Committee created, she argued, an equality culture as part of a broader social inclusion agenda.

It was against this backdrop that both the approach to the general duty and construction of secondary legislation has emerged in a way that was qualitatively different from that in England and Wales. Secondary legislation has established

specific additional duties to aid compliance with the general duty. The Equality Act 2010 (Specific Duties) Regulations 2011 merely require public bodies in England and Wales 'to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives.' By contrast, in Scotland, The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 placed nine additional duties on public sector organisations, the breadth of which makes it important to cite them in full, as follows:

- Duty to report progress on mainstreaming the equality duty
- Duty to publish equality outcomes and report progress
- Duty to assess and review policies and practices
- Duty to gather and use employee information
- Duty to publish gender pay gap information
- Duty to public statements on equal pay and occupational segregation
- Duty to consider award criteria and relation to public procurement
- Duty to publish in a manner that is accessible to the general public and by employing an existing means of public performance reporting
- Duty to consider other matters as and when indicated by Scottish Ministers

Further, an additional duty was placed on Scottish Ministers to publish proposals to enable better performance by public bodies. That these duties were confirmed by consultation with both public bodies and the general public indicated support for their expanded nature and scale (Mulholland and Granville 2010). Implementation of these duties has been aided by extensive technical and non-statutory guidance on the detail of the law and its application from the EHRC in Scotland. This has provided organisations with thorough and detailed information which makes it possible for them to utilise the law to its full advantage.

Several things stand out therefore in relation to the Scottish duties which enable them to counteract concerns about the limitations of due regard because they place more requirements for action. The first of these is that by placing a duty

on public organisations to report on mainstreaming equality into core business, this requires organisations to scrutinise the issues covered by regulation as well as the nature of their core functions and their relationship to equality. In this respect, the Scottish secondary legislation has protected the principle of mainstreaming that had been included in the previous disability, race and gender duties. EHRC Scotland guidance makes it clear that effective mainstreaming means that 'equality should be a component of everything an authority does.' It maintains that this brings benefits to organisations such that equality becomes 'part of the structures, behaviours and culture' and as a result it 'contributes to continuous improvement and better performance' (EHRC, 2016:9). The process of mainstreaming has been strengthened by the duty to assess and review policies and practices using equality impact assessment whereby both the potential differential impact on different social groups, the mainstreaming process should also be enhanced through effective data collection, reflection and continuous improvement. Notably, an impact assessment requirement as part of the secondary legislation for the PSED in England was axed by the then Prime Minister in 2012 (Cairns, 2013).

As identified in the preceding chapter, the principle of mainstreaming has its origins in the field of gender equality as a strategy for changing institutions and practices and there is a considerable literature on both its meaning, its ontological differences and its efficacy (Squires, 2005). Within the context of the PSED, its role in furthering gender equality has contested value. Cairns (2013) for example, has noted that there have been expressed concerns that the PSED, with responsibility for all protected characteristics, will dilute the specific focus on gender. At the same time, she argues that equality mainstreaming could in effect take the needs of all women into account. By being required to acknowledge all protected characteristics, there exists the potential to address the intersectional nature of women's oppression. Historically, research into attempts to mainstream disability equality as part of the Disability Equality Duty, has shown that has had the effect of both shifting recognition of the nature of disability and the needs of disabled people. At the same time, the response has been piecemeal with little evidence of substantive changes in organisational culture (Pearson et al, 2011). Verloo (2006) has identified significant threats where a

multiple inequalities approach is taken because of its complexity, the assumed similarity of different forms of inequality, the possibility of political competition between those different forms and the need for comprehensive tools of analysis which are able to embrace the compound impacts of intersectionality.

Despite these tensions, Crowley (2016) has nevertheless indicated that where proactive duties best promote institutional change and societal change it is largely because of the potential of mainstreaming to influence legislation, regulations, budgeting and policy making as well as impact on service provision. Where there is a requirement to address different experiences of inequality and oppression as indicated by the establishment of protected characteristics, Squires (2005) has theorised that these can only be meaningfully addressed by mainstreaming as long as the model adopted is itself a transformative one, rooted in deliberative democracy. This would have the effect of politicising policy and practice norms rather than maintaining the pursuit of neutral policy-making. Serious intent to mainstream the three aims of the general duty combined with careful consideration of the expectations of the Equality Act in relation to the second aim of advancement of equality lays the foundations for both transformative mainstreaming and by implication, transformative equality. As Witcher (2005) contends, it is the quality of understanding of equality issues that is important, where there is a recognition of both difference and sameness in terms of oppression and inequality and it is this that determines the effectiveness of mainstreaming.

The second additional duty covered by the Scottish regulations is the duty for public authorities to publish and report on progress against a set of equality outcomes, a major divergence from the minimalist approach to the setting of secondary legislation in England and one which points to a move towards substantive equality. Once again, it can be argued that this reflects the tenor of public administration in Scotland with its aspirations towards social justice (Mooney and Scott, 2012), but also about subsidiarity (Mair, 2016) and that local strategies should be devised in conjunction with communities (Matthews, 2014). The guidance from the EHRC (2016b) on the duty to publish equality outcomes and report on progress is however more equivocal. On the one hand, it presents

a technical explanation whereby outcomes should not be confused with outputs. On the other, it endorses the purpose of specific duty whereby outcomes should aim 'to bring practical improvements in the life chances of those who experience discrimination and disadvantage' and that:

> 'Outcomes are the changes that result for individuals, communities, organisations or society as a consequence of the action you have taken. Outcomes include short-term benefits such as changes in awareness, knowledge, skills and attitudes, and longer-term benefits such as changes in behaviours, decision-making, or social and environmental conditions (ibid:9).'

Yet, whilst its advice is equivocal on the extent to which the setting of outcomes should by necessity involve setting new strategic direction for a public authority based on an assessment of the evidence of discrimination or inequality, the EHRC nevertheless invites that possibility:

> 'Others might find it helpful to start with a blank sheet and use their equality evidence and involvement activities not only to generate strategic equality outcomes, but also to identify any gaps in their existing national or local strategic outcomes (ibid:13).'

The specific duty also makes it clear that reasonable steps should be taken by public authorities to involve people who share a relevant protected characteristic and their representatives. Public authorities that have the capacity and the inclination to extend the boundaries of participation are therefore encouraged by equality law and more recently by community empowerment law in Scotland (Scottish Government, 2015). This provides an opportunity for creating the conditions whereby informed participants and campaigning groups can intercede in the identification of current forms of social injustice experienced by social groups. Whilst this might yield something that is tokenistic, the presence of those with an understanding of structural oppression and a politics of difference also has the potential for dialogue with public authorities which shapes outcomes reflecting the underlying themes of social justice represented in chapter 2. Even where political decision making which

reflects the interest of affected social groups is limited, the need to set equality outcomes can be utilised to improve other forms of representation such as giving more senior positions in the workplace and Boards to people with protected characteristics. Indeed, a positive action criterion within the Equality Act 2010 has arguably prompted the Scottish Government to bring forward a Bill for complementary legislation to establish a duty for gender parity on public boards which would enhance representation for a defining protected characteristic.

Other secondary duties also have the potential to at least partly mitigate other criticisms of the PSED in the literature. For example, Conley and Wright (2015) point to the benefits that can be accrued by including equality objectives in procurement processes, highlight the limitations of the PSED in England in this respect and the advances made in Scotland and Wales. McLaughlin (2014), considering the role of reflexive law in general on positive equal pay outcomes, concludes that it can contribute to local-level negotiation rather than the need to resort complex litigation. Whilst the duty on equal pay in Scotland does not extend to concrete deliberation and resolution, the need to publish data does at least put pay anomalies more explicitly in the public domain.

Despite creating the conditions for the possibility of an enhanced realisation of effective reflexive regulation outlined in the above analysis, there is both a dearth of theory and empirical evidence in the literature on the PSED in Scotland about its implications for social justice. In the absence of a significant literature, the few reports that do exist currently either connect back to the Scottish Government or to the EHRC. In line with the duty to publish, the Scottish Government produced its own first report in 2013. In that report, the Government argued that it placed equality at the heart of everything that it did whilst at the same time acknowledging that through better collection of equality evidence, it was aware of significant inequalities which it needed to address (Scottish Government, 2013). This at least provides an early indication of the extent to which the Equality Act 2010 and more specifically, the Scottish duties, have had an impact on the national policy context and this will be followed up in more detail as part of the empirical work this thesis reported in chapter 6. Similarly, a report commissioned by the Scottish Government to gather the views

of public authorities on their implementation of the specific duties indicated that within larger organisations the requirement for equality outcomes had involved senior management and governance structures in decision making about the content, that the need to produce outcomes had led to joint working across the organisation and that most authorities had engaged in consultation on the outcomes. The picture for smaller organisations with no dedicated equality lead was less favourable. Although the research was undertaken not long after the issuing of the specific duties, organisations reported an increased awareness of equalities, increased confidence and commitment to act and improved alignment of equalities with their strategic aims and objectives (Fyfe et al 2013).

The EHRC in Scotland, in its enforcement role, has also investigated the extent to which public authorities have complied with the Specific Duties and it has produced a series of reports as part of a multi-stage monitoring programme. The first report considered the extent to which authorities had met the requirement to publish, the second considered performance in relation to the employment duties and the third was a more in-depth review of the nature and quality of the equality outcomes published (EHRC Scotland, 2013). Subsequent reports covered performance and practice (EHRC, 2015) progress made by Scottish Ministers (EHRC, 2016), the activity of newly listed authorities and has culminated in a four-year review of each of the specific duties (EHRC, 2017).

Mirroring the Scottish Government sponsored report, the findings of the third EHRC report give an insight into the impact of equality legislation on public authorities at local level. The report indicates that whilst the majority of the 251 listed public authorities covered by the PSED have complied with the duties to publish, the quality of the response was variable. These authorities included local councils, health boards and the police. Despite indicating that there was still considerable confusion as to what constituted an outcome, that some sectors set higher average outcomes than others, that some sectors were more likely than others to use clear evidence in the setting of their objectives, the Commission was still able to report that there were 229 outcomes set and that these outcomes were intended to make measurable improvements across all of the protected characteristics or combination of characteristics. Linkage to the

objectives of the general duty was partial but still evident whereby '67 per cent of listed authorities made a clear link between their outcomes and the need to advance equality for protected groups; 55 per cent made a clear link between their outcomes and the need to eliminate unlawful discrimination, harassment and victimisation; 51 per cent made a clear link between their outcomes and the need to foster good relations between people who share a protected characteristic and those who do not' (EHRC, 2013, Report 3, 19). By 2017, publication rates had improved whereas the average number of outcomes had decreased. No evidence was presented about attitudes to compliance or impact of either mainstreaming or outcome setting.

4.4 Scaling up: Implications of the PSED for city life in Scotland

Having identified the way in which the Scottish Specific Duties create opportunities for organisational change which do not exist elsewhere in the UK, the last section of this chapter turns its attention to the potential relationship between the PSED in Scotland and the other themes of this thesis. In drawing on previous literatures, it concludes with a framework for investigation as the basis for subsequent empirical work that serves to place the heterogeneous population and its multiple claims for greater equality and social justice at its heart.

The majority of the population is now urbanised, and the city is an acknowledged unit for the devising of solutions to perceived problems. The preceding chapter has already considered both the significance of cities, the urbanisation of injustice and the experience of being the other in the city as well as the potential for social justice for a heterogeneous population. The combination of public sector organisations in Scottish cities carry between them a range of responsibilities, functions and resources which have significant implications for the wellbeing of the populations they serve, and which can be easily mapped across to the social systems – economic, cultural, political and affective - which impinge on equality and social justice. Similarly, these responsibilities and functions have a direct connection to the pre-requisites for social justice through the way city strategies are developed and resources allocated, how planning for

space and place is carried out and how services are provided. Furthermore, cities are sites of public activism and research institutes potentially creating the ongoing dynamic which has characterised progress in the development of equality law and by implication, its effective implementation (Thane, 2010).

Local Councils, health authorities, educational establishments as well as other listed authorities are all covered by the PSED and the specific duties in Scotland. Public authorities are also required to come together as Community Planning Partnerships which, although not covered as a unit by the Equality Act or the PSED, provide further opportunities to draw together the compliance of the individual partners into a more coherent whole. Despite inherent weaknesses, it can be nevertheless theorised on the basis of the opportunities accorded by the Scottish Specific Duties that the PSED in Scotland provides a considerable impetus for the enhancement of greater social justice. Applied across the public sector within a city it has the potential to significantly and cumulatively affect the conditions for improved urban justice especially considering the role that different forms of equality mainstreaming have assumed within a city context. Although public authorities have been subject to monitoring of their compliance, as illustrated in the previous section of this chapter, there has been no official recognition of the implications across a given geographical area or more specifically within Scottish cities. Similarly, there has been no research about how equality law has been interpreted by large city-wide public authorities, how the protagonists who are either involved in compliance or who are the recipients of its enactment perceive its worth and the changes it has wrought. Both mainstreaming and outcome setting could feasibly contribute to the types of city visions set out by different authors considered in the preceding chapter by supporting the development of ways of planning services and place and space.

From the literature therefore, a framework for inquiry has been created and is outlined below, concepts marked in bold:

The first concept, explored through the overview of evidence concerning prejudice, discrimination and inequality in chapter two and reinforced specifically by the theorising of Young (1990) in relation to how social justice

should be framed, by Crenshaw (1991) in relation to intersectionality and Baker et al (2009) as the basis of action is that **the heterogeneous population experiences compound injustices and that the framing of social justice which takes full account of this is complex.** From this flows the second theme, **recognising heterogeneity as enabling and energising** which reflects once again the arguments of Young and Yuval-Davis (2010) on the significance of identity but also recognises amongst others, those of Sandercock (2003), Amin (2006), Fincher and Jacobs (1998) and Fainstain (2010) where heterogeneity is perceived as the basis of a just city.

Subsequent concerns are about equality law itself, **that it has arisen as the result of historical struggle and is a recognition by the state that change is required.** Concepts are drawn principally from the work of Dickens (2207), Thane (2010) and Hepple (2011a) on the significance of equality law, from Crowley and Fredman on the benefits of public duties and the requisites for substantive equality and from the critical analysis of Walby (2005), Squires, (2005) Verloo and Lombardo (2007) and on mainstreaming together with the policy literature on its implementation. Firstly, it is axiomatic that **public sector institutions have an important role in operationalising equality** and secondly, t**he PSED creates an impetus for policy formulation and implementation**

Drawing once again on Young (1990 but also Anderson (1999) and Fraser's (2007) acknowledgement of the role of participation in reconciling the recognition-distribution dilemma, the framework recognises the significance of **a politics of difference as a means of enhancing participatory democracy.** The last theme which encapsulates the essence of chapter 3 but which particularly takes cognisance of how the right to the city might be constituted drawing on Lefebvre (2003) Harvey (2008) and Marcuse (2009a) is that **city is a site for transformation**

The following chapters of this thesis seek to examine this theorising and to remedy a gap in knowledge about the potential of the PSED to catalyse change.

Chapter 5: The Investigation - A Glasgow Case Study

5.1 Introduction and research questions

The city under investigation is Glasgow and it has been chosen for two main reasons. Firstly, Glasgow has the largest urban population in Scotland and this population displays the characteristics of heterogeneity and patterns of injustice considered previously. In the face of persistent patterns of injustice, Glasgow politicians and policy makers have made many historical commitments to reducing inequalities, as often as not as a consequence of social action by specific social groups. Secondly, it is the site of previous policy and practice work on equality undertaken by the author and whilst it might be argued that this potentially creates a bias in the research, it also provides insights and knowledge about policy areas, organisations and key stakeholders. It is the case that, in the author's experience, hard-won equality legislation and intended to have a positive impact on the totality of the population appears to be secondary to other calls upon the resources and practices of key institutions. Further, even when committed to the underlying tenets of the law, it has proved difficult to balance the expectations of the social groups protected by the law in a way that is fair to all.

The intention of the research therefore is to draw on multiple sources and use empirical research to produce a Glasgow equality narrative built round the themes drawn from the literature outlined as the conclusion to the preceding chapter. It is not intended as an evaluation of compliance with equality law, rather it is an exploration of whether and how the PSED has created or has the potential to create a just, or fair, city which furthers social justice for the heterogeneous population. By focusing on the City Council and other public organisations selected for scrutiny it is mindful of the significance of the part they play in relation to the social systems that impinge on equality. In the spirit of bricolage, attention is paid to interpretation in order to gain greater

understanding of the way the PSED is conceptualised and how its compliance is perceived.

The overarching research question that the study seeks to answer therefore is whether and how the Public Sector Equality Duty and the Scottish secondary duties enhance social justice within Glasgow. This will be elucidated in two ways, firstly, by determining the meaning that can be attributed to compliance with the PSED and the secondary duties and secondly, by investigating how the meanings and actions associated with the secondary duties shape key city organisations with the greatest impact on social systems and dimensions of equality.

The first part of this chapter describes the key actors in the subject city for whom the PSED either applies or is of specific concern. This is followed by:

- Rationale for and the implications of interpretive policy analysis as the methodology for the research
- Design issues associated with this study
- Research methods
- Approach to data management and analysis

5.2 Key Actors in relation to the PSED

5.2.1 Public sector organisations in Glasgow

The nature and extent of injustice experienced across the heterogeneous population of Glasgow mirrors that already outlined in Chapter 2. Its historical development as firstly a highly industrial city and subsequently as a post-industrial city have affected its demography and the ways that oppression and inequality are experienced. Glasgow has nevertheless been a welcoming city of difference, characterised most recently by a willingness to accept a sizeable number of refugees and asylum seekers. According to Barbehon and Munch

(2016:51) this reflects a self-image of 'urbaneness, solidarity and local self-confidence.'

As with any UK city, Glasgow public sector organisations are critical to city life because of both their strategic responsibilities and the services they provide for the public. The local authority, the health services, educational establishments and a number of separate authorities which oversee community justice, transport and licensing are all bound directly or indirectly by the PSED. Between them they have implications for the key social systems from which both inequality and equality are generated. Of these however, it is arguably the local authority, Glasgow City Council (GCC), that has the most power and influence to shape the way the city is experienced by its residents. The following sub-section summarises the way GCC is organised, its responsibilities and the context in which it is operating as well as its governance arrangements for the PSED. Organisations in two further sectors – health and social care and further education - are considered subsequently and together with GCC they constitute the sample of organisations, whose actions form the basis of the empirical work for the thesis.

5.2.1.1 Glasgow City Council

The City Council, as with any local authority in Scotland, has both a strategic and an operational responsibility for eight main areas – economic development, education, environmental protection, waste management, social care, housing and planning, culture and leisure services and roads and transport within the requirements of a range of different pieces of legislation (Scottish Government, 2015a, b). GCC staff directly control overall strategy and planning, development and regeneration services, education, social work and land and environmental services. In addition to its specific service responsibilities, the Glasgow City Council website cites a number of issues which require a corporate policy approach. These include equalities, performance management and best value. The Chief Executive is the Council's principal policy advisor and strategic lead with the responsibility of producing and delivering a strategic plan. Local

authorities also have the scope to delegate certain responsibilities to Arms-Length Organisations (ALEOs) which are external companies owned, organised and governed in such a way that allows them financial and other benefits, arrangements which are denied to local authorities. The Council loses direct day to day management of the services run by ALEOs but retains overall accountability for how money is spent (Audit Scotland, 2011). Several ALEOs have been established in Glasgow and they are responsible for such services as culture and leisure (Glasgow Life), community safety (Community Safety Glasgow), homecare and facilities management (Cordia Services) as well as certain aspects of regeneration (Clyde Gateway). GCC and its ALEOs come together in what is referred to as the Glasgow Council Family Group (GCC, 2015) in an arrangement which constitutes a form of networked governance (Bevir and Rhodes, 2003). The combination of responsibilities and authority all have a bearing on the social systems which have the power to either create or address injustice.

Politically, during the time period of the fieldwork for this study, the Council was led by a majority party, the Labour Party. After local government elections in 2017, it was superseded by a Scottish National Party minority government. The Glasgow population is represented by 85 councillors across 23 multi-member wards (GGC website, 2017). Of note to this thesis is the limited extent of the heterogeneity of these representatives: as of the local government elections of June 2017, 29 councillors or 34% of the total are women and 6 or 7% are from minority ethnic communities of which one is female. This compares with a female population in Glasgow of 51.5% and a population of 12% from ethnic minority communities (GCPH, 2015). The number of councillors who are disabled, who identify as LGBT or who have religious affiliations is unknown. This suggests that neither the Council as a whole nor individual wards mirror the community that they serve. The question of representativeness and its implications for attitudes to legal compliance and policy and strategy is a complex one but cannot be considered further within the scope of this study.

Within a Scottish context, Glasgow works together with five other cities to form the Scottish Cities Alliance. The Scottish Government made it clear in 2011 (Scottish Government, 2011) that it had huge expectations of its cities

particularly in the context of its economic strategy and that it was bringing the cities together to take forward a programme of collaborative action. By 2016, in its mid-point review of the process, the Government was reporting progress on the collaboration in developing inclusive growth (Scottish Government, 2016). The expectation of inclusive growth is that an increase in prosperity will be combined with greater equity, creating opportunities for all and that the dividends of increased prosperity will be distributed more fairly. It is under these auspices that GCC has taken on a City Deal arrangement in partnership with both the Scottish and UK Governments as well as neighbouring local authorities across the Clyde Valley with a budget of £1.4 billion. Aimed at improving infrastructure and employment, it creates a city region with an emphasis on very specific priorities and projects and its own set of governance arrangements.

As well as operating more broadly within a Scottish context, Glasgow City Council is also required by law to act as an enabler of the set of partnership arrangements associated with Community Planning and other strategic and delivery structures (Scottish Government, 2003). Further, it is expected to steer the drive towards greater public involvement as exemplified by the Community Empowerment (Scotland) Act 2015 and also to respond effectively to the financial fallout of national austerity measures. Community Planning is a process by which public, private, and third sector organisations are expected to come together to ensure that public services are delivered as effectively as possible and in such a way that communities are engaged in the processes of decision making. As such, it is expected to have a significant bearing on policy making and resource allocation within and across different public sector organisations.

The existence of Community Planning in Scotland is part of a larger national and international trend towards partnership working that has imbued local government over the past 30 years (Ansell, 2000; Carley, 2006; Sinclair, 2011). Intended to break down barriers between different public organisations, such partnership arrangements have been seen as way of responding to the complexity of wicked issues and as a means of involving local communities in strategy making (Pugh and Connolly, 2016). It does however create challenges concerning how power and decision-making are dispersed both horizontally and vertically,

issues which have come to the fore in the crucible of recent political developments such as public sector reform and the constitutional settlement following the independence referendum. Within the broader context of partnership in Glasgow, there are also other individually constituted partnerships between the public and third sector. Three of particular relevance to this thesis because they are representative of its issues are the Violence Against Women Partnership, the Inclusive Living Partnership and the Hate Crime Working Group.

It is against this backdrop of complex accountability arrangements and political decisions about resource allocation that governance for the promotion of social justice or equality in Glasgow needs to be understood. In keeping with its general governance arrangements, the meeting of the requirements of the Equality Act 2010 and the need to pay due regard to the Public Sector Equality Duty is dispersed across the Glasgow City Council family and its ALEOs. Notably, final formulation and coordination of the development of equality outcomes is managed from within the Corporate Policy team that reports to the Chief Executive, but the Council also had a political, executive lead for equalities who chaired a strategic group of senior officers from across the Council family. Reporting to this group was another officer group responsible for operationalising the Council's commitments. The Glasgow Community Planning Partnership also has an Equalities Working Group, chaired by an officer of the Health and Social Care Partnership – see below - which includes all the relevant partners from Community Planning. The work for this latter forum is carried out by a Principal Officer based in a Council department, Democratic Services, with the support of the partners.

5.2.1.2 Health and Social Care arrangements

Baker et al (2009) place considerable emphasis on the dimension of love, care and solidarity in the development of equality of condition and to that extent the organisations that have responsibility for health and social care are of relevance to this study. Prior to 2015, health services in Scotland were the sole

responsibility of the NHS. With the passing of the Public Bodies (Joint Working) Act 2014 (Scottish Government, 2014), NHS Greater Glasgow and Clyde (NHSGGC) has now become a partner with Glasgow City Council (GCC) in a new formulation whereby certain health and social care services are managed jointly in an integrated fashion. This arrangement is formally constituted as the Glasgow City Health and Social Care Partnership (GHSCP) and governed by an Integration Joint Board (IJB). Operating solely within the Glasgow City boundary, the GHSCP plans and manages the delivery of all community health and social care services for children, adults and older people, along with homelessness and criminal justice services. It is led by an integrated Executive and Senior Management Team and it provides services through three localities of North East, North West and South and directly provided residential and day care. Services are also delivered through health and social care providers. Some services cover the wider NHSGGC Health Board area, for example, sexual health services. NHSGGC, which previously had responsibility for community health services including primary care as well as acute hospitals, provides secondary health care services for six local authorities of which GCC is one. There are four general hospitals within the Glasgow City area as well as two hospitals providing ambulatory day care. It is governed by a unified Board whose overall purpose 'is to ensure the efficient, effective and accountable governance of the local NHS system and to provide strategic leadership and direction for the system as a whole, focusing on agreed outcomes' (NHSGGC website). Both organisations operate within the context of Scottish health legislation policy which emphasises both public health and quality of care.

Work on the PSED within the GHSCP is led by a senior officer with a range of corporate responsibilities but final approval of its Equalities Mainstreaming and Outcomes plan has to be given by the Integration Joint Board (IJB, 2016). Within NHS Greater Glasgow and Clyde, delivery of the PSED is facilitated by a Corporate Inequalities Team which reported during the period of research to the Director of Corporate Planning and is ultimately accountable to the Health Board.

5.2.1.3 Further education in Glasgow

Further education aims to provide educational opportunities for young people post -school and for adults. Panchamia (2012) describes it as the 'everything else' sector and it includes education and training on basic skills, NVQs, foundation programmes, diplomas, apprenticeships, work-based training, and personal and community learning. Both the UK Government and the Scottish Government regard the sector as critical to the development of an effective workforce (Scottish Government, 2013) yet its range of opportunities and student selection criteria also make it an important foundation for extending learning across the life-course and for widening access to a knowledge-based society (Jarvis, 2004). The largest further education facility in Glasgow is the City of Glasgow College which was the consequence of a merger in 2010 between three pre – existing colleges in the city. Equality, diversity and inclusiveness forms one of the Colleges core values and it employs a small team to facilitate its overall equality strategy and compliance with the PSED.

5.2.2 Advocacy for equality in Glasgow

By contrast to public sector organisations with their statutory responsibilities for the general population, advocacy groups exist in Glasgow which have been established to champion the needs of different social groups. Chapter 4 highlighted that the campaigning and advocacy actions of social movements have been key to the historical development of anti-discrimination and equality legislation. That these groups will have a voice in the construction and delivery of a response to the PSED is an expectation of the guidance on its compliance (EHRC, 2011) as is their central role in conceptualising equality more generally.
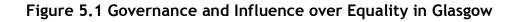
Many of the groups representing individual protected characteristics come together in issue specific networks, notably for women's organisations, black and ethnic minority organisations and organisations representing disabled people. Over the course of the time period covered by this thesis, these networks have combined with other member organisations as the Glasgow Equality Forum.

Glasgow Equality Forum (GEF) is a Glasgow-wide strategic policy forum whose aim is 'to encourage better co-operation and cross-sector engagement on equality issues. GEF provides strategic and policy expertise, and through the associated equality networks can provide access to wider viewpoints' (CRER Website). Additionally, there are a number of national third sector advocacy organisations with strategic aims for different aspects of equality who operate intermittently within Glasgow city but whose activities are intended to both prompt further legislative developments and to inform Scottish policy making. Two of the most prominent organisations are Engender which campaigns for gender equality and the Equality Network which campaigns for equality for lesbian, gay, bisexual, transgender and intersex members of the population.
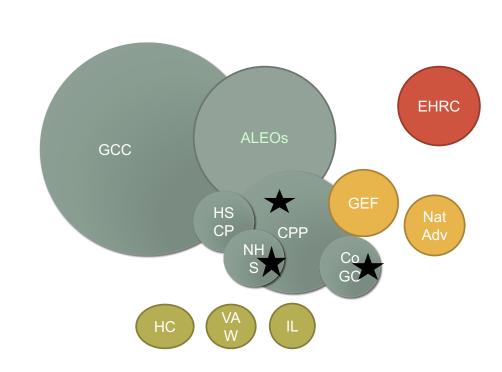
5.2.3 Interconnections

Governance and influence over equality in Glasgow is complex. The public sector organisations and advocacy groups in Glasgow interact in a number of ways which the infographic below is designed to represent – Figure 5.1. Where other organisations have a bearing on equality but are neither covered by the PSED nor seek to influence its compliance, these are omitted.

The size of the circles aims to reflect the relative importance to the city in terms of resources, service and strategic responsibilities and the degree of overlap indicates the significance of partnership in relation to the overall responsibilities of the organisations concerned. The grey circles represent statutory public sector organisations - Glasgow City Council (GCC), Arms-Length Organisations (ALEOs), Community Planning Partnership (CPP), Health and Social Care Partnership (HSCP), NHS Greater Glasgow and Clyde (NHSGGC) and City of Glasgow College (CoGC) - yellow represents organisations of influence on the city but which are not publicly accountable for decisions taken within it - Glasgow Equality Forum (GEF), National Advocacy Groups (NatAdv), orange is used for the regulator, Equality and Human Rights Commission (EHRC) and green for partnership structures which focus addressing specific experiences of inequality - Hate Crime (HC), Violence Against Women (VAW) and Independent Living (IL).

The stars indicate those organisations which have dedicated staff to facilitate compliance with the PSED.

It should be noted that both the relative importance and the degree of overlap are estimates based on knowledge of the author and further assessment based on the limited literature that is available about the way each organisation functions in relation to equality and collaborative working.

Figure 5.1 Governance and Influence over Equality in Glasgow

Governance and Influence over equality in Glasgow

5.3 Methodology

It has been argued that the strength of the PSED in Scotland is that it has the potential to enhance the opportunities for social justice within a city because of both its requirements and its reach across the public sector. This assumption has been generated through consideration of a range of theoretical perspectives and their salience has been composited into a framework through which compliance

with the duty can be analysed. Compliance with the PSED also however relates to the prevailing discourses around equality and to the way that compliance is generative of policy internal to the organisations covered by the duty and its implications within these organisations and across the city. Within the overall understanding of bricolage adopted by this thesis, investigating this inherent complexity requires a methodology which allows for multiple ways of seeing. The methodology adopted for such a complex approach is Interpretive Policy Analysis (IPA) because of its focus on the meaning of policy, in this case the PSED, in relation to implementation. The following sub-section considers the theory that lies behind IPA whilst subsequent sections in this section draw on this theory in delineating the design challenges and in the choice of methods utilised.

5.3.1 Interpretive Policy Analysis (IPA)

IPA has arisen from within the interpretive research paradigm as a counterpoint to policy analysis that is rationalist in approach, utilises positivist methods such as cost-benefit analysis (Bevir and Rhodes, 2006; Yanow, 2007) and which focuses on finding solutions to problems from a position which is perceived to be neutral (Payne, 2014; Wagenaar, 2011). Interpretive approaches to policy are concerned with the ways in which all relevant parties perceive a policy or policy area, with a 'focus on the meaning that policies have for a broad range of policy-relevant publics, including but not limited to clients and potential clients, legislators, cognate agencies (supportive and contesting), implementors … and potential voters' (Yanow, 2000:8). Sidney, in particular, argues that greater use of interpretive policy analysis can help to open up new critical understanding of the state of urban politics, knowledge which is central to this study:

'Such work pulls paradigms to the surface, up from the embeddedness of taken-for-granted or conventional wisdom, to consider paradigms assumptions, and to trace how the discourse of local actors and public policies manifest their concepts, causal arguments, and values (Sidney, 2010:37).'

Interpretivism advocates a methodological pluralism that is sensitive to meaning, historical context, and the importance of human subjectivity. Schwartz-Shea and Yanow (2012: 23) sum up the interpretive research paradigm as follows:

'In interpretive research, we seek to understand what a thing is by learning what it does, how people use it, in particular contexts. That is, interpretive research focuses on context-specific meanings rather seeking generalised meaning abstracted from particular contexts.'

Based on an understanding that both language and practice convey meaning and sense making (van den Brink and Metz, 2006), methods associated with IPA can bring to the surface the values, beliefs and meanings which surround the formulation and implementation of policy and legislation. Further, it allows the empirical research to search for tangible signs of problematising injustice – questioning assumptions, seeking solutions - such that transformation has the potential to occur, and can reveal the extent to which a tool such as the PSED might drive meaningful change. It is also an approach which is characterised by reflexivity, where the researcher is not removed from the process of investigation.

In its recognition of language and argument, IPA has its origins in both hermeneutics and phenomenology (Yanow, 2000, 2007; Wagenaar, 2011) for which there is a substantial literature exploring their ontological and epistemological basis (see for example, Laverty 2003). It is not the intention of this thesis to consider this literature in any detail, rather to note that it lays the foundations for concerns with both the language associated with texts and the thoughts and perceptions of individuals for whom policy has implications, and therefore for the way that meaning is derived. Wagenaar (2011) describes three forms of meaning, hermeneutic meaning, discursive meaning and dialogical meaning, all with a range of conceptual and methodological approaches relating to their individual traditions. Hermeneutic meaning aims to clarify the muddled or obscure and holds that this can be realised through appropriate interrogation of both the texts and the actors associated with policy making. Conversely, discursive meaning or the understanding of discourse, broadly works from an

assumption that language, both spoken and written, is the product of the way that social processes govern ideas and is therefore reflective of ideas and attitudes in society (Hajer, 2006). Dialogic meaning is the meaning which is derived from the interactions between actors that emerges in real time (Wagenaar, 2011).

 Understanding and analysing discourse in relation to policy allows for the ideas that constitute a policy and which are communicated between participants in that policy, both those involved in its implementation and those who are in receipt of the actions associated with it. Discourse analysis in this context, van den Brink and Metze (2006) contend, provides a means of discerning shared or divided meanings as well as meaning which is hidden to other forms of analysis. Discourse is not just evidence in words but is also visible in actions, in, for example, the way that organisations manage their daily activity (Wagenaar, 2011). Any exploration of injustice and inequality implies a concern with discourses of power and dominance as identified and considered in Chapter 2. Critical discourse analysis (van Dijk, 1993; Fairclough, 1992) goes further and applies the techniques of discourse analysis to determine whether and how these dominant discourses are reproduced or challenged, highlighting the relationship between language and social practices. Being critical means standing back from the data, embedding the data in the social and acknowledging a political stance (Wodak, 2001).

Policy documents and other relevant texts can be considered as artefacts or concrete manifestations that convey values, beliefs and meanings (Yanow, 2000). Document analysis is also an effective means of determining the public face of an organisation (Bowen, 2009) although it must also be recognised that public documents are often a means of communication with a broad audience rather than an explicit and detailed account of 'true' intentions (Ritchie et al, 2014). Within this context, the purpose of analysing documentary evidence for this thesis is twofold. Firstly, it is to consider critically the nature of the equality discourse that is revealed within the documents associated with the PSED. Secondly, it is to determine the extent to which a commitment to mainstreaming has led to a discourse around equality in those policy documents that have a

bearing on the social systems discussed in Chapter 2 with the power to influence equality or inequality.

Meaning about policy is also derived from the thoughts, perceptions and actions of those responsible for the implementation of policy. Yanow (2000, 2007) argues that how policy is interpreted is specific to a group of interpreters, a community of meaning, and that different groups of interpreters potentially understand the same artefact from very different and possibly conflicting perspectives. Yanow (2007) likens communities of meaning to epistemic communities, conceptualised initially as networked groups of professionals with authoritative claims over knowledge (Haas, 1992), but which are now viewed as connecting people who act with different forms of knowledge (Meyer and Molyneux-Hodgson, 2010). The existence of contrasting communities renders the reality of a policy issue multiple and dynamic, as the different stakeholders regularly re-create, maintain and change the intentions of policy. Once the policy issue for analysis has been decided upon, it is important to identify the communities of meaning associated with it, to identify the meanings that are being communicated, to bring forward differing interpretations especially where there are areas of conflict or contradiction and lastly to consider the implications of these differences for policy implementation. This process is not necessarily a stepwise one but one which is built up iteratively as a hermeneutic circle, whereby each piece of inquiry adds another layer of understanding (Yanow 2007).

Hajer (2006) similarly identifies the need to examine policy discourse from all possible angles and to create a critical narrative. In this he emphasises the settings which regulate the actors concerned with a policy as well as the language associated with it. Practically, he too proposes an iterative approach once the policy area has been identified. This involves document analysis, interviews with key players, examining data for any points of argumentation, analysing for any positioning effects between actors or within institutions, analysing practices in instances of argumentation, interpretation and testing of the analysis with the actors who have been engaged as part of the research. Although some highlight its sophistication and the need for a systematic but iterative approach involving great skill to realise deep meaning, (Wagenaar,

2011), others argue that is a more impressionistic craft, rigorous in surfacing insights but which recognises that there might be infinite ways in which the world can be seen (Boswell and Corbett, 2015). This is in keeping with the ethos of bricolage and is a means for making greater connection between the two worlds of research and policy making.

 It is with these aspects of IPA described above that the methods adopted to investigate the meanings that can be ascribed to PSED and equality in Glasgow and their relationship to a critical literature concerning social and urban justice. These methods involve the analysis of significant texts, the identification of and use of interviews with communities of meaning and a process for testing initial findings with participants. These are considered further as part of the methods section of this chapter but also in relation to the design challenges and this forms the next sub-section.

5.4 Design challenges

The aim of drawing on the PSED to create an equality narrative within the context of one city has created a series of study design challenges and a set of concomitant implications for data management and analysis. These related to the complexity of systems and pluralism of policy making, identifying whose perspectives should be taken into account, linking theory to the research and how best to take account of a shifting political agenda. Each of these challenges is explicated below.

5.4.1 The complexity and pluralistic nature of policy making

Wagenaar (2011) argues that complexity and pluralism are generative properties of policy and have significant implications for any researcher wishing to undertake IPA. Complexity in systems arises from the density of interactions between component parts (Axelrod and Cohen, 1999), the whole does not necessarily exhibit the properties of its component parts and outcomes are indeterminate. The map of governance and influence over equality in Glasgow

already presented in this chapter highlights that any one city can be regarded as a complex system which is constantly required to juxtapose a varied politics: global, national and local (Amin, 2002) and the subject city, Glasgow, is no different. In this context, policy analysis needs to be cognisant that the whole system is unknowable and cannot be reduced to the characteristics of its separate parts. Similarly, pluralism in policy is a reflection of competing interests and highlights the difficulties of organising the world around one external principle despite the needs of a liberal democracy for coherent action in the face of these competing interests and divergent views that underpin those interests (Rein and Schon, 1996). Whilst some policy making might have an aim of improving equality and the specific requirements of the PSED arguably represent a form of policy, other policies might have either negative or positive effects despite the expectations of equality mainstreaming. Within complex systems, the range of relevant policy at both the national and local level of the political system is extensive, and the design challenge concerns the boundaries that are put on the volume and range of policy documentation that is studied.

By taking the focus of the literature review as a basis however, a decision has been taken to determine meaning from two sets of policy documents: those associated with the PSED, here regarded as policy related texts from which meaning about social justice and equality can be derived and a sample of other policy documents with a bearing on city life in order to ascertain whether and how the mainstreaming requirement has been interpreted. These will be listed in detail in a subsequent section.

5.4.2 Whose perspectives? Determining communities of meaning

As with relevant policy documentation, there are many groups of actors from whom meaning about policy in Glasgow can be discerned. There are those whose activities have either responsibility for compliance with equality legislation, those who have the potential for creating and interpreting the range of concomitant policies or those who are concerned that there should be effective formulation and delivery of legislation and policy in meeting their experiences of injustice. In their exploration of the evolving understanding of epistemic

communities, Meyer and Molyneux-Hodgson (2010) usefully summarise a set of characteristics from the literature and these have contributed to identifying the communities of meaning for the study of equality in Glasgow. Primarily, such communities act with knowledge, producing, publicising and policing it in specific ways. Whilst these communities are made and stabilised through events and practices, they are not however static, varying over time, intensity of interaction and in the extent to which they are bound together. Although they can connect people, they work as much through connecting objects and subjects.

For this study, using both the criteria outlined above but also drawing on Yanow's work on how communities of meaning can be identified (Yanow, 2000, 2007), three communities of meaning were recognised as being significant. These groupings also accord with two other perspectives which are of relevance to this study. Firstly, there is a degree of fit with the view of Grint (2008) about the requirements for leadership, having the required authority or responsibility, for problem-solving wicked problems. Secondly, they acknowledge the significance of the three overlapping realms of civic leadership – political, managerial and community – that Hambleton et al (2009) have identified as being key for innovation within public services. The communities of meaning for this study are:

- politicians and managers from Glasgow City Council because of its dominance of the City Council over a range of services and strategy-making.
- equality policy experts from the sample of organisations who are required to engage specifically with the requirements of equality legislation, either through policy setting, implementation planning or monitoring and enforcement.
- organisations advocating and campaigning for equality for groups within the heterogeneous community for their role in assessing the pertinence or otherwise strengths of equality legislation and policy.

5.4.3 Linking theory to research

Rein (1976) contends that all social policy is concerned with values and their integration into specific policies and programmes. Analysing these values can be undertaken from the perspective of neutrality which takes the normative aims of policy as given, from a committed position whereby the analyst marshals arguments and evidence from policy that accord with their own commitment and lastly from a value-critical position. Rein (1976:13) describes this as one 'that subjects goals and values to critical review, that is, values themselves become the object of analysis; they are not merely accepted as a voluntary choice of the will, unamenable to further debate.' Schmidt (2014) further maintains that value-critical policy analysis is a means by which contested and contradictory policy aims can be examined.

The drawing out of a set of themes from the interrelated sets of literature for this study is akin to creating a set of values or frames through which policy texts and policy perceptions can be explored. In their examination of policy frame analysis, Rein and Schon (1996) refer to such frames as 'ideal types' which are rhetorical in nature. A study into gender mainstreaming in Europe with clear similarities to the aims of this thesis, and adopting a critical approach to frame analysis, regards them as sensitising concepts (Verloo and Lombardo, 2007). By using such a structured approach in the construction of a frame analysis tool, the relevance and meaning associated with such frames can be used to test out the relationship between theory and practice, it allows for comparisons and contrasts to be made across different sources of evidence and gives a conceptual shape to an equality narrative for Glasgow. Verloo and Lombardo (2007) further argue that such a methodology can expose discursive strategies whereby silences are created with certain issues focussed on and others marginalised.

The following sensitising concepts drawn from the literature have been identified in the previous chapter together with their rationale and these formed the basis of inquiry:

- The heterogeneous population experiences compound injustices and that the framing of social justice which takes full account of this is complex
- Recognising heterogeneity is enabling and energising
- Equality legislation has arisen as the result of historical struggle and is a recognition by the state that change is required
- Public sector institutions have an important role in operationalizing equality
- The PSED creates an impetus for policy formulation and implementation
- A politics of difference enhances participatory democracy
- The city is a site for transformation

5.4.4 Timeframe for the research and the changing nature of the equality agenda

From the knowledge and experience of the author but also from the review of equality legislation within Chapter 4, it is clear that the drive for equality has both forward and backward momentum in relation to legal developments, enforcement and subsequent policy making (Hepple, 2011a). The time period over which this thesis is being undertaken is an arbitrary one, chosen by the author. Since its commencement in 2013 however, desk research and ongoing scrutiny of selected documentation in a way that Hajer (2006) recommends for effective discourse analysis, reinforces the shifting nature of the agenda. The importance of relating time concerns to IPA are contingent on its purpose, whether it be for enlightenment (Fischer and Gottweis, 2013), or whether it has an applied function as an aid to decision making or both: 'together they signify that policy analysis operates in a perennial, uneasy, and not very well understood tension among, past, present and future time '(Wagenaar, 2011: 285).

Compliance with the PSED is an ongoing process and investigation of its meaning and impact needs to be both reflexive about the past, mindful of current political context and anticipatory about the future. Assuming that the equality

agenda remains an evolving one, two questions arise: over what time period should the research take place and what type of data best represents any changes? Within the confines of the PhD process the design challenge was especially difficult with respect to the contemporaneousness of its findings for any potential decision making, should this be desired by any of the participants.

Longitudinal research is an established approach for the gathering of qualitative evidence over time but usually involves repeated episodes of data collection from a group of individuals to assess micro-level changes over the course of the research period (Ritchie et al, 2014). Whilst the perceptions of the individual participants in this research may change over time, it was more concerned with using the principles of dialogue to share initial findings from the research with the three communities of meaning together in order to generate further data. By including such a process at a late stage in the research, participants were encouraged to be reflexive about their own initial sense-making and any new meanings and interpretations within the context of a later time period. This will be described in more detail in the methods section. Additionally, changes in perspectives about compliance with the PSED were captured by considering relevant texts produced over the period 2013 – 2017.

5.5 Research Methods

The research methods have been constructed to enhance the abduction of meaning from the range of sources of evidence, in line with the aims of the research, the design challenges and the principles of IPA.

5.5.1 Text analysis

Policy documents and other relevant texts can be considered as artefacts or concrete manifestations that convey values, beliefs and meanings (Yanow, 2000). Document analysis is also an effective means of determining the public face of an organisation (Bowen, 2009) although it must also be recognised that public documents are often a means of communication with a broad audience rather

than an explicit and detailed account of 'true' intentions (Ritchie et al, 2014). Within this context, the purpose of analysing documentary evidence for this thesis is twofold. Firstly, it is to consider critically the nature of the equality discourse that is revealed within the documents associated with the PSED. Secondly, it is to determine the extent to which a commitment to mainstreaming has led to a discourse around equality in those policy documents that have a bearing on the social systems with the power to influence equality or inequality. The approach taken is overall exploration of the worldview that can be deduced from key words, phrases and metaphors and a more detailed account of the processes adopted are woven through the remainder of this chapter

5.5.1.1 Sampling: Documentation specific to compliance with the PSED

The PSED and its associated specific duties in Scotland have been covered extensively in Chapter 4. From this it can be seen that public authorities have requirements to report on mainstreaming of the general equality duty and on progress in realising equality outcomes. Each of the public authorities identified previously within this Chapter have these requirements and from this the following sample of documents have been compiled for analysis:

- Glasgow City Council: Equality Outcomes 2013 – 2017; Equality Progress Report 2015: Equality Progress Report 2017; Equality Outcomes, 2017 - 21
- NHS Greater Glasgow and Clyde: Meeting the Requirement of Equality Legislation: 2013-16 and 2016-20;
- Glasgow Health and Social Care Partnership: Mainstreaming & Equality Plan 2016-18
- City of Glasgow College, Mainstreaming Report 2017; Equality Outcomes, 2013–17; Equality Outcomes Framework, 2017–21; Equality and Diversity Strategy, 2013-17

The Scottish Government is also bound by the PSED and its secondary legislation. In order to consider the context in which compliance within Glasgow is

operating, the texts produced by the Government have also been analysed. These comprise:

- Scottish Government Equality Outcomes and Mainstreaming Reports. 2013, 2015 and 2017

5.5.1.2 Sampling: Signifiers of mainstreaming

Mainstreaming has been previously considered as a method by which equality becomes a guiding principle in making political choices. The way that this can be interpreted is by both assessing meaning within the texts that are specific to the PSED and by investigating policy texts and organisational plans which have a bearing on the complex needs of the heterogeneous population. Drawing on the literature review about social justice in the city, a set of criteria has been created. Associated texts have been sampled for indications of equality mainstreaming as follows.

- Development of the city - Council Strategic Plan, 2012 -17 and Refresh 2015 – 2017; Glasgow Economic Strategy 2017
- Development of people and place – Our Resilient Glasgow; City Development Plan; Glasgow Community Plan 2017
- Service Delivery - NHS Greater Glasgow & Clyde Strategic Direction and Local Delivery Plan 2015-16 (NHSGGC, 2015), the Glasgow City Integration Joint Board Strategic Plan 2016 - 2019 (GHSCP, 2016) and the City of Glasgow College Strategic Plan, 2017 – 25; Glasgow City Council ASPIR reports where indicated

5.5.2 Semi-structured interviews

Semi-structured interviews are a core method for qualitative research as a means of generating data about the social world (Ritchie et al, 2014) and are similarly important for IPA in extracting meaning about policy initiatives (Yanow and

Schwartz-Shea, 2014). The nature of the semi-structured interview where interview schedules are used as an aid to dialogue allows for give and take between the interviewer and the interviewee is a method that is especially useful for the teasing out of puzzles and conundrums, where issues can be explored as they arise and where there is the potential for tangential evidence to throw up new ways of viewing the subject of the research. For IPA, the method enables the pursuit of questions and themes that are either difficult to locate in documentary evidence (Soss, 2014) or have been generated by an initial reading and analysis of policy documents (Hajer, 2006). Although focussed on language, attention can also be paid to non-verbal cues such as laughter, pauses and emotion which provide nuance to the data. Whilst they can be viewed as conversational, semi-structured interviews do however differ from everyday conversation in that the exchange is a manufactured one, created at the behest of the researcher. Further, the interviewer, as a researcher, has a responsibility to redirect the course of the discussion where it has deviated significantly from the topics of concern.

In terms of the reliability and validity of the data accrued, semi-structured interviews are considered as having limitations, not least by proponents of positivist forms of evidence making because of the small sample size, their 'subjective' nature and the impact on comparability. Other limitations are more inherent to the methodology itself and can relate to the way the interviewer is perceived, the extent to which the interviewee is prepared to divulge information and their skill in articulating thoughts and ideas. Soss (2014) identifies that social processes are often integral to meaning making, 'patterns of conflict and collaboration that produce shared conceptions of reality' (ibid:173) and that these can be lost in interviews with individuals. For this study however, the semi-structured interview was the preferred method for the abduction of evidence from key stakeholders associated with the communities of meaning.

5.5.2.1 Sampling and recruitment

Based on the criteria for the communities of meaning, the sample of interviewees was a purposive one using the criteria already described: politicians and senior managers from the City Council, officials across the organisational sample with specific responsibilities for compliance with the PSED or equality more generally and representatives of advocacy organisations. Sampling criteria and membership for each community of meaning is described below:

Politicians and senior officials

Sampling for this category was the least straightforward. Elected members of Glasgow City Council and many senior officials make significant contributions to the priority policies of the Glasgow Council Family Group. Two criteria were however used for selecting interviewees. The first was based on documented evidence of political leadership for equality as a component of their executive duties. The second of these was based on lead responsibility for the policy documents previously selected for scrutiny. The sample is as follows:

- Political lead for equality and deputy leader of the Council
- Political lead for social justice
- Political lead for education
- Political lead for tackling hate crime
- Political lead for Community Planning
- Policy lead for Glasgow's Economic Strategy
- Policy lead for Our Resilient Glasgow
- Director of Cultural Services and equality lead for Glasgow Life
- Strategy lead for the Health and Social Care Partnership

Two requests for interviews with officials responsible for the City Development Plan and a lead responsibility for Community Safety were declined.

Officials with responsibilities for facilitating compliance with the PSED or equality

Each of the four selected organisations has a designated senior official with responsibility for facilitating compliance with the PSED and each of these was invited to participate in the study. Other officers within GCC also have a responsibility for equality within their department and sit on the Council's Strategic Equalities Group. Equality leads from two service departments, Development and Regeneration Services and the Education Department agreed to participate together with officers who represented those departments on the operational group for equality. A senior representative of the EHRC in Scotland was also included because of the organisation's responsibility to facilitate and monitor compliance across the public sector in Scotland.

Advocacy organisations

The aim for this sample was to recruit representatives of organisations in Glasgow advocating for the different characteristics protected by law who were associated with the Glasgow Equality Forum (GEF) and therefore linked to strategy and policy developments for equality. Senior members of the lead organisations for each of three equality networks that currently exist all agreed to participate, namely,

- Campaign for Race Equality and Rights (Glasgow Voluntary Sector Race Equality Network
- Glasgow Disability Alliance (Disability Network)
- Wise Women (Glasgow Women's Voluntary Sector Network)

In addition, the coordinator of the Equality Forum was invited to participate as were two membership organisations, LGBT Youth Scotland and Age Scotland. Despite repeated requests there was no response from the latter two organisations. Lastly, it was considered important to gain a perspective from a sample of organisations known to be explicitly concerned about the strengths and weakness of equality law in Scotland. Two organisations – The Equality Network

campaigning on behalf of lesbian, gay bisexual, transgender and intersex people and Engender, campaigning on behalf of gender equality were chosen and agreed to participate.

Recruitment was initially made by email. Where there was no response after an email and a reminder, a follow-up telephone call was made. Interviews were held in a private space of the interviewees choosing and were a maximum of 90 minutes long. Each interview was taped and subsequently transcribed verbatim by the researcher. All interviews were held between January 2016 and May 2017.

5.5.2.2 Interviewing elites and experts

The members of the three communities of meaning can be considered to be both elites and experts. Elites have been described as those who are in close proximity to power (Lilleker, 2003) and experts as those having specialised knowledge. Both have implications for the relationship between the interviewer and interviewee and for the type of data that is generated through the interviewing process. Although there is a growing interest in the understanding and behaviour of leaders in a range of settings, there is as yet no clear-cut definition or a full understanding of the methodological challenges of researching those who constitute the elite or experts (Harvey, 2011). The literature does however identify a number of inter-related, potential problems that need to be overcome (Richards, 1996; Morris, 2009) and these can be clustered in three main ways. The first is access, both in terms of gaining agreement to participate but also in the amount of time that could be allocated to interviews. Secondly, senior managers and politicians are all accustomed to projecting a fixed set of ideas and being in command and in the experience of the researcher, often find it difficult to be reflective, especially in a public arena. Arguably, adeptness at presenting what is socially acceptable calls into question the validity of the evidence and finding a way of building trust and encouraging a form of thinking that goes beyond rhetoric is considered vital in collecting reliable and meaningful evidence. A third and related issue is the power relationship between the interviewer and interviewee, where the power and status of the interviewee

can be at odds with the relative powerlessness of the interviewer. This contrasts with other forms of social science research that takes place with economically or socially disadvantaged groups or individuals and where the power differential is in favour of the researcher.

In this study, the relationship of the researcher to the above issues was different than would be the case with young, inexperienced researchers. Her previous role was one in which she too, in different circumstances, might have been considered as either an elite or expert interviewee. Indeed, the prior knowledge of many of the interviewees by dint of that previous role placed the researcher in an unusual position where both access and powerlessness were mitigated. In terms of the quality of the data, where a constructivist approach to interviewing is being taken and meaning sought, it is the mind-set of the participant that is particularly relevant and how the interviewee choses to answer questions is important (Richards, 1996). The parrying of questions perceived as difficult by respondents constitutes data, was probed and the nature of the responses analysed.

5.5.2.3 Interviews

The interview schedule in semi-structured interviewing acts as a guide rather than a set of fixed questions from which there is no deviation (Yeo et al, 2014). For this study an interview schedule was drawn up in order to have available a set of questions relating to the sensitising concepts that had emerged from the literature review. An area of questioning derived from differences in terminology across Scottish and Glasgow policy making and reports where social justice, fairness and equality are apparently used interchangeably also created a line of questioning. Initially each interviewee was invited to explain their roles and responsibilities in relation to the organisation to which they were connected and how they related this to the aims of the research. In this way, it was possible to determine initially how policy relevant actors undertook the framing of their connection to and interests in equality in general and the PSED more explicitly. This contributed to the drawing out of the similarities and contradictions in sense

making which Van Hulst and Yanow (2016) argue abound in complex policy scenarios. The evidence accrued from these initial questions determined the flow and order of the subsequent questions. Often there were unexpected responses and contestations, and these were followed up. Where interviewees where directly associated with compliance documentation or policy documents, an initial reading of these by the researcher was also used to prompt and clarify responses. As a consequence, there was a unique richness to each interview. An indicative interview schedule is presented as Appendix 3.

5.5.3 Discussion group

Integral to the underlying tenets of IPA is that richness can be added to the capturing of meaning from both texts and dialogue with communities of meaning through the application of an iterative process of sense-making (Yanow, 2007). By exploring particular ideas, individual responses can become more considered and refined and a form of synergy between participants created (Finch et al, 2014). Following initial analysis of the documents associated explicitly with the PSED, the transcripts of interviews with the three communities of meaning and preliminary data accrued from policy texts pertaining to the shaping and making of Glasgow, participants were invited to one of two discussion groups to consider and debate these findings. The researcher acted as a facilitator of the group playing a key role in supporting members to engage with the process, to overcome difficulties, to share and develop ideas and to create new insights.

The overall aim of these discussion sessions was to facilitate reflection and commentary on the spectrum of meanings, contradictions and contestations and more specifically to test the assumptions that had been generated from initial analysis relating to four themes:

- How are Glasgow's problems in relation to equality perceived?
- What are we trying to achieve?
- How is change made to happen? - Governance and Influence
- How is the PSED perceived?

Eleven participants attended the first session and comprised two elected representatives of Glasgow City Council, five senior policy officers from across the Council family, the representative from a further education establishment and four representatives of advocacy networks including the Glasgow Equality Forum. The second session was attended by 2 senior policy officers from the City Council and a representative from an advocacy group network. Nine interviewees were either unable to attend or chose not to do so. Each session lasted for approximately two hours and the discussion was taped, transcribed and subsequently coded. A copy of the presentation was sent to participants as this had been requested and it is important to acknowledge that that both the initial findings and the discussion that took place may have informed both the discourse and the action on equality in Glasgow as a consequence.

The Powerpoint presentation used for the discussion groups can be found as Appendix 4.

5.5.4 Ethical considerations

The ethical considerations of interviewing elites, experts within public sector organisations and senior members of advocacy groups are less constraining than they would be for interviewing more vulnerable people whose views are not normally sought after or who might perceive themselves as being relatively powerless as compared with the interviewer. Nevertheless, ethical practice is as important with this group of participants as any other and indeed the criteria set out by Graham et al (2007) as to what makes an interview acceptable to the participant is probably essential if the right degree of trust is to be established and for reflexivity to take place. These criteria are associated with the three components of an interview or discussion group, before, during and after and includes unpressurised decision making about participation, the opportunity for preparation prior to the interview, not being pressurised during the interview, unbiased and accurate reporting and having an opportunity for feedback as well as the standard criteria of informed consent, confidentiality and anonymity. As Lancaster (2016) has identified, elite interviewees can still experience a sense of

vulnerability because of personal, professional and political issues relating to the subject of the research.

For this study, each participant was approached in writing by email with a brief explanation of the study, why they had been chosen as a potential participant, the maximum time period over which the interview would take place and the opportunity given to identify a location of the participant's choice. A longer overview of the research study was attached to the email and participants were offered the opportunity to receive a list of themes for the interview in advance. Before the interview commenced, each participant was handed a copy of the participant information sheet and asked to read before signing a consent form. Both these forms can be found as Appendix 5.

A requirement of the ethical process was that each participant was granted a form of anonymity in that his or her evidence was not cited by name. The nature of the sample however was such that each participant had a unique role and to completely anonymise their positions would compromise the significance of key pieces of evidence. Further, participation in the discussion group exposed interviewees to each other and made their views and ideas at least partially open to a wider audience.

5.6 Approach to data management and analysis

When compound sources of evidence are utilised in qualitative research, these are often triangulated to vouchsafe common themes and to maximise validity (Flick, 2004). Although commonalities were considered important, this study was equally concerned with contradictions across the textual evidence and interview data, the latter further used as a means of testing juxtapositions within and across the communities of meaning previously considered in sub-sections 5.3.1 on Interpretive Policy Analysis and 5.4.2 on determining communities of meaning. In approaching data analysis in this way, it was intended to reveal the extent to which the context for making equality policy, equality policy texts and the perceptions of the actors involved was consistent or contradictory, static or dynamic (van Hulst and Yanow, 2016) without at the same time yielding entirely

to a more positivist approach whereby comparisons become merely a measure of the extent to which a particular idea was present or absent (Verloo and Lombardo, 2007).

Spencer et al (2014) describe analysis as a journey which imbues the whole process of the research study. For a broad ranging investigation such as this one with few precedents, the formal analysis process was complex, requiring a number of data management and abstraction strategies. Evidently, the chosen approach of seeking meaning about equality more generally and the perceived meaning of the significance of the PSED from a range of sources generated a considerable volume of data. In summary, this comprised 20 complex policy texts including those relating to compliance with the PSED, 23 transcribed interviews, and 2 transcripts from the discussion groups. In order to manage the volume of data, NVIVO 10 was used as a tool for managing this data using its storage, coding, sorting and analytic functions.

The coding process comprised a number of elements. Firstly, both texts and qualitative data were coded against sensitising concepts and parent and sub-sets of codes derived from both the complexity of each theme and as a consequence of themes that emerged from the data. These sensitising concepts have been previously presented as the summation of the literature review, end of Chapter 4; used to contextualise the methodology section above and re-presented in Chapter 5 as the means by which theory has informed research as sub-section 5.4.3. Codes are presented as Appendix 6.

Secondly, contestations, contradictions and the way that discourse is signified through language and use of metaphor were annotated for each piece of policy text, each interview and for each of the discussion groups. Tone and appearance of documents was also noted. Sense making of the range of evidence was undertaken by aggregating the data in relation to the research objectives - **determining the meaning that can be attributed to compliance with the PSED and the secondary duties** and **investigating how the meanings and actions associated with the secondary duties shape key city organisations** and the process of analysis for each component part of the data is described below. This

process is illustrated in Appendix 7. Overall the data was brought together to meet the research question - **whether and how the PSED and the Scottish secondary duties enhance social justice within Glasgow -** as follows.

5.6.1 Potential for change? Interpreting PSED documents

The requirements of the secondary legislation associated with the PSED shapes the documentation that is produced by public sector organisations. The content of each organisation's compliance texts is however reflective of both their understanding of equality and of the roles and responsibilities of each organisation. From close reading of the texts it was made apparent that the context in which the Scottish Government applied the PSED as compared with public sector organisations at city level was obviously different and that meaning of from both need to be abstracted in a way that took this into account. As a consequence, data associated with the Government texts were aggregated in two ways – equality as a policy imperative and how the problem of equality and its resolution was framed. For the city level texts, a greater depth of analysis was required and by drawing on the theory of interpretive policy analysis, how problems are represented and the sensitising concepts, data were abstracted in five ways:

- an interpretation of commitment and overall sense of meaning which could be derived from way the PSED was carried out by considering appearance, language and tone of formal documentation
- examining the complexity of heterogeneity
- the framing of injustice - presuppositions or assumptions underpinning representation of the problem as well as what was left unproblematic, that is where there were silences
- equality of what and for whom?
- how was change made to happen and who decides on the nature of change

5.6.2 Synchronicity or multiple meanings? Communities of meaning and the PSED

This section considers the data from two of the communities of meaning – previously named as the expert policy group and the representatives of advocacy organisations in order to signify their relationship to knowledge and learning. Interviews were conducted using as their basis the sensitising concepts constructed from the literature review. Further data were obtained from two discussion groups.

Both sources of data were firstly coded as passages of speech in line with the Nvivo parent and sub-codes used for the formal compliance texts. Where there were similarities, dissonance and silences in terms of meaning as they connected back to the sensitising concepts these were marked accordingly. Subsequently each transcript – both interview and discussion group - was annotated for forms of discourse unrelated to the sensitising concepts and these too were compared and contrasted with the annotations undertaken for the texts in a iterative process moving backwards and forwards between interview narrative and the textual information. Summaries were produced for each transcript of the main findings, of the findings from interviews and texts in relation to each parent and sub-node as well as emergent forms discourse for comparison purposes.

The interview schedule was developed using the sensitising concepts constructed from the literature review and used as the basis of semi-structured interviews. Subsequently, further qualitative data were obtained from two discussion groups. As with analysis of the texts, the aim was to determine how interviewees responded to questions based on the sensitising concepts whilst, at the same time, analysing other forms of discourse that emerged unsolicited. From this, similarities and differences between the interviews and the texts were revealed.

Based on the extensiveness of the responses in relation to the different themes, a decision was taken to aggregate the interview data as follows and where other themes had emerged for them to be interdigitated with the main analytic categories.

- the framing of injustice
- addressing injustice – the meaning and significance that could be attributed to the differential language used within official texts representing the aims of the PSED - fairness, social justice and equality
- perceptions of the significance and impact of the Equality Act and the PSED

5.6.3 Examining equality mainstreaming – towards a just city?

As some authors have indicated, organisations are at pains to present themselves positively and favourably (Spencer et al, 2014; Yanow and Schwartz Shea, 2014) and their associated texts may be seen as much devices for communication rather than as a full statement of intention (Flick, 2009). They therefore need to be interpreted accordingly. The documents chosen for evidence of equality mainstreaming could all be categorised in this way – as statements of intent for public consumption as well as internal use. They may have masked the practicalities of equality mainstreaming because this was covered elsewhere, notably the documentation specific to the PSED and in the implementation of its objectives. This presented a complicated scenario. The abstraction challenge posed by identifying how the meanings and actions associated with the mainstreaming requirement of the PSED were met by considering the data in relation to each individual organisation within the sample, as follows:

- Interpreting the meaning of equality mainstreaming in the health care system
- Equality mainstreaming and further education – the example of the City of Glasgow College
- Meaning making about equality mainstreaming across systems – the Glasgow City Council family

5.7 Conclusion

This investigation into the meaning of the PSED for social justice for a heterogeneous population within one city comprises a complex interplay of data from a range of organisations and individuals, texts and interviews. Using the principles of Interpretive Policy Analysis, it has described the means by which evidence that relates to the themes drawn from the literature together with other forms of discourse have been collected and abstracted. The chapters that follow reflect this organisation of the evidence.

Chapter 6: Potential for Change? Interpreting Public Sector Equality Duty Documents

6.1 Introduction

In keeping with the bricolage approach of this thesis and the principles of interpretive policy analysis whereby policy is explored from different perspectives, this is the first of three chapters designed to elucidate an equality narrative for Glasgow, the city, its structures and its people. In this first chapter of findings, consideration has been given to the formal documents associated with the requirements for legal compliance produced by the sample of organisations selected for their strategic and practical responsibilities for the development of Glasgow as a city and its services. These have been examined through the lens of the sensitising concepts and for emerging discourses unrelated to these. Although the requirements of the secondary legislation impose certain constraints on the content of these documents, the nature of this content is illustrative of organisational thinking and intent. Form this, the underlying meanings associated with the way public authorities have interpreted due regard have been identified.

The way that Scottish Government interprets the PSED provides a national context within which the Glasgow public authorities are operating. Analysis of Government compliance documents in the first part of the chapter will show a clear discourse about Scottish society being fair and equal and that equality law is regarded as instrumental in the delivery of this. Consideration of the way that injustice is framed and how it is resolved to greater advantage for social groups has nevertheless highlighted that where the structural dimensions of injustice and the needs of a heterogeneous population are made explicit, this is inconsistent, contradictory and not always in keeping with the protections of the Equality Act 2010. As such, the aspiration of the Government to be an exemplar is found wanting.

The chapter then turns its attention to Glasgow and proceeds with an overview of the nature of compliance contained within the documents associated with the sample of Glasgow organisations. Interpreting meaning from the appearance, language and tone of the texts, it is argued that this shows variation in commitment and in the importance of communicating compliance in a way that is accessible to the groups which the PSED is designed to serve. From closer scrutiny of the texts it is further argued that paying due regard to the aims of the duty differs across organisations with respect to the complexity of heterogeneity, the framing of injustice and social justice, the dimensions of equality that are considered important and where the power lies for determining the nature of compliance. Key to understanding these differences is the nature of the discourse concerning organisational reflectiveness about their role and responsibilities in relation to structural injustice. Both the health care and further education authorities show signs of recognition of inherent organisational weaknesses whereas the focus of Glasgow City Council is on counteracting the perceived vulnerabilities of different social groups.

6.2 The national context: Scottish Government response to the PSED and its implications for Glasgow

Since the Scottish Specific Duties in 2011 were agreed, the Scottish Government has been evolving with the ruling party moving from being a minority party in 2007 to a majority government in 2011 and then once again a minority government in 2016. Against this backdrop, the Scottish Government has produced three successive Equality Outcomes and Mainstreaming reports in response to the PSED secondary duties between 2013 and 2017 (Scottish Government, 2013; Scottish Government, 2015; Scottish Government, 2017). Notably, each of the forewords for these reports has been penned by a different Minister with a different departmental responsibility - Minister for Commonwealth Games and Sport (with responsibility for Equalities) (2013), Cabinet Secretary for Social Justice, Communities and Pensioners' Rights (2015c) and Cabinet Secretary for Communities, Social Security and Equalities (2017a) – indicating rapid changes in context and conceptualisation of both departmental

structures and the place of equality within them. As if to symbolise Government commitment, each report is lengthy, the total for the three reports, including appendices and technical data, amounting to 500 pages, thus giving the appearance of meticulousness and ostensibly fulfilling the expectations of 'due regard'. In keeping with the overall ethos of the thesis however which is to draw out salience from a wide cross-section of inter-related evidence, this part of the chapter is limited to an interpretation of the overall tenor and tone of the documents in relation to equality as a policy imperative and how the problem is framed and resolved, as a benchmark rather than as comprehensive analysis.

6.2.1 Equality as a policy imperative

From its first report in 2013, it is clear that the Scottish Government has aspirations for a fairer and more equal society and has placed considerable emphasis on the role that equality law plays in these aspirations. This is exemplified by the following passage:

'The desire for a just and fair society free from inequalities and disadvantage is strong in Scotland and characteristic of Scottish values. It is important therefore that we have a framework which provides the positive conditions for the advancement of equality of opportunity. The public sector equality duty and the Scottish specific duties which flow from it help to set that framework (Scottish Government, 2013: Foreword).

By the time of its 2017 report, there is also a sense that the Government considers itself to have set the pace for progress and that equality has become an integral part of Government business, stating that its overarching Programme for Government for 2016 clearly demonstrates that 'equality is firmly embedded throughout all the Government's activities' (Scottish Government, 2017a:11) and that equality is a commitment that is shared by all senior politicians: 'it is also a shared objective across Cabinet' (ibid:1). Hepple (2011a) has highlighted how and why equality law has evolved in order to shift the emphasis from individual discrimination to the role of institutions in combatting discrimination and

inequality and the sensibility of the Government's compliance texts can be seen as endorsement of this ambition.

Numerous achievements are cited, 'for example the introduction of Same Sex Marriage; strengthened protections on domestic abuse, rape and forced marriage; legislation on British Sign Language; and improvements in childcare and gender equality (2017a, Foreword)', Scotland is also portrayed as a place of 'welcome,' where 'credit' is due for showing no increase in racial prejudice or hate crime after recent political events. At the same time, there are caveats, with a theme permeating the texts of uncertainty about the extent of change and the deep-seated nature and persistence of the problems of attitude and inequality. In 2013, the responsible Minister expressed this as follows:

> 'Our ambitions for economic success and social wellbeing in Scotland cannot be realised unless we address the prejudice, discrimination and disadvantage that hold people back' (Scottish Government, 2013: Foreword).

By 2015, the two contrasting discourses had emerged more strongly, expressing both commitment and relative powerlessness to facilitate change:

> 'The Scottish Government's policies and programmes are focused on improving the outcomes for the people of Scotland; to making a real difference to people's lives. The equality outcomes that have been set are designed to focus attention on some longstanding and deep-rooted issues and to help increase the capacity and performance of the Scottish Government. Change in some of these areas will not necessarily come quickly or indeed easily and we are aware that shifting attitudes and changing systems and processes can take time. So, while we are pleased to report progress across all of the outcomes set by the Scottish Government we recognise that in some areas progress has been slow or subject to some fluctuation. Effort will continue to be sustained as we are determined to make a real difference to the lived experience of our equality communities' (Scottish Government, 2015c:53).

And in 2017, despite the Scottish Government's insistence that 'we will create a fairer Scotland,' and with specific plans for greater fairness for disabled people, in relation to race equality, for the eradication of violence against women and for fair work, the theme that equality is difficult to achieve still prevails:

> '...we are not complacent. We are very clear that the pace of change is too slow in some areas and that there remains much still to do' (Scottish Government, 2017a: Foreword).

6.2.2 Framing the problem and its resolution

That there is an inherent contradiction between the insistence that the Scottish Government will be the architect of greater fairness and its apparent concern about the slow pace of change is underlined by the differing discourses on the nature and causes of injustice that permeate the documents. It is the view of Bacchi (2009) that policy is overly concerned with problem solving and that a shift to problem questioning is long overdue. This thesis is predicated on a set of assumptions, about heterogeneity, about injustice and about the nature of power and oppression and its differential distribution, the analysis of the subject literature is therefore contextualised by these assumptions. What is written and what is chosen as evidence and policy is indicative of the way that these issues might be resolved and where the responsibility for change lies.

The term 'injustice' is not one that has been used, the Scottish Government preferring to refer to inequality, despite the dominance of 'social justice' as its overarching political aspiration (Mooney and Scott, 2014). It is unsurprising that the inequality experienced by those covered by equality law is framed as a problem of prejudice and discrimination as addressing both is a key focus of the legislation and indeed of views about substantive equality (Fredman, 2012). Using graphic language for emphasis, both behaviours are presented as creating a further set of unwanted experiences; prejudice and discrimination deemed to 'breed dissention and frustrate community cohesion, cause damage to individuals and lead to an increase in the demand on public services and public resources (Scottish Government, 2013:3).' This form of injustice was so concerning, it was

maintained, that 'a vast majority of people in Scotland believe that Scotland should do everything it can to get rid of all kinds of prejudice (ibid:3).' Subsequently, considerable attention has been paid to the data that are available on changes in social attitudes, to the assertion that the Government is apparently unequivocal about the benefits of heterogeneity, 'the Scottish Government recognises the value of this increased diversity and the benefits that it brings to our economic, social and cultural life (Scottish Government, 2017a:4)' and apparently contradicting the previous assertion, it reports the apparent decline in discriminatory attitudes as one measure of how well Scotland is doing on equality.

In the face of this emphasis however, there is nevertheless a lack of theorising or evidence across all the texts as to what has brought the changes in attitude and how this might be consolidated and developed. Further, there is scant elucidation of the way that prejudice, discrimination and inequality intertwine as specific oppressions, the detailing of demographic data presented as sufficient justification for action:

> 'Promoting equality of opportunity matters if we are to enable all of Scotland to flourish and our people to fulfil their potential. 2011 Census data have become available since our last report, shedding new light on how Scotland's diverse population is changing' (Scottish Government, 2015c:3).

The limits of problematisation can be illustrated by the way the texts approach the specific forms of discrimination and inequality. Specific focus on how the accumulated outcomes meet the 'needs' associated with the general duty - to eliminate unlawful discrimination, advance equality of opportunity and foster good relations – is limited and whilst there are inferences about the roots of oppression – patriarchy for example – these are coded rather than made explicit. Concern with gender inequality has arisen apparently as a consequence of an increased articulation in civil society, echoing perhaps the view of Thane (2010) about the importance of social movements in the enactment of law and its application:

'Since the publication of the Scottish Government's equality outcomes in April 2013, issues of equality and gender equality have been centre stage – particularly those relating to women's employment and place in the economy. Not only was the position of women a strong feature of the discourse around the referendum on independence but it has been clearly highlighted and articulated in the Scottish Government's key publications: Programme for Government and the Scottish Economic Strategy (ibid:73).'

There is however scant reference to the systemic reasons for gender inequality and although sexism is mentioned it is only referred to twice across the three reports and not explained. Only in relation to violence against women, is there a suggestion that inequality has a structural dimension but again with no explanation as to the context in which it is generated:

'We must take action to prevent this violence from occurring in the first place through sustained and concerted action which strikes boldly at the systematic gender inequality which lies at the heart of violence against women and girls. (ibid:67).'

Despite there being 'absolutely no place for racism (Scottish Government, 2017a:4)', this emphasis only first appears in 2017 with little previous discussion about its causes and manifestation and then largely as an opportunity to signal the development of a separate Race Equality Framework for Scotland (Scottish Government, 2016a). This and the citing of the development of a separate Disability Delivery Plan raises a question about the value that is placed on utilising compliance with the PSED to create synergy and solidarity across the protected characteristics, one of the key arguments for the harmonisation of equality law in 2010 (Hepple, 2011a). Although the Government professes to a desire to shift the agenda and 'provide a robust narrative for change' (Scottish Government, 2017:13) such frameworks could be seen as both augmenting the law and fragmenting it; by making policy for certain protected characteristics discrete and separate, it implies that the Scottish Government does not have expectations of building a response to multiple forms of discrimination which

respects commonalities of oppression. It is also suggestive of different standards of accountability for different forms of identity and inequality.

One discourse that is however prominent within the PSED texts is the repeated references to poverty and income inequality within Scotland, issues not directly the subject of the Equality Act 2010 once the socio-economic equality duty was removed. Two quotes are illustrative of the Government's perspective, the first from the 2015 report and the second from its most recent account. Whilst the first, uniquely as compared with the rest of the texts, acknowledges both systematic and structural determinants of inequality, both place the need to create a successful economy as the key driver for equality and social justice. This is one with which certain aspects of the literature accord, albeit in different ways (Rawls, 1971; Harvey, 1973; Michaels, 2008; Fraser, 2014) but which is also deemed too limited to explain the complex nature of structural determinants of inequality and injustice across the totality of the population (Young, 1990: Walby, 1990; Fraser 1997):

'Scotland's economic performance is improving, but too many people are still living in poverty. The connection between poverty and equality is clear, if sometimes complex…Inequalities in income, power, access and expectation persist across society. The combination of systematic and structural inequalities with prejudice and discrimination prevent many people from achieving their potential and living with dignity. That is why our commitment to social justice and the creation of a fairer Scotland are core themes of our Programme for Government, our Economic Strategy and our 2015-16 Budget' (Scottish Government, 2015c:12).

'Tackling poverty and inequality in Scotland is one of this Government's central aims - our success depends upon our working together to deliver a strong economy whilst supporting a fairer society. Achieving greater equality and achieving sustainable economic growth are mutually supportive. A fairer and more equal society is also one that's more prosperous and economically successful' (Scottish Government, 2017:iii).

Arguably, both quotes are partly redolent of the recognition-redistribution dilemma posed by Fraser (1997), first considered in Chapter 2, in their inconsistent representation of the existence of a relationship between economic and cultural justice. This is one that undeniably needs surfacing yet having drawn attention to the relationship between income inequality and identity, the solutions that are posed rely heavily on the development of new Social Security arrangements in Scotland and the further development of the Race and Disability Equality Frameworks, the acceptance and outcomes of which not are yet established.

6.2.3 Implications for Glasgow

The overview analysis above indicates that compliance with the PSED has, over time, become linked to the generation of a pronounced Scottish Government political and commensurate policy discourse couched in a language both of social justice and more recently, of fairness. This can be evidenced by the development of both a process and a series of recent policy related documents which are associated with creating a fairer Scotland (Scottish Government, 2016b). Whilst this sets a tone of prioritisation that other public organisations might be expected to follow, it has also been shown that there are inconsistencies and contradictions in the approach that the Government has taken which limit the extent to which it fulfils its aim of 'aspiring to be an exemplar in all that it does' (Scottish Government, 2015c: iii). Genuine understanding and concern for the heterogeneous population of Scotland might be expected to translate into the ways in which national and local government interact - collaboration through the Scottish Cities Alliance would be one example - yet such an aspiration is absent. Although it is recognised that the relationship between national and local government can be a politically fraught one, this provides limited conceptual and practical leadership.

6.3 The PSED in Glasgow: Extracting meaning from four key public organisations

Moving from the national context to the city, this sub-section focuses its attention on the series of texts produced as indicators of compliance by four public organisations in Glasgow between 2013 and 2017 – Glasgow City Council, Glasgow Health and Social Care Partnership, NHS Greater Glasgow and Clyde and the City of Glasgow College. These organisations have been chosen for their relationship to the key systems which generate and reproduce the inequalities experienced by social groups, political, economic, cultural and affective (Baker et al, 2009). The documents have been critically analysed for the meaning that can be associated with heterogeneity, the way that injustice is framed, for the language of equality and for whom it is constituted and for the meanings that can be attributed to the participation by the potential recipients of changes which result from the PSED.

By focussing on meaning, it has already been indicated that this thesis is not an evaluation of compliance within Glasgow. It is nevertheless axiomatic that compliance is the *sine qua non* of a commitment to the PSED and by inference, at least some indication of commitment to creating the conditions for equality. Research by both the regulator, the EHRC in Scotland (EHRC, 2013, 2015, 2017) and a Glasgow organisation, the Coalition for Race Equality and Rights (CRER, 2013, 2016), have both identified considerable variation in compliance generally within Scotland and missed opportunities to maximise the potential of the PSED in Glasgow. The regulator has indicated that there were failures 'to locate equality in the broader work or aims of the body' (EHRC, 2015b:6), that a common area of improvement was to be had in relation to the setting of outcomes rather than reporting on activity and that there was insufficient attention to specified progress for individual protected characteristics. From this it can be inferred that insufficient consideration has been given to conceptualising the difference to equality an authority could make or to the nature and complexity of the heterogeneous population that the law serves.

As individual authorities are not specified, nor are they aggregated by area, it is not possible to form any direct conclusions about Glasgow. CRER has however reported that it has some similar concerns, that 'our analysis suggests that public bodies in Glasgow have made some progress since the first round of reporting in 2013, however the picture remains mixed with many inconsistencies (CRER, 2016:36).' Further, it goes on to say that 'on too many occasions organisations are still not properly meeting their duties (ibid:36)' including how they are meeting the requirements of the "three needs" of the general duty (anti-discrimination, equal opportunity and good relations). Insufficient consideration had been given to how the duty impacts on all responsibilities; 'some organisations only referred to the two basic functions that they perform as service providers and employers (ibid:11)' rather than their policy and strategic responsibilities and there has been differential commitment to the specific needs of each and all protected characteristics, 'there is too often a lack of focus on the changes the organisation wishes to create in the lives of people with protected characteristics (ibid:36).' Where attention has been paid to protected characteristics, disability has received most attention and race, sexual orientation, gender reassignment and pregnancy and maternity were found most likely to be absent. Significantly, the later report (CRER, 2016) also drew attention to silences on one of the fundamental tenets of the general equality duty by requesting that more attention be paid to tackling prejudice and discrimination. The following quote is even suggestive of sophistry:

> 'Some of the organisations that scored poorly in the outcomes section relayed a lot of information, however much of it had limited relevance to fulfilling the outcomes reporting duty. This was because so much of this information did not relate to any specific inequalities, or referred to inequalities which have limited relevance to the meeting the duties (CRER, 2016:19)'

Whilst these findings do not name individual organisations or relate the findings to specific sectors they do provide a context for the rest of the chapter and for the overall enhancement of social justice within Glasgow. Questions of commitment are now considered through examination of the appearance, language and tone of the sample of texts.

6.3.1 Interpreting commitment and initial meaning through appearance, language and tone of formal PSED documentation

Central to the ethos of IPA is the form of the text, the use of language and other artefacts in policy statements and the way that argument is structured can be drawn on as sources of meaning (Fairclough, 1992; Yanow, 2000). Analysis of the appearance, language and tone of the sample of the subject documents can therefore be considered as important organisational symbols. Reporting on progress for the specific duties does not require any specific presentational or linguistic style and is not a direct indicator of compliance. The way that each of the organisational reports in the sample have been constructed and the attention paid to appearance and comprehensibility can however be viewed as initial signifiers of the importance they attach to the content and therefore to their intentions for the due regard requirement. Similarly, textual analysis indicates the way the organisations chose to position themselves in terms of their roles and responsibilities for equality. Using these tools, the 'first impressions' of the researcher are explored and contrasted briefly for each organisation in turn followed by consideration of the meaning that can be associated with the language of the texts.

It has been argued in Chapter 5 that the role and responsibilities of Glasgow City Council influence the life of the city extensively. Unlike many other policy statements produced by the Council which have been presented in formats designed to appeal to the public, PSED compliance documentation is in a bureaucratic format in keeping with reports that are intended for Council committees. In its initial document in 2013, the first-time organisations were required to produce such a report, no introduction as to the purpose and structure of the document was included and concepts such as an "Outcomes Logic Model" were presented without explanation (GCC, 2013). There was no indication of the format having been designed or the text presented in a linguistic form to appeal to those who might be expected to benefit from its content. Subsequent accounts have remained the same in terms of style and tone. Further, unlike the Scottish Government reports there was no political

endorsement despite advice from the Improvement Service, a Scottish NGO established to support local government, that:

'As an elected member, you have an important role to play in championing equality within the council, as well as a scrutiny role to ensure that equality considerations are included in the decision making and governance of the council. (Improvement Service, 2013:6)'

By contrast to the presentational and linguistic style of the Glasgow City Council documents, both health service organisations operating within Glasgow and the City of Glasgow College have adopted different approaches. The 2013 and 2016 reports of NHS Greater Glasgow and Clyde documents are carefully presented, using colour and photographs to improve attractiveness, implying an intention to reach a wide audience (NHSGGC, 2013; 2016). The linguistic style is formal but straightforward and the introduction explicit about the composition of its three main sections. In providing both background to the issues of equality and organisational context together with an endorsement from the Chief Executive of the organisation, it appears that the organisation is keen to explain its actions and to evidence its commitment. As a newer organisation, the first Mainstreaming and Equality Plan of the Health and Social Care Partnership was not produced until 2016 (GHSCP, 2016). Its length (11 pages), its simple format and its limited text interspersed with the use of colour and photographs appear to have been constructed both to appeal to a range of readers and to signal that it is an organisation that is still determining its full role and responsibilities in relation to the PSED. Although not required to do so, the City of Glasgow College has produced its documentation on an annual basis, possibly as an indication of its assiduousness in complying with the requirements of the specific duties. All are visually attractive and extensive accounts with numerous pictorial representations showcasing the diversity of its students and the activities that they are engaged in which suggests organisational pride in the issue and its achievement.

The language of the Council documents places the 'Council Family' at their heart, a metaphor for the way the organisation envisages itself operating which

has permeated its thinking since the establishment of ALEOs. The way that the 'family' addresses the matter of equality is also presented in metaphorical terms. As Fairclough (1992:195) argues: 'When we signify things through one metaphor rather than another, we are constructing our reality in one way rather than another. Metaphors structure the way we think and the way we act, and our systems of knowledge and belief, in a pervasive and fundamental way.' In this case the Council Family presented itself as a powerful, yet caring, as indicated by the use of phrases and words such as 'it will not tolerate' (GCC, 2013: 2) that there is inequality and discrimination in Glasgow and that by utilising the word, eradicate, that it has strength:

> 'In particular, the Council Family will work to eradicate the hostility, prejudice and violence that continue to be manifested against particular groups (ibid: 2).'

Repeated 'commitments' are made throughout the text with vows to 'support' those it considers vulnerable as well as working with its partners to 'empower" communities ensuring that the needs of people with protected characteristics are taking into account. Further, it envisaged that the Council Family was important enough to have a 'role in society' which delivery of the PSED will facilitate. In its 2017 plan, an outcome for increasing people's knowledge about equality and fairness has been set: 'the Council Family has developed and delivered a consistent, and where necessary mandatory, approach to raising awareness about equality and diversity (GCC, 2017a:10)' suggesting by the use of 'mandatory' that it is a family that plans to impose its will on others. Whether this referred to employees or Glasgow residents has not been made clear although there is a suggestion   of concern about its family members, whereby 'Glasgow City Council is recognised as an employer that supports its employees who have protected characteristics' is presented as an outcome for progression between 2017 and 2021 (ibid:10).[3]

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[3] It should be noted here that Glasgow City Council has had an equal pay claim against it which has been outstanding for 10 years

The language and tone of both sets of health service documentation differ from this. No longer about a family, benign or otherwise, and presented paternalistically, the texts convey something that is more collegiate, their rationales presented as being about and for everyone: 'this document is important to us all because, at its heart, it's really about us (NHSGGC, 2013:1*)'* and 'Every one of us is protected by equalities legislation. Some protections are life long, others protect us through certain events and circumstances (GHSCP, 2016:4)'. Both use language that places the emphasis on making each organisation fairer, even to the extent of the titles that are used: 'Meeting the Requirements of Equality Legislation: A Fairer NHS Greater Glasgow & Clyde 2016-2020' and the GHSCP, 'Putting equality at the heart of Glasgow City HSCP' with the aim to 'promote social justice and deliver equality (GHSCP, 2016:7)'. As a new organisation, the GHSCP acknowledges that whilst 'it has a critical role to play in fostering a fairer and inclusive Glasgow' (ibid:1*)* it is one that is still to be fully conceptualised and enacted, 'we will work to continually progress our approach (ibid:1).' Rather than portraying itself as an organisation of considerable power, its tone is a more questioning one, evidenced by a sense of internal reflection, 'what do we still need to do?' 'what can we do?' 'how do we better?' its actions, similarly presented as, what 'we' will do. NHSGGC also presents itself as an 'evolving organisation' where in 2013 it recognised that internal development was 'the right thing to do' and that by 2016, it had made progress, but it still had more to do. That it places equality law as complementary to its pre-existing intentions and commitment for equality suggests that it has an overall goal in mind and that equality law is an important tool of enablement. As with the content of the Scottish Government texts, this too accords with the intentions of the Equality Act 2010 (Hepple, 2011a) to become embedded within organisations:

'We're supported in our endeavours by UK and specific Scottish legislation that places a legal duty on all public sector organisations to clearly evidence steps taken to remove the potential for discrimination and provide fully inclusive and equitable services' (NHSGGC, 2016:1).

The City of Glasgow College has also introduced its compliance reports with a summary of the purpose of the College, emphasising that equality, diversity and inclusion are 'core' aims of the college. Endorsed by the Principal, the process of producing the content of the text has been presented as an iterative and inclusive process: 'The College spent two years devising its equality outcomes through the extensive consideration of qualitative and quantitative evidence, with the involvement of students, staff and external organisations representing protected characteristics' (City of Glasgow College, 2013a:13) but there are also indications in the texts about the role of its equality commitment, allowing it to be recognised as a 'flagship of tertiary education,' a 'powerhouse' for its range of programmes. Indeed, its complementary equality strategy highlighting the connection with its corporate achievements and the importance of a 'business case' for equality, diversity and inclusion (City of Glasgow College, 2016). In this, there are echoes of UK Government literature in which a strong business case for equality has been presented as providing competitive advantage over other establishments (GEO, 2013).

6.3.2 Responding to the complexity of heterogeneity

The implications of equality law are that all social groups should experience the same opportunities and freedom from discrimination and prejudice, that no group should be considered as 'other.' Further, by harmonising existing but separate anti-discrimination and equality duties, it has created an onus on public organisations to examine simultaneously the diverse needs of the heterogeneous population. From the previous practical experience of the researcher, paying due attention to myriad forms and causes of oppression is a complex and substantial task and is made more complicated by the way that the resolution of oppression for one group may impinge on what others see as their individual or collective rights. City of Glasgow College represents its heterogeneous student and staff population thus: 'Our college, like Scotland as a nation, is a melting pot of diversity, equality and excellence' (City of Glasgow College, 2013a:4). Whilst the melting pot metaphor might be regarded as the converse of heterogeneity, where difference is blended together into a harmonious whole, the linking of diversity, and equality to excellence confers authority to the importance of

difference where all should have the opportunity to realise their choices (Young, 1990). The College further qualifies this statement by an inference of intersectionality, a recognition of the heterogeneity of individual social groups. By embracing this heterogeneity as a benefit to all, it nevertheless presents the realisation of this benefit as, something that might be difficult to achieve, that it has to be strived for, rather than having been normalised:

> 'The College recognises that persons who share a protected characteristic are not a homogenous group, but instead have different experiences, needs and identities. It is important for the College to embrace the fact that diversity will exist in many ways and strive to harness the benefits of this diversity positively, rather than ignore it in decision-making. (City of Glasgow College, 2013:9)'

Intimations of intersectionality can also be found within the texts of other organisations. The following passage reproduced in all the City Council documents however both endorses that view and distances itself from it.

> 'The experience of inequality and its impact on life experience is complex. Some people may fit within a protected characteristic but may not define themselves that way. Similarly, other people may define themselves by more than one protected characteristic and experience multiple inequalities and discrimination. It is important that protected characteristics are not each viewed separately but the connections and their collective impact are considered. Socio-economic status also increases gaps in equality. For example, there is evidence that people with low income have poorer physical and mental health; people living in the most income deprived areas have a healthy life expectancy that is, on average, 10 years lower than those living in the most affluent communities. (GCC, 2013:2)'

The acknowledgement that different experiences interact and that 'the connections and their collective impact' are important can be viewed as an appreciation of complexity. By including socio economic status, there is recognition that other factors interact with the identities that are protected by
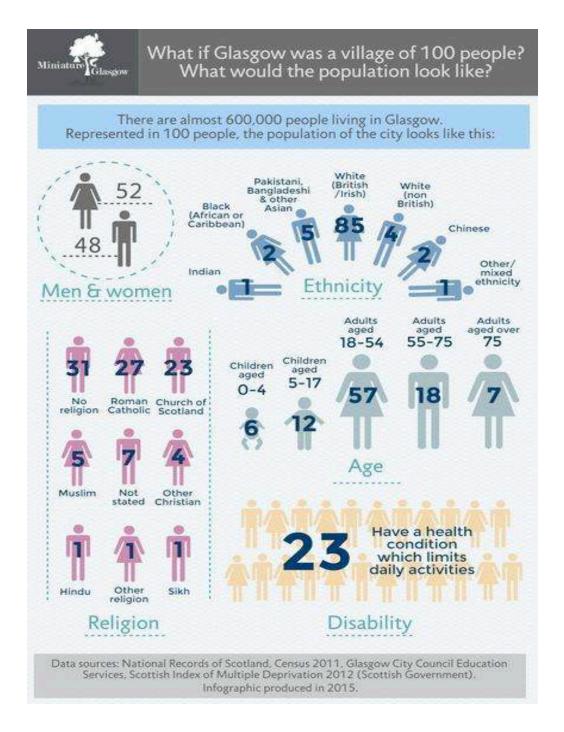
law. Yet, the description of the impact of living on a low income in terms of geography and health and life expectancy fails to unravel the relationship between poverty and the discrimination faced by social groups and is in keeping with an underlying perspective that equates the undifferentiated resolution of poverty with equality. Confusingly, the Council does highlight a relationship between disability and poverty: 'It is estimated that the physical disability rate varies from 20% in the most deprived areas to 13% in the non-deprived areas. Disabled people are more likely to be living in poverty (GCC, 2013:3)' whilst the same time presenting an equality outcome on increasing supported employment, education or training for disabled people which only indirectly addresses this observation. A further outcome whereby 'disabled people have increased physical activity (ibid:14)' further minimises the relationship between disability and poverty and problematises disabled people in a way that the disability movement has sought to overcome (Oliver, 1990).

In addition to these contrasting approaches between the College and the Council, another trait is evident both at local and national level, whereby heterogeneity is confined to a list of characteristics or qualities or as demography rather than as an expression of experiences of poverty and discrimination or causes of injustice. Glasgow HSCP further exemplifies this by describing 'Glasgow People' in a series of statements, of which the following are some examples:

- 'Across health and social care interpreting services are regularly used for over 80 languages. The top 4 most asked for languages are Polish, Mandarin, Arabic and Urdu.
- Our minority ethnic population has more than doubled in the last decade, with growth across most ethnic groups, significantly amongst African, Polish and Roma communities.
- Almost one in every four residents live with a disability (substantially higher than any other city in Scotland), and many more people live with limiting illnesses.
- We understand that around one in every fourteen residents are Lesbian, Gay, Bisexual or Transgender (LGBT) (GHSCP, 2016:1)'

Subsequently, it reproduces an Infographic produced by the Glasgow Centre for Population Health (GCPH, 2015) whereby the Glasgow population is represented as a village of 100 people in order to highlight the proportion of women and men, ethnicity, disability, age and religion (see Figure 6.1 below). This decision to use such lists as a way of describing the complexity of a heterogeneous population is revealing because as Fairclough (1989:188) points out, 'where one has lists, one has things placed in connection, but without any indication of the precise nature of the connection. This means that the interpreter has to 'do the work', in the sense of inferring connections which are left implicit.'

Figure 6.1 Glasgow Centre for Population Health graphic used by GHSCP to explain their population

What if Glasgow was a village of 100 people?
What would the population look like?

Miniature Glasgow

There are almost 600,000 people living in Glasgow. Represented in 100 people, the population of the city looks like this:

Men & women
52 / 48

Ethnicity
Black (African or Caribbean) 2
Indian 1
Pakistani, Bangladeshi & other Asian 5
White (British /Irish) 85
White (non British) 4
Chinese 2
Other/ mixed ethnicity 1

Age
Children aged 0-4: 6
Children aged 5-17: 12
Adults aged 18-54: 57
Adults aged 55-75: 18
Adults aged over 75: 7

Religion
No religion 31
Roman Catholic 27
Church of Scotland 23
Muslim 5
Not stated 7
Other Christian 4
Hindu 1
Other religion 1
Sikh 1

Disability
23 Have a health condition which limits daily activities

Data sources: National Records of Scotland, Census 2011, Glasgow City Council Education Services, Scottish Index of Multiple Deprivation 2012 (Scottish Government). Infographic produced in 2015.

6.3.3 The framing of injustice

The literature review in chapter 2 drew attention to both the contested nature of the machinery of injustice and the actions of social movements to articulate the origins of prejudice, discrimination and inequality and to argue for legal and policy related solutions. A recurring theme is whether equality law is sufficient to take account of the complexity of injustice and the way that it is perpetuated through political, economic and cultural structures. Faced with this complexity it

would be surprising if public authorities dealing with multiple demands were able to manage a comprehensive and meaningful analysis of injustice when theory itself is conflicted. Nevertheless, the texts under consideration show that decisions have been made about the relative importance of different aspects of inequality and these are critical to the determining of social justice for Glasgow's heterogeneous population. The organisations concerned have power in the city and as van Dijk (1993) highlights they can dominate the 'processes of understanding' and create 'preferred models' of discourse.

Unsurprisingly, the organisations concerned draw at least implicitly on the way that equality law frames injustice; as problems of prejudice, discrimination, lack of equality of opportunity and a problem of good relations between different social groups. Closer examination of the texts reveals more of their thinking. In 2013, Glasgow City Council stated that it had made the promotion of 'behaviour change to reduce and eradicate prejudice, hate crime and gender-based violence'; and to reduce 'prejudice of all kinds through a focus on prevention and raising awareness (GCC, 2013:2)' a priority, clearly ascribing injustice in terms of the attitudes and poor behaviour of individuals. By 2017, the significance of attitudes in generating injustice has become less clear, the challenge now framed as one of ignorance about equality and fairness and a lack of respect:

> 'The Council Family's own research indicated that our stakeholders think we should have a lead role in educating people about equality and fairness, not just in schools but as an employer and in society in general' (GCC, 2017a:17).

That the emphasis is placed on knowledge, attitude and behaviour of individuals is also in keeping with a discourse of vulnerability with repeated references to vulnerable people, vulnerable citizens, vulnerable children, vulnerable communities, contextualised as part of what is cited as a strategic aim, 'Council Strategic Plan theme: A city that looks after its vulnerable people' (2015a:36). Arguably, this is a perspective which externalises injustice away from the operations of the organisation other than where there might a problem with the attitudes and behaviour of staff members that requires rectification:

'Glasgow Life will deliver a programme of relevant equality training/staff briefings in order to build empathy, understanding and confidence within the workforce. This programme will include a particular focus on the training needs of employees who interact with members of the public. (2017b:19)'

By contrast, the documents of the organisations responsible for the provision of health and social care and the promotion of health and of further education can be read differently. Whilst there are references to external problems of prejudice and discrimination impacting on the populations that they serve, there is also the framing of an institutional role in injustice that needs to be addressed. Intimations of awareness of institutional injustice have been expressed by the GHSCP as the need to 'champion cultural change within and beyond our organisation (GHSCP, 2016:1)', to ensure that 'barriers to GHSCP services are removed for people with relevant protected characteristics (ibid:8), and acknowledgement that there were 'perceptions of discrimination within the GHSCP and there was a general sense that some form of discrimination still existed for every protected characteristic group (GHSCP, 2016:6).' Within NHSGGC, there has been acknowledgement that the service should "take action to reduce their (patients) experience of discrimination in our services (NHSGGC, 2016:8).'

Contrary to the removal of the original socio-economic duty from the Equality Act 2010, a discourse about economic injustice has also emerged within the local PSED documents. In this respect, the analysis of injustice takes more of a Rawlsian perspective concerned as it is with a fairer distribution of certain primary goods (Rawls, 1971). Reflecting both national local concern with the impact of UK Government welfare and fiscal policy, concerns about poverty and income inequality have become more dominant in a form of interdiscursivity, where links occur between the text and the social and cultural context as different orders of discourse become mobilised (Fairclough, 2003). In 2013, Glasgow City Council acknowledged the adverse effects of welfare reform and its disproportionate impact on some groups especially disabled people but by 2017

the recognition of this form of injustice has become both distinguished from and intertwined with the Council's concerns about 'social inequality:'

> 'Income equality should be viewed as distinct from social inequality: people with protected characteristics may experience socio-economic disadvantage that is further compounded by other barriers' (Glasgow City Council, 2017a:5).

Responsibility for responding has once again been externalised, this time to the Poverty Leadership Panel, a partnership organisation drawn from the public and third sectors.

Although not made explicit as a feature of social injustice within the Glasgow College commitments to the PSED which more exclusively focuses on the characteristics protected by law, a discourse about socio-economic injustice expressed as a concern about poverty also registers with the health and social care organisations. The GHSCP appears conflicted, desirous of responding to concerns expressed by those that it consulted with but also worried that the 'inclusion of poverty could dilute action on other protective characteristics' (GHSCP, 2016:6) before concluding that poverty is of such importance that it should be included as a 'protected characteristic group.' Likewise, NHSGGC has concluded that the injustice of poverty cannot be ignored, that poverty and social class are connected, 'poverty and social class discrimination also affect physical and mental health" (NHSGGC, 2016:15) and that the external feature of welfare reform 'is having a significant impact on many equality groups, particularly disabled people, lone parents (who are mostly women), people experiencing homelessness and young men (ibid:25).'

6.4 Equality of what and for whom?

Although the aims of the general duty make it clear that the law is concerned with equality of opportunity and good relations as well as the elimination of discrimination harassment and victimisation, Chapter 2 has highlighted that social justice theory both elaborates on the meaning of equality of opportunity and goes beyond this to consider equality of outcome from different ontological

perspectives. By requiring organisations to produce equality outcomes the secondary legislation in Scotland creates an opportunity to go beyond the foundations of the general duty. This poses a conceptual challenge to organisations to delineate the kind of change they expect to achieve but is also an indication of how injustice has been framed. This sub section explores the nature and extent of discourse on equality which can be interpreted by reading across the PSED documentation. For this it draws on the dimensions of equality of condition developed by Baker et al, 2009 as analysed in Chapter 2 and the arguments of Fredman (2012) about the parameters of substantive equality in which she similarly advocates a multidimensional framework capable of informing law, policy and practice. Both are grounded in what Fredman refers to as the 'equal moral worth' (ibid:725) of each individual which implies that to be the 'other' is a mark of disrespect and invisibility.

6.4.1 Dimensions of equality

If respect and recognition is a cornerstone of equality (Baker et al, 2009), the act of compliance with the legislation already considered in this chapter makes it clear that there is a distinct discourse of respect, recognition and tolerance of difference across all the organisations within the city. The texts are peppered with distinct language: 'fostering respect for all' (City of Glasgow College, 2017:3), 'promote the principles of respect across our workforce (NHSGGC, 2016:38)', respect will be 'promoted and enforced' (GCC, 2017:4) from which it can be inferred that difference is accepted. There are suggestions too that this goes further, that differences are cause for celebration and 'to be learned from rather than simply permitted' (ibid:34). City of Glasgow College seeks to ensure that equality, diversity and inclusion are 'positively celebrated' and in the passage below, Glasgow City Council refers to its role in celebrating diversity and that in facilitating this some might be encouraged to learn from that experience and take a more positive view of difference. Celebration of diversity, it claims, adds to the overall vibrancy of the city:

'People told us that we have a role to play in making sure that diversity is celebrated and that the Council Family plays a leading role in this celebration,

both in communities and as the city's largest employer. In times of uncertainty and change, this visible promotion of respect and celebration of diversity could counter the negative perceptions spread by some elements of the media and society. Glasgow's vibrancy is enhanced by cultural celebrations such as the Glasgow Mela and other community events held throughout the year' (GCC, 2017b:27).

Closely aligned to equality of respect and recognition is the need of all humans for love, care and solidarity. Often regarded as private qualities rather than of concern to the public or political spheres, Lynch (2014) highlights the importance of the affective domain in the realisation of an egalitarian society. It is therefore a strength of the PSED that it covers those organisations whose responsibility it is to provide a duty of care to those in the population who require it. NHSGGC has been established as an organisation far longer that the newly formed GHSCP. Within its documentation it is possible to determine a central discourse of inclusion which focuses on ensuring that all social groups have access to the type of care that it is able to provide and that incremental improvement is a key objective, taking 'huge steps forward in meeting the needs of people from equality groups who rely on and use our services" (NHSGGC, 2016:2).' Whilst drawing out key examples on the ways in which obstacles to care have been removed, 'disabled people and people experiencing poverty can access NHSGGC services without barriers and in ways that meet their needs' (ibid:18) it also goes further in introducing a commitment to shift the way that care is provided that is more explicitly about an attitude of care rather than merely its provision (Kittay, 1999). The following passage summarises what the health board describes as Inequalities Sensitive Practice, where causes of ill health are seen as important as symptoms and which can be regarded as an act of solidarity with those who experience prejudice, discrimination and disadvantage:

> 'Inequalities Sensitive Practice (ISP) is a way of working which responds to the life circumstances that affect people's health. Evidence shows that these issues are not taken into account by the health service, opportunities are missed to improve health and to reduce inequalities. ISP should be embedded across all of our service provision, putting patients at the centre of our

patient/clinician interactions. Person centred care forms part of ISP and work in these areas can improve patient outcomes (NHSGGC, 2016:10).'

This has echoes within the GHSCP with its reference to 'equalities sensitive conversations' (GHSCP, 2016:8) and marks a significant departure from the prevailing 'medical model' of health care which responds to symptoms rather than causes and which is based on a presumption of expertise by medical professionals rather than a concern with causes and needs. Critically, there are no equivalent indications within the Council texts although the commitments by the Glasgow Council family to support those who experience directly the physical and psychological consequences of prejudice, survivors of gender-based violence and forms of hate crime might be construed as expressions of solidarity. That Council staff might not be exhibiting sufficient care and attention to the needs of people with protected characteristics and that this needs to be rectified is also a discernible theme, exemplified by the following measure which Council cites as helping to foster good relations: 'Ensure employees are aware of the procedure to access translation services, which promote equal access to services by removing communication barriers (2015a:47).'

That there is a theme on improving access and quality of services for those people who experience discrimination or who might have been previously excluded is an important dimension of equality as this serves to redress previous imbalances in resource availability. The following statement from the Health Board that it is incumbent on the institution not to discriminate on either social or economic grounds is emblematic of other expressions about access that permeate all its compliance texts:

'We do this because it's the right thing to do. No one using NHSGGC services should receive poorer care because of their age, sexual orientation, disability, sex, religious belief, gender identity, marital or civil partnership status, race, pregnancy or maternity status or experience of poverty (NHSGGC, 2013:2)'

With the concerns about poverty and income inequality however, it might be expected that a clear perspective on making income more equitable for people

with protected characteristics might also permeate the texts. As the responsibilities of the Council place it in a stronger position than the other three organisations to re-dress the financial inequalities experienced by different social groups, this sub-section concludes by examining briefly what can be deduced from its approach to the issue.

In its 2017 text, the Council makes a bold statement about the nature of the city and the Council's intentions for it where, ostensibly, it links economic inequality with prejudice and discrimination.

> 'The Council's vision for Glasgow is to be a world-class city that is focused on economic growth and tackling poverty and inequality. The research undertaken as part of the outcomes development process noted that a common theme underpins the experience of the people with protected characteristics: economic inequality contributes to and compounds prejudice, discrimination and unfair treatment (2017:11).'

It has a consequent aim that is associated with this conclusion which is to 'Improve Economic Outcomes for People with Protected Characteristics' whereby 'an increased proportion of people with protected characteristics are supported to enter employment or training' (GCC, 2017b:10). Despite this, several deductions can be made about both injustice and equality and arguably, the true meaning of the Council's intentions. By focussing on economic growth and poverty and inequality, and by also listing health inequalities as a priority issue within the compliance text, the inequalities associated with social identity are rendered invisible within its vision. By implicating economic inequality in prejudice and discrimination, rather than identifying any converse relationship, social inequalities are further subordinated. Utilising the language of 'improved economic outcomes and support (ibid:11)' for individuals both belies any equalisation of resources for different social groups and implies that there are deficits inherent to these groups rather than in the circumstances that might have distanced them from education or the labour market.

6.5 Who decides?

In its guidance on compliance with the specific duties, the EHRC in Scotland indicates that 'Listed authorities are required to take reasonable steps to involve equality groups and communities in preparing a set of equality outcomes' (EHRC, 2016d:9) and makes it clear that this should be something that is proactive and iterative, that, 'Unlike consultation, involvement will support public authorities to develop active engagement on an ongoing basis with people over a period of time to identify the key issues and exchange views that can help develop the most relevant equality outcomes (ibid:11)'. Chapter 2 has considered the nature of power and Chapter 4 has considered the extent to which the involvement requirement has the theoretical potential to greater participatory democracy and to creating greater equality in power relationships. This section considers the language and the described actions of involvement within the PSED texts in order to discern the attitudes and approach of the organisations concerned.

In its most recent document, the City Council has utilised the guidance from the EHRC in its entirety to preface its 'formal engagement' as a process of 'consultation with stakeholders' and 'focus groups with members of the public.' Within its previous texts and the texts each of the three other organisations constituting this study, a discourse of involvement and engagement is prevalent, 'actively engaging with communities in order to understand their perspectives, concerns and priorities (GCC, 2013:3); 'we have engaged with hundreds of people from equality groups to understand better what action we should be taking to improve access to our services (NHSGGC, 2016:2);' we work with people to develop a participation and engagement strategy that connects with equalities groups, communities and those historically less well-represented (GHSCP, 2016:9)'; 'the process of devising equality outcomes was grounded upon the involvement of groups who share a protected characteristic (COG, 201:19).'

The locus of engagement does however differ, the Council signalling its support for a process which has been established within the city which it expects to be enduring and comprehensive, but which is nevertheless external to the organisation:

'The Council actively engages with communities in order to understand their perspectives, concerns and priorities. An example is the Glasgow Equality Forum, which brings together representatives from the voluntary sector, equality networks, and other organisations, who meet with community planning partners to discuss areas of mutual interest and help to shape and inform strategy and policy development. To ensure that community planning structures can engage with, involve, and reflect the interests and concerns of equality groups in the city, the support arrangements for the Glasgow Equality Forum have been reviewed. Funding has been identified from the Integrated Grant Fund and Glasgow Community Health Partnership to support future arrangements. (Glasgow City Council, 2015a:7)'

NHSGGC, on the other hand, describes a process which is an internal one designed to support the involvement of patients with protected characteristics in policy and strategy development. It emphasises listening; 'NHSGGC has embedded listening to our patients into the delivery of our services (2016:8).' Similarly, the City of Glasgow College refers to involvement that is integrated within the organisation, it 'involves individuals and groups representing a range of protected characteristics during discussions and decision-making procedures across its operations and services.' (CoG:21). Yet what is noteworthy in the passage below is the way the Health Board describes the challenges associated with a form of representation that is common to all the organisations in this study:

'The Equalities Health Reference Group (HRG) and the Health Equalities Network (HEN). The HRG brings together individuals with the direct experience of discrimination as a member of an equality group. It currently comprises 25 people, many of whom were not initially familiar with the needs of people with different protected characteristics from themselves (NHSGGC, 2013:11).'

This, as Afridi (2016) points out, is a form of 'descriptive representation,' whereby people are enlisted on the basis of their status as a member of an

equality group rather than necessarily their experience or skill in improving equality policy and practice. Although a sign of recognition, he nevertheless argues that such representation is conservative in its aspirations, questioning whether this is sufficient to yield solutions to the equality issues that organisations and society faces. Further, the language of involvement is one where the role of social groups is described as an advisory one. Only one organisation, the Health and Social Care Partnership hints that something more needs to be considered in terms of decision-making:

'There was a small group that was interested in representation and said, 'can we be at the table?' and 'how are 3rd sector organisations fitting into this?' How can we influence the IJB to have a gender balance? And there was also a suggestion that we should ensure balance in the IJB on ethnicity (Integrated Joint Board, 2016:4).'

6.6 Conclusion: The PSED as a catalyst for social justice in Glasgow?

This chapter has utilised the texts associated with compliance with the PSED at both national Government level and from the sample of key public authorities within Glasgow. It has identified key differences between the sample of organisations in what the interpretation of 'due regard' means about the way that heterogeneity, inequality and equality are conceived and their relationship to the enhancement of social justice.

Both national Government and local public authorities in Glasgow have put effort into paying due regard to the general and Scottish specific duties and this is in keeping with the limited findings about the level of engagement with the duty elsewhere in the UK (Clayton-Hathway, 2013). The chapter has also identified a distinctive rhetoric that maintains that discrimination and inequality have no place in Scottish society, from which it might be assumed that there is a commitment to equality that exceeds the basic requirements of compliance and consequently to the foundations of social justice for a heterogeneous population in Glasgow. Similarly, the language of respect, recognition and celebration, a key

dimension of equality, was shown to resonate through the texts in a way that could be viewed as at least partially reinforcing this commitment. At the same time, from differences in the appearance, language and tone of the texts, it has been argued that this shows a variation in commitment across the organisations to the importance of communicating compliance in a way that is accessible to the groups which the PSED is designed to serve.

There was also scant evidence of a common discourse on the way that injustice is created within society nor the form that it takes for different aspects of social identity despite some hints within the Scottish Government texts of concerns with structural inequality. That said, there were some distinct differences in recognition across the Glasgow organisations that the way that those organisations operate is instrumental in furthering equality, most noticeably from within the health service texts and from the City of Glasgow College. This accords with a similar argument in the literature (Barry, 2005). That these organisations have a close relationship to two of the four social systems – the affective and the cultural - identified by Baker et al (2009) which create the contexts for egalitarian change makes this finding an important one in the partial realisation of social justice in Glasgow.

Conversely, there was more limited evidence of organisational reflectiveness from within Glasgow City Council that its actions are constitutive of either inequality or greater equality. Rather, the analysis showed that its documents placed an onus on the attitudes of others as being instrumental in maintaining injustice and an emphasis on the vulnerability of groups of people with protected characteristics. Whilst a recognition of vulnerability can be seen as an expression of something that is inherently human, it is also a discourse which Cole (2016:263) regards as highly contested, a concept which is 'elastic and seemingly multipurpose.' If only some groups are defined as vulnerable, this, she argues, renders vulnerability as a personal liability rather than a collective experience, constituting some groups as invulnerable by dint of the power that they have accrued. By theorising vulnerability from the point of view of the privileged, Cole (2016:274) asks 'what benefit the acceptance of constitutive vulnerability offers the disadvantaged?' As the activities of local government are integral to each

social system considered by this thesis – political, economic, cultural and affective – such a discourse has served to distance the Council from what Young (2011) refers to as the responsibility of structural injustice' (Young, 2011). This is a finding that is further followed up in subsequent chapters.

A further finding points to the dominance of other discourses about injustice at the possible expense of others. As Chapter 2 has shown, theories of social justice pivot between arguments for the just distribution of resources and the need for by social groups for recognition and their full participation and inclusion in the operation of the major structures of society. The concerns with poverty within the PSED texts can be construed in two ways. Firstly, although not required by law to be addressed once the socio-economic duty was revoked, it could be argued that its inclusion mirrors the complexity of the academic debates about social justice where, according to Mason (2010:9) 'identity politics are used to ground both claims for redistribution and recognition.' On the other hand, and despite a limited framing of intersectionality, it indicates a pre-occupation with the persistence of poverty in both Scotland and Glasgow which is both undifferentiated and which supersedes other forms of injustice. This too will be considered as part of further findings.

Lastly, the issues of participatory democracy, active citizenship and a politics of difference where social groups actively participate in decision making from the perspective of their group (Young, 1990; Stevenson, 2002; Fainstein, 2010) have been identified as central to social justice for the heterogenous population. Verloo (2007) maintains that where inequality exists, participation processes better serve dominant groups and that subordinated groups are largely excluded from the opportunity to articulate their interests. Across all the texts, there is a language of engagement and involvement and some active participation in prioritising equality outcomes. There is however little or no indication of a dialogic process and by this silence the texts mask that the power to decide on what becomes a priority and what gets changed still lies with the authorities concerned. Young (2011:153) argues that whilst it is difficult and requires the will of a range of participants, 'changing structural processes that produce injustice must be a collective social project.' Squires, (2005) similarly argues

that when there is a 'plurality of equality' agendas, bureaucratic measures are inadequate to the task of ascertaining these and instead should be replaced by 'inclusive deliberation,' a process about which the compliance texts are silent. On balance and despite the caveats above, the overall conclusion that can be drawn from the formal compliance texts is that there are definitive signs of regard for the heterogeneous population. Although there was no clear *lingua franca* about intentions, whether public authorities were striving for equality or greater fairness, they were unequivocal in undermining a popular discourse that equality is only concerned with treating everyone the same (Healy et al, 2011). In so much that EHRC guidance makes it clear that the purpose of the PSED is 'to ensure that public authorities contribute to a more equal society through advancing equality and good relations in their everyday business' (EHRC, 2012:8), the nature of the relationship to everyday business was however difficult to discern from the initial overview. Closer scrutiny of the mainstreaming requirement of the PSED for the organisations concerned is however intended to interpret further meanings associated with the duty and forms the basis of Chapter 8.

Chapter 7: Synchronicity or multiple meanings? Communities of meaning and the PSED

7.1 Introduction

In developing a narrative about the PSED and social justice in Glasgow and in keeping withthe methods of IPA whereby formal policy presentations are juxtaposed with the perceptions of key actors, this second findings chapter considers data from both individual interview and group discussions with two of the three communities of meaning. The first community of meaning comprised officers within the sample of organisations with shared knowledge and responsibility for facilitating compliance with the PSED (Community One). The second community of meaning was constructed from representatives of groups advocating for specific social groups who brought knowledge of equality and authority in relation to their organisation and who often acted together as part of the Glasgow Equality Forum (Community Two). Although the interviews were semi-structured, they were based on the sensitising concepts and also used to follow up on emerging theme from the texts concerning the lack of a lingua franca within the city. The aim of the discussion groups was to test, and explore further, initial findings from both texts and interviews.

In comparing and contrasting the communities of meaning and the communities of meaning in relation to the formal compliance texts considered previously, this chapter uses the evidence to show that there is both consistency and divergence in terms of the official narrative about the PSED. It is argued that there are nuances about the way that injustice is framed, about the significance of the way that language is used to describe aspirations of social justice and about the Equality Act and the PSED which present a more complex picture than can be discerned from consideration of the texts alone. More specifically, the chapter will show that despite a discourse about the resistance of large

organisations to undergo significant change, there an almost universal view that the Equality Act 2010 and the PSED in Scotland is well constructed and necessary law with potential for enhancing social justice for the heterogeneous population. It is however also argued that this is limited by issues of conceptualisation, accountability and enforcement.

7.2 The framing of injustice

The previous chapter identified that the complexity of the 'machinery of injustice' (Donnison,1994) that contributes to the concerns that equality law and the PSED in particular are aimed at tackling was acknowledged in only a limited way within the formal compliance texts. The relationship between equality leads (community one) and the formulation of the formal PSED documentation is a close one and as such it might be expected that there would be a high degree of consistency between the way they problematise injustice and the content of the texts. This might either be because of their strategic leadership role or because of their responsibility to channel the general analysis of the organisation that they represent. Conversely, advocacy groups within the city have a responsibility to articulate the nature and causes of injustice as experienced by individual social groups that they represent and might be expected to make these concerns primary.

It has been argued that Glasgow City Council has the most extensive reach of the sample of organisations considered for the study. As such, the perspective of the chairperson of City Council's Strategic Equalities Group and political lead for equalities was potentially an influential one for both the organisation and for the city. In a limited reflection on the nature of injustice his concern centred largely on the observable markers of individual prejudice that existed in the wider community:

> *'It is very common in common parlance in Glasgow to hear racist comments being made, misogynistic comments being made, you know, disparaging remarks about people from the LGBT community, people with disabilities and so on'* (Political lead for equalities, GCC – Community one).

Whether this view was determined by the content of the compliance text or whether it had shaped it was unclear but his further assessment on attitudes that existed within the Council was revealing. On the one hand, he maintained that senior managers and politicians were fully cognisant of equality, '*Senior management I think, get it now, even the white males amongst senior management.*' At the same time, he expressed concern about the way that middle managers and the workforce behaved that was somehow intractable and not amenable to change by the organisation, despite the understanding of its senior managers:

> '*Ten years ago, I would have said there might be prejudice, yeah, ten, fifteen years ago certainly but not now I don't think. There are traditional male and female stereotypes and that's very difficult to break down. If we go and look at the workforce profile in Cordia, you'll find that 90, 95% are female. And if we go to the City Building and Land Services and people who work in Parks, we'll find it's still very male dominated. It's not because of prejudice, I don't think, it's because of traditional stereotypical images of what a gardener, a bricklayer, a carer, a nurse looks like. And it's very, very difficult to break that down although we do try*' (Political lead for equalities, GCC – Community one).

By placing such emphasis on the immutability of internal attitudes, this had the effect of minimising the Council's role in relation to the formation and reinforcing of structural injustice. Young (2011) has argued that such reification of staff attitudes whereby they are considered as natural forces is a key strategy whereby responsibility for structural in justice is avoided. That this translated into the apparent lack of will exhibited within the compliance text to consider in a meaningful way how the PSED might inform the full range of the Council's responsibilities was therefore unsurprising.

The Council's position as exemplified by the political lead brought into sharp relief a set of differences both with the representatives of advocacy groups but also with the way that some of the equality leads responded to the question

about injustice. The representative from the race advocacy group highlighted how the nature and basis of oppression, in this case in relation to race, occurred:

> *'When we're speaking specifically about race issues we will be talking about racism, we'll be talking about institutional racism, personal racism, social racism, structural racism. People get sick of hearing us talk about racism but it's because it's a very specific structural thing..., it's about a social structure that needs to be dismantled'* (Representative, race advocacy group – Community two).

This view chimes with the literature, exemplified by Young (2001:11) who has also argued that oppression is the confluence of 'many distinct actions, expectations and effects.'

The willingness or otherwise to acknowledge the interrelationship between prejudice, discrimination and institutional practice as instrumental to injustice highlighted the difficulties of establishing shared meanings across different groupings (Yanow, 2007). It was a theme expressed consistently through the interviews but was further well-illustrated in response to part of the presentation by the researcher to the discussion groups on the preliminary findings about injustice drawn out from formal PSED texts, interviews and general policy documents in Glasgow. A representative of the disability advocacy group summed up a widely held view about the denial existing in the city about discrimination being inherent in practice and within structures, as follows:

> *'I think there's a possible concern that it's much easier to attribute things to unwitting stereotyping and to talk about unconscious bias, it allows you to not have to face up to the possibility that there may be actually organisational practice that is actually discriminatory. And certainly, in terms of the public sector, if you look at say something like, for example, disability employment gap, one of the factors that underpins the persistence of the under-representation of disabled people in employment is because of discriminatory practice'* (Representative, disability advocacy group – Community two).

This was further reinforced by the representative of the women's voluntary network who challenged the view that the senior managers within the Council were fully cognisant of both the causes and manifestation of the way injustice is experienced by women:

> *'When that person had said at a city council meeting I don't know why we fund these women's organisations because they've all got equality and I just put my hand up, I had to say something and when I said that's lovely that you feel liberated and your counterparts, but you need to remember that you are only there because the men allowed that to happen and you are only there because women have fought for that to happen... you also need to remember they can also take it away, like that... as much as that's lovely for you, you don't represent the vast majority of women in this city'* (Representative, women's equality forum – Community two).

A further contradiction emerged from within the group of equality leads some of whom did not also necessarily share the view of the Council political lead, the equality lead for Community Planning concurring with the perspective of advocacy groups about denial within some Glasgow organisations:

> *'**Researcher**: You think there's prejudice in the city then? Is that what you are saying?*
>
> ***Equality lead**: Oh absolutely, of course there is. But I think we like to pretend that we're not like that and that covers up a lot of things.*
>
> ***Researcher**: So, do you think that gets in the way of actually seriously thinking about.*
>
> ***Equality lead**: Yes, because we don't look properly at ourselves'* (Equality Lead, Community Planning – Community one).

That this exposed an apparent inability to recognise and reflect on the institutional role in injustice is not dissimilar to other findings in relation to institutional discrimination (Macpherson,1999).

Whilst acknowledging the significance of prejudice, the NHS equality lead presented a more complex and nuanced understanding about the interrelationship between individual attitudes and social structures and the way that each has a compound effect on the other. She also touched on how some forms of prejudice are historically embedded in certain cultural expressions whereas others gain traction as the result of external events:

'I think one of the underlying causes is prejudice, so people have got lots of different, whether its conscious or unconscious, prejudice, and that is what is at the root of some of these things ... and that does kind of change over time as well. At the moment there is a lot of Islamophobia... though that's fed by the media, it's fed by the hysteria about what's happening in the world. And then something like prejudice against gay people, seems to have been with us since time immemorial. It's kind of built into religion, it's built into fear. Some of these things have been around for a long time but they have a very real impact on people. And then you've got other forms of prejudice, like disability, where it's more inbuilt into the way society functions so you're excluded from jobs, you're excluded from certain housing, probably excluded from education so that then leads to a kind of economic unfairness in your future and probably well there is the same in terms of BME as well. But those unfairnesses are all built on prejudice so you know at some point there is an individual act where that person is treated unfairly so they don't get a job or they're spat on in the street which inhibits them going out and about or they're excluded from social networks and so on and so it multiplies and multiplies over the person's life so a lot of it comes from that visible or invisible unfairness however it's identified. But then the other underlying cause is structural inequality so that's just built into the way society is run so public policy, tax systems [are important] (Equality Lead, NHSGGC – Community one).'

This is suggestive of thoughtful reflection about the implications for the organisation that the lead was responsible for, which, like the view of the representative of the race advocacy group, acknowledged the complexity of injustice and how prejudice, discrimination and structural inequality interact. Without explicitly referring to theory, the interviewee nevertheless touched on many of the themes within the literature – lack of respect and recognition, marginalisation, the implication of otherness and the experience of violence. Her final comment implies a concern with the role played by the economic system.

A further tension emerged between different perspectives of injustice in the way that poverty was both highlighted and contextualised, effectively adding weight to the dilemma posed in the literature about the relative importance of the maldistribution of resources and a lack of recognition (Fraser, 2007). In the previous chapter, the centrality of poverty to the framing of injustice within the city was revealed as a feature of some of the formal texts and this was similarly played out across interviews with a number of equality leads: *'Well there are injustices for particular groups, there are injustices well I mean just the poverty, in the way that poverty plays out in this city is an injustice'* (Equality lead, GHSCP – Community one). Although this pre-occupation with poverty is unsurprising in a city that is characterised by its poverty-related statistics and areas of disadvantage, the debate that arose within one of the discussion groups was revealing. The main interplay was between the representative from the race advocacy organisation (Community two) and the Council officer equality lead, with a final comment from an equality lead within a Council department (Community one). The discussion is quoted in full below as Figure 7.1 because it encapsulates a series of interwoven concerns expressed throughout the interviews with advocacy groups and captured succinctly by the Coordinator of GEF – Community two:

> *'I think there is a sense that poverty is, I'm not saying this is right or wrong but poverty is a focus, inequalities in terms of financial as opposed to the equalities in the Equality Act.'*

Fig 7.1 Poverty discussion

Advocate: I think as well, there's a lot of work that goes on across all the organisations in the city but not all of it is always targeted on the worst problem because some problems just seem to be too much, you know we can't go there, it's just too difficult. So, while you have that situation you are always going to have certain elements of inequality that are embedded in structures by virtue of the fact that no one will remove that but the one that really clangs a note with me similarly to what you were feeling there is the poverty one because to be honest that is, in Glasgow, very much one of the top markers for the fact that prejudice, discrimination and inequality are deeply embedded in our structures because a lot of policy makers genuinely think that if we could solve the poverty problem we wouldn't have inequality any more whereas actually for minority
ethnic groups, race inequality is the cause of the poverty that they face and the reason why they have twice the poverty rate

Council officer equality lead: But if you bounce that back to disabled people, if disabled people weren't living in poverty, if benefits hadn't been cut, if they had access to employment, if we had accessibility, I think for some groups poverty is and for lone parents

Advocate: But it is intrinsically linked though because disabled people face less access to the labour market in order to be able to raise out even where they are able to work, less access to the labour market to be able to raise out of poverty because of discrimination and inequality

Equality lead: But sometimes its financial barriers though I think

Advocate: There's a combination of both but I would strongly resist the suggestion that poverty is what's causing inequality

Equality lead: I would agree with you

Advocate: with respect to protected characteristics and I would also question the viability of a point of view that wants to rely on poverty when our equality law is not to do with socio-economic inequality

Equality lead: But by the same token I don't think we should put it too far down
the list of things we need to tackle because I think it could do a lot to improve a lot

Advocate: But the question is where do you sit that in the policy arena. It needs its own arena, its important enough to merit, like we're going to have the socio-economic duty but that's a separate thing to the other

Equality lead: I think this is probably where C and I don't agree. I might be wrong in saying this C but I know when we have written our outcomes, we strongly put socioeconomic inequality through that because that came back from a lot of the consultation engagement that we did and we just felt it's in there as well and we could improve a lot of people's day to day lives if you could tackle poverty

Advocate: I do agree with it but I think that the only thing we disagree on is where it should sit because I tend to think you water down your approach to working with protected characteristic groups if you are dedicating some of that policy agenda to socio-economic inequality unless of course it's socio-economic inequality as it affects people with protected characteristics

Equality lead: That's what we've looked at

Advocate: That's an equality issue as in, for protected characteristics, how does it affect them which I am fully in support of but there are some other public bodies, more at a national level that have made a bit of mish mash of it now and it's becoming unhelpful

> *Departmental Equality lead*: *It probably highlights the complexity, yes, just the*
> *range of things that come under equalities, just one word but it's got lot of*
> *different derivatives and I think for me, I probably sit somewhere in the middle,*
> *I do think if we actually looked at initiatives to tackle poverty which is very much*
> *what the Council is looking to do I think it would perhaps leave us with other*
> *elements of inequality that we would address in a different way. I think there*
> *are two types so it's hard to actually pull out.*

Firstly, the discussion drew further attention to the apparent unwillingness to recognise the complicity that some organisations have in generating injustice. Further it highlighted that the prioritisation of poverty was an indicator of the extent to which prejudice and discrimination faced by groups protected by law was masked. Lastly, it highlighted the likelihood of developing anti-poverty strategy that was undifferentiated and therefore unresponsive to the way that different social groups experience the problem. In many ways, the debate exemplified the myth of impartiality whereby a logic which seeks to reduce difference to unity prevails (Young, 1990). As such, this example and that of the different perspectives on prejudice and discrimination serve to illustrate inconsistencies in the framing of injustice by the actors involved with the PSED in Glasgow that compliance with the duty has not apparently been instrumental in remedying. The next section explores the language and meaning ascribed to how the participants view the remedying of injustice.

7.3 Addressing injustice – the language of fairness, social justice and equality

The academic literature considered in the opening chapters, together with policy, formal texts associated with compliance with equality law and everyday speech are all permeated with a language of social justice, fairness and equality,

used in both distinctive ways and as synonymous terms. Investigating language preferences amongst the two communities of meaning was a means of determining both the implications of this differential terminology and of their aspirations.

In addition to enforcement, the EHRC in Scotland has a remit to provide advice and guidance to institutions and individuals as well to influence policy and debate. The way it frames arguments is therefore influential at both national and local levels. Paradoxically however, its Director presented a confused picture about language and meaning. On the one hand, he cited the thinking behind an impending report in which the issue of fairness is made prominent and which legitimises the concept as something readily understood:

> *'In January we will publish 'Is Scotland Fairer?' so in part that's an attempt to bridge equality and human rights, in part it's an attempt I think to take way from some of the language of equality and HR [Human Rights] which are, I think, sometimes seen as either politically correct or technically legal rather than a broader notion of what fairness and justice might look like. So you know it would be quite different to talk about, is Britain more equal and more HR compliant, they are not necessarily notions that people understand and they are probably also notions or concepts that have been abused a bit by political parties and by the media so fairness I think people are hooking onto because it's a concept which people have a sense* of'
> (Director, EHRC (Scotland) – Community one).

Whilst this perhaps further confirmed that the basic idea of social justice as fairness (Rawls, 1971) is a prevalent one, the same interviewee nevertheless commented on its 'slipperiness' as a concept: '*I suppose fairness is, fairness is an undefined term whereas equality in law is fairly well defined.'*

Others were less conflicted and generally critical about the use of the language of fairness, the advocacy groups particularly troubled by its subjectivity, by its lack of specificity and by the potential for it to be viewed as a term which advocates equal treatment for all, regardless of differential need:

'I'm really troubled by the language of fairness because fairness, it seems to me, is very much in the eye of the beholder' (Director, National advocacy group, gender equality – Community two).

'It all depends what your definition of fairness is, but I would be concerned you could end up with a very weak definition of fairness and more to the point, the general public I think, would, their concept of fairness is everybody is treated the same. You know, I think you ask the general public what does fairness mean and give a few examples, then they would say, many people would say it means everybody is treated the same but we know that doesn't even give you equality of opportunity because obviously people need to be treated differently to give them the same opportunity let alone equality of outcome. So yes, fairness to me is a very weak term' (Director, national advocacy group, LGBTI – Community two).

If the framing of progress as fairness was generally viewed as having weaknesses despite its popular resonance, there remained a notable inconsistency within the city as to what was acceptable language and definition around which consensus for the future can be built. In this respect it further echoed the existence of debates in the literature about what constitutes social justice and how it relates to identity, as identified in Chapter 2.

The GHSCP has taken a simple binary approach, acknowledging social justice as the mirror image of injustice, for which its equality lead expressed a hope that other public organisations that come together through the Community Planning Partnership (CPP) arrangement would also adopt for consistency:

'I think it's because the CPP equalities group has been working for a while on a range of issues but agreed that we should have a statement of ambition for the city that each of the partners could be asked to adopt as part of their equality scheme so we will adopt the statement of ambition for community planning as our statement of ambition in our equality scheme. It's explicit about social justice and that is because there's

something about challenging the injustice in society. That is what it is about' (Equality lead, GHSCP – Community one).

Others also recognised the prevalence of a social justice discourse within Scotland and hinted that it was emerging as way of framing change within Glasgow but nevertheless had concerns that its use preferenced income inequality as the dominant concern; *when the Government talks about social justice, 98.9% of the time what they mean is reducing income inequality. They don't use social justice in the way we would use it to be talking about equality for all people* (Representative, race equality advocacy group - Community two).

Yet others argued for the simultaneous use of a range of terms to signify component parts of a complex issue in order to reflect both equality of opportunity and equality of outcome. The equality lead for the College of Glasgow, unsurprisingly reflected the nature of its formal document: '*In education we very much look at equality, diversity and inclusion and don't tend to use the phrase social justice.'* The representative from the women's voluntary network argued for both equality and diversity in a way that signified a theme within the literature about the value of heterogeneity (Young, 1990) whilst at the same time reflecting on the ever-changing use of language which does little to clarify intentions:

> *And it is that softening of language, you know. Like fairer communities, equality, equality and diversity. I love equality and diversity because it's like recognising the differences, celebrating the differences but recognising we should always be equal. I like that but they seem to be changing that as well now, and you are thinking why do you keep doing this, there's no need to keep doing that, and I don't know if it's about trying to reinvent, I don't know if it's about trying to refresh. I really don't know why they do it, I really don't know why'* (Representative, women's advocacy group – Community two).

The Council's political lead eschewed both fairness and social justice, despite the establishment of a political lead for social justice agreed by the majority

political party at the time. His emphasis on supporting vulnerable people as a political aim explicated a prevalent theme within the formal documentation for the PSED:

> *'I think we probably, we would probably talk about equal opportunities, equalities and so on, in those terms rather than talk about fairness or social justice in the way that other organisations do. But we have in our policy, in our manifesto that we were elected on, that we will try and provide and protect services for vulnerable people so you find phrases like that coming into the conversation in the Council quite a lot now as well'* (Political lead for equalities, GCC – Community one).

Overall, settling on the most appropriate language and meaning appeared difficult and the Council officer lead expressed frustration on what she considered a thankless task: '*time is very precious. You end up having a half hour debate about what you mean you know and waste meeting time to be quite honest.*' Her preference was to focus on action and then explain its purpose, '*So our focus has been very much about get things done, getting the doing things done, you know get things done, making sure people understand what it is and then get on with doing things'*. The precise nature of these 'things', she did not elaborate on.

It appears that language and meaning presents a general challenge for which even organisations such as the EHRC with distinctive responsibilities for social change have struggled with since its inception (Sardar, 2008). Indeed, during the discussion groups, there was a general agreement that different terms exist, that their co-existence can cause tensions but that the preference for different terminology could be symptomatic of the differing ways in which injustice is problematised in the city, *I think sometimes the allegiance to these different terms actually portrays that they are starting from completely different perspectives* (Representative, disability advocacy group – Community two). Yet it is perhaps the connection of the language of equality with law that makes it, as representatives of different advocacy groups maintained, '*the best of a bad bunch'* (Representative, Glasgow advocacy group for race equality – Community

two). Despite the signs of reluctance to fully consider its genesis and implications, the law placed an onus of responsibility on people who might not necessarily have a commitment to the issues that it covers:

'They see why they need to pay attention to it because when you talk about equality, people tend to remember that there are laws and there are duties round about that so for us that's useful' (Representative, race equality advocacy group – Community two).

'I think I would, certainly for the protected characteristics, I would prefer to keep the term equality going so then we could talk about equality in, you know, social justice' (Director, National advocacy group for LGBTI - Community two).

7.4 Perceptions on the significance and impact of the Equality Act and the PSED

Hepple (2011a) has argued that key advantages of the Equality Act 2010 are that it adopts an integrated perspective on equality law regulated by one Commission, that it clarifies definitions about what constitutes discrimination, harassment and victimisation and that these terms apply consistently across all protected characteristics. Further, the positive duties have been expanded and that there is increased scope for positive action. Despite this, the literature reports mixed reactions to the Act. These have been discussed in chapter 4 but include concerns about dilution of previous targeted anti-discrimination law, that it is circumscribed by neoliberal thinking and that there are inherent weaknesses in reflexive law (Arthur et al, 2013; Conley and Wright, 2015; Burton, 2014; Fredman, 2012).

There is limited evidence on the application of the PSED and on the perceptions of those who have responsibility for either compliance or advocacy on behalf of those with characteristics protected by law so little is known as to whether practitioners share these theoretical concerns. This section of the chapter focuses on the more specific meanings that can be ascribed to equality law in

general and the PSED in particular by way of interpreting their perceived significance and likely impact on the lives of the heterogeneous population in the Glasgow. Findings from the interviews and discussion groups are presented as firstly commentary on the adequacies of law itself, secondly on its application and lastly on decision-making, the nature of governance and whether accountability for compliance is sufficient to ensure to realise the potential of the duty. The section recognises that both the differences in framing of injustice and the language of equality reveal a set of inconsistencies within Glasgow that potentially influence the way that the law is received and understood.

7.4.1 The Equality Act 2010 – progress or standstill?

Few participants appeared to have analysed in depth the strengths and weaknesses of the Act in its entirety and for some, the meaning that they ascribed to it focused on certain limitations such as the nature of the protected characteristics, *we do want the protected characteristics changed because the one that protects trans people is incomplete and out of date, it's gender reassignment which doesn't cover all trans people, it should be gender identity and also intersex people are not covered at all by anti-discrimination law (Director, LGBTI advocacy group - Community two),* or on meeting the technical requirements of the secondary duties. For one advocate, there was however no doubt about the significance of law:

> *'I think the equality act is what we are hanging all our work on, really, it's the key to what, really is the key to what we're doing'* (Coordinator, Glasgow Equality Forum – Community two).

In terms of the benefits of harmonisation of pre-existing legislation, the perspective of the regulator was a significant one because of his awareness about its application across the entire range of public sector organisations in Scotland. Although circumspect about the introduction of nine protected characteristics, his observation was that the Equality Act 2010 had reduced complexity:

'I mean very briefly overall I think the EA has been helpful because there was such a complex myriad of legislation so that no one really knew what was expected of them and …I think the 9 protected characteristics kind of work.' (Director, EHRC (Scotland) – Community one)

His further observation that there was a differential level of understanding about the PSED component across the UK was also revealing, *'if you did a sort of random sample of public sector workers in England, Scotland and Wales, I think you'd find in Scotland and Wales they would have a far better level of understanding.'* This he attributed both to the politics of Scotland, *'I think the Scottish Government are quite good at building in the concept of the general duty into what they do and into the communications,* and to the more contained size and nature of the public sector. By emphasising the role of the Scottish Government, it might be argued that he was reinforcing a discourse of national leadership that the official Governments texts were designed to showcase but which this thesis has indicated is partial at best.

It might have been expected that concerns would be expressed that the unifying of legislation across different social groups would be detrimental to individual groups in a way that has been commented upon in the literature (Blackham, 2016). Nevertheless, the benefits of its breadth and the strategic advantage that harmonisation conferred were welcomed both amongst some advocates and organisational equality leads:

'I think overall its pretty good, as far as race is concerned, the Equality Act itself pretty much imported over everything that we had previously, almost, almost the same which I think is a good thing. There are bits and bobs in there where there's sort of questionable sort of application in case law, loopholes if you like I suppose or opportunities that haven't been taken up like for instance the caste discrimination provisions that haven't been enacted which were originally considered as part of race equality although some people argue that in some cases its more related to religious equality which I think is a lot of what's causing the toing and froing about it. So, it's not perfect but I think the fact that it protects

everybody in theory, is great, the fact that it protects people not just direct and indirect discrimination but also the perception and association part of it, I think that's really smart, its good.' (*Representative, race equality advocacy group – Community two*)

'As a person, rather than [someone] who's from an equality group maybe I might feel that it was diluted a bit but from my point of view, as someone working in the public sector, it's easier because then you've got something that brings everything together and says don't forget all these people at the one time, it doesn't value one over the other. But I can sympathise with probably some third sector organisations, particularly the ones who are fighting that fight for their corner who might be against it but for me it's easier because then you've only got one piece of legislation to remind people of who are the decision makers, rather than three or four and it also brings in people who weren't really included in that legislation in the first place so, for me it's better' (Equality lead, Community Planning Partnership – Community one).

The observation about the strategic advantage in reducing the complexity of several separate pieces of legislation for greater understanding, commitment and compliance concurs with the findings of Arthur et al (2013). One equality lead was however conflicted, first expressing support for the Equality Act 2010 but also reflecting what this meant for practice:

Equality lead: The thing about the Equality Act, and we've had this discussion before, but my view is that it's split off too much into, you know, this is the needs of people with disabilities, this is the need of people ….

Researcher: So that's a weakness that you didn't identify before. You were talking very positively about the legislation before

Equlity Lead: Yes, it is a weakness and the Act has tried to bring that together so we don't have the race equality act anymore and the different

parts of the law so, on paper it's brought it together but it is actually very hard to achieve and it takes a lot of effort. Now whether the Equality Act has facilitated, you know, bringing, harmonising, bringing things together or dividing them up, I'm not sure. I'm not sure' (Equality lead, NHSGGC – Community one).

7.4.2 Significance and meaning of the PSED

Both within and across the two communities of meaning, there was a discernible sense that the significance and meaning of the PSED lay both in its power as a legal verification of what was self-evidently the right thing to do and also in its potential to act as a lever for change and for accountability. That this view was held so strongly was perhaps surprising in view of the concerns expressed about the one-dimensional expression of social justice as poverty. One interviewee from within the advocacy community of meaning did however demur, making it clear that both the construct of the PSED and the publishing requirements associated with the specific duties in Scotland have been '*having a deadening effect on creativity and thinking and it seems to me to be this very begrudging, performative focus'*. This she argued, rendered equality as '*being something quite boring and distant, perfunctory and pro-forma, something that organisations must perform to get some bureaucratic body off its back'* (Director, national advocacy group – gender equality – Community two).

Although this chimed with findings about previous iterations of equality law (Ahmed, 2007), the metaphor of law as leverage was expressed frequently by advocacy groups. The PSED, they voiced, enabled them to be able to exert pressure on the statutory organisations. Equally, within organisations, the different requirements of the PSED was thought to enable motivated individuals to generate change and challenge resistance. The complexity of the organisations, the *"monster-machines"* as the representative of the women's network described them meant that interviewees were able to describe a spectrum of views within them. This confirmed that whilst compliance with a legal duty was considered necessary for organisations and there was an appreciation that to be found in breach of the law could create considerable

difficulties, there was also some inherent reluctance by decision makers to consider its full implications. A City Council Departmental equality lead summed up the role that the law could play by indicating that even where there might be a political imperative to take account of equality considerations, this would not necessarily happen without a legal requirement, *'because that I think that, what happens is that staff have a range of responsibilities in their role and unless something is statutory, they would just see it as a 'nice to have' and probably would not consider it.'*

Arguably, the meaning that was attributed to the PSED cannot be divorced from the way that participants conceptualised the nature and importance of inequality or injustice. This was perhaps best encapsulated by the equality lead for City of Glasgow College (Community one):

> *'I would say that's just a moral and ethical thing. I would say it's the right thing to do. Why should people, for who they are and society's conscious or unconscious bias to that group or lack of consideration, affect that person's life chances, for access, process and outcome, equality of access, equality of process and equality of outcome. I think that's wrong and I think it's unfair and the evidence demonstrates that some groups are more likely to face inequality than others. For many people, that resonates and that's something that we should be doing.'*

Similarly, where there was an understanding of the historical context of the development of anti-discrimination and equality law, the advent of the PSED was viewed as both a means of making real and more tangible, something that otherwise could be viewed as elusive and abstract. Further, as an outcome borne out of struggle made it for some, more credible:

> *'I think the public sector duty is an added extra, it gives it another element. At the end of the day the good thing about the law it describes it for people that abstract concept of equality and inequality, it becomes very concrete when its actually defined in law so that has been helpful I think. The thing about the law is, it doesn't mean there's been lots of*

prosecutions and lots of case law that you, there is some but there isn't a whole body where you can actually say yeah such and such a case that means that we now mean to do this. But it does define what you can and can't do so having that there is really important. It has been important. And the other thing is that it's not just a law that's come out of Government or you know been you know driven by the policy community. It's a law that's been driven by civil rights and activism so it's got a really good bedrock' (Equality Lead, NHSGGC - Community one).

But it was not just its symbolic importance nor its explanatory potential that gave the PSED meaning. The representative of the Glasgow advocacy group for race equality expressed with conviction that the way that the PSED and its associated secondary duties in Scotland had been constructed and explicated had given it the potential to introduce a meaningful level of change across the public sector:

When I read the Public Sector Equality Duty Specific Duties for Scotland, and I read the guidance and I read what's supposed to happen, I think it's something we could really be proud of and I think it's pretty stringent, I think it's flexible enough to suit the majority of organisations, the kind of, the help that could provide to people in scoping what they need to do on equality could be massive. (Representative, race equality advocacy group – Community two)

The equality lead within the GHSCP concurred about their importance for the development of organisations:

'Those specific duties are helpful because they help to frame the realms of areas that you look at and what you pay attention to. I think that if we were just given the general without those specific duties we would miss things.' (Equality lead, GHSCP – Community one)

The requirement to pay due regard to the three aims of the general duty - anti-discrimination, equal opportunity and the fostering of good relations – has been

described in the literature as both an asset because it takes account of organisational circumstances (Hepple, 2011b) and a limitation because it is open to flexible interpretation and minimal change (Fredman, 2012). The representative from the EHRC acknowledged that this posed potential difficulties, '*it leaves a lot of grey space*" and this ethereality was echoed by others, especially those from the advocacy community. In line with her other concerns, the Director of the national advocacy group on gender equality was almost mocking, borne perhaps out of a sense of frustration:

> '*In terms of the reflexiveness I think that point was made by third sector organisations through the development of the public sector equality duty regulations and the gender equality duty regulations and, through the Equality Act itself that this kind of very conditional, please pay due regard if there seems to be a need to, if its Monday, and you would like to, kind of, just doesn't really enable compliance because, you know, what is evidence of giving due regard?* (Director, national advocacy group – gender equality – Community two).'

Within the equality lead group, the meaning attributed to due regard was more nuanced. Whilst the equality lead for the City of Glasgow College interpreted it as giving organisations the flexibility '*to do the minimum and then justify it as a proportionate means of achieving a legitimate aim,*' he was also mindful that the context in which compliance operated was important. Where there was policy leadership to tackle inequalities across all protected characteristics, in his case from Education Scotland, the flexibility of the due regard requirement was beneficial as full account of the nature of his particular organisation could be taken into account. The equality lead for NHSGGC went further in commending the flexibility of due regard as the antithesis of "rule bound law" which '*actually in the end comes down to the lowest common denominator because to define it you almost have to do that*' and '*I certainly think that the way the law is written is in the right spirit.*' Key to this was what she referred to as working within "*the spirit of the law*" and the willingness to '*push boundaries*' but that ultimately the law had to be tested more, hinting at the concerns in the

literature about the implications of due regard for the judicial system (McLaughlin, 2014).

Several concerns were expressed about the current limits of enforcement and monitoring of the law which are pertinent to the way this thesis has theorised about the catalytic potential of the PSED to enhance social justice for a heterogeneous population. Firstly, a general point was made by the representative of the race equality advocacy organisation who expressed her frustration in how hard it was to take a case; '*you can have best piece of legislation in the world but if folk aren't able to access justice, what are you going to do.*' The limits of justice she attributed to the way that the enforcement mechanisms were set up, making it difficult for challenge that was not taken through the EHRC which she, like others, regarded as having a '*lack of teeth.*' This weakness, she regarded as both a result of UK Government restrictions on resources and staffing but also because the EHRC in Scotland was '*under the cosh from the Government Equality office down south',* implying political interference. Similarly referring to the toothlessness of the regulator, another member of the advocacy community of meaning expressed concern about the contradictory aims of modern, light-touch regulation aspiring both to hand holding and admonishment.

Whilst the law undoubtedly requires appropriate enforcement especially in relation to the discrimination faced by individuals, the issue of how the organisations are regulated to use the law to best advantage is perhaps more contentious. Arguably 'hand holding' by a regulator with a clear view on the nature of change is a more appropriate way to realise that potential and is in keeping with a finding from an earlier piece of research into public authorities' perceptions (Fyfe et al, 2013). In this respect, it was the thoughts of the political lead for equality within the City Council that were more pertinent and also concur with the recommendations of that earlier report. He framed the problem differently of regulation and accountability, preferring to place the emphasis on the monitoring mechanisms that were available to the Scottish Government, thereby fulfilling the leadership role that was implied but not fully clarified in its compliance text:

'I think, in all ways of delivering services at local level, at city level, there has to be, obviously there has to be legislation but there also has to be some sort of monitoring system put in place you know we have the, you know Audit Scotland come in here every year and go through the books and so on and so forth, well it should be same with equalities, they should come and say what is your, and they do of course you know, where's your report? How are you getting on and so on and they, one assumes they feed that back to Government ministers? (Political lead for equalities, GCC – Community one).

7.4.3 On the application of the PSED in Glasgow

Having drawn out perceptions about the purpose and efficacy of the PSED, attention is now paid to how the two communities of meaning view the application of the PSED within Glasgow. This is undertaken within the context of both the reservations and opportunities that have been expressed about its meaning and significance and the formal texts which have been considered in the previous chapter. It explores further emerging themes around leverage and the requirement and role of motivated staff but also considers issues of leadership, governance and influence in the complex, networked polity that comprises the Glasgow public sector. Implicit within it is inquiry about the reality of change, whether there was something more nuanced than the formal descriptions of compliance which pointed to the heterogeneity of the population being taken seriously.

 It opens with a finding from the first discussion group. When faced with the preliminary findings, the behaviour and contributions of the participants suggested that for some of the individuals in both communities of meaning, there was a sense of collective endeavour in utilising the PSED to improve the lives of Glasgow residents even whilst there was confusion and uncertainty about the way forward:

'I'm not saying it couldn't be done better but I do think there's a genuine effort across all of those structures. And that could be personalities, that might not be structures that might be about personalities and motivation for the area. I don't know, I can't quite get my head round that but it does feel like, I'm involved in lots and lots of things but the equality one does feel like the one, if there was something, I would know who to go to, I kind of know the areas which feels quite positive now I am thinking about it in terms of some of the other complexities that are coming up' (Director of Cultural Services and equality lead for Glasgow Life – Community one).

Embedded within this quote however is an implicit recognition that whilst there was a rhetoric of compliance as embodied by the formal texts, much was still dependent on key individuals, the 'personalities' to which the participant refers. The role of the 'structures,' by which it might be assumed that she meant the organisations and the way in which they routinely operate, was not clear enough for her to see. That the 'structures' might not be inherently mindful of the need to promote equality was encapsulated by a point made during interview where she argued that a case had to be made on on-going basis. In view of this there was irony in her observation about the business case for equality. There were also echoes about the role of diversity in supporting economic efficiency, a view which had facilitated support for equality law in the absence of Government commitment to address discrimination for social justice reasons (Thane, 2010):

But the key thing for us, the message for us is that we are saying to staff all the time, all the time, there is no choice here, we have to, this is a priority and we have to do this for three reasons: one it's the right thing to do; second thing is legally we have no choice; and, the third thing is for the really hard-nosed people in this organisation, actually we do, last year we had over 19 million attendances. If we want to continue attracting people to our services and people taking part, we have to actually start talking to other communities that we don't already talk to. So actually, it makes business sense to actually be working and listening to other communities.' (Director of Cultural Services and equality lead for Glasgow Life – Community one).

Other equality leads attributed power to the PSED to enable and facilitate not only debate and action but also internal accountability and enquiry. The equality lead within the City Council suggested that it enabled a reflexive approach in a way that was not apparent in the compliance text, or necessarily from her other observations; *'we do say to people, the public sector equality duty means you have to anticipate, you have to be proactive, it's not about somebody coming to tell you what to do, it's about you thinking about your service.'* It also, she maintained, provided a context for greater accountability. She explained this by giving an example of a complaint to the Council's call handling service about the lack of knowledge of both the meaning of 'LGBTI' and the existence of services for the LGBTI community. The PSED she felt, *'gives us something we can go back and we can do it again, having hopefully getting round to some more work around training and awareness raising and then go back and do it again.'* The NHS equality lead agreed that the structure and form of the PSED helped to hold the public sector to account but that also the existence of a range of equality schemes and outcomes produced over time provided learning:

> *'I think just the fact you've got all the public authorities with their equality schemes which define outcomes, which you can then start to measure, you can start to compare, start to see ones that are working, ones aren't working so there's that whole, it's almost like a body of work now that you can use to create better outcomes, to hold your organisation to account even more. So yeah its really significant'* (Equality lead, NHSGGC – Community one).

That it also facilitates inquiry and learning was evident from within the GHSCP and the College of Glasgow. The equality lead from the former organisation mused about how developing a compliance document had stimulated investigation about discrimination experienced by service users and concluded that *'even just looking at that and that's you know one particular survey, you can see that the experiences are quite different of how people feel they've been treated.'* The College lead referred to the establishment of *'a dashboard system which allows us to present and use data, live data and manipulate that*

and present it in different ways', and cited subsequently how effective it had been in interrogating pay differentials in the organisation and stimulating positive action strategies.

Threaded throughout the narrative of the equality leads however was that the willingness to drive change within their organisations varied, a factor which was recognised by the advocacy groups who were observers of the situation. The equality lead for the NHSGGC once again summed up a consistent theme about working within the public sector stating that the PSED had worked well for the NHS in Glasgow because of the legal backing but also because it meant *'you can be a bit more pushy I suppose about your agenda.'* Members of the advocacy community concurred about the importance of the formality and framework provided by the PSED. The Director of the advocacy group for disabled people (Community two) was keen to acknowledge the presence of people committed to equality, *I want to be careful and make a point, which I'll just say right up front which is there are good people still trying to do good work in these agencies and structures, absolutely* but that without the law, *they wouldn't get it done because they wouldn't have a framework and they wouldn't have an impetus.* Similarly, the representative of the Glasgow advocacy group for race equality recognised a tension within the public sector organisations between those who wanted to drive change, those who 'were *more open to persuasion I think, because of the duties'* and those who regard the duties as unnecessary bureaucracy but who might not immediately present as such; *'the problem comes when you've got the other side of the camp who just see it as a massive red-tape exercise and those folk you know can actually be quite difficult to deal with because it can take you quite a long time of working with somebody to work out that they are in that camp.'* This finding reflects the differences that can exist within complex organisations and is a contradiction that will be returned to in the next chapter.

The representative of the women's voluntary network (community two) went further with respect to the potential of the law, not only framing the PSED as a lever but as a means by which organisations representing social groups could hold public sector organisations to account on behalf of the individuals for whom they

advocated, '*because we say to women all the time when they are having issues with housing or social work or doctors or whatever, the first thing we do is go, what's that person's responsibility, what's their duty of care and we go right, that's it, what we say to women is now you know that.*' For the equality lead in the NHS, such external pressure was also deemed important as on occasion it had complemented activity that was internal to the organisation; '... *the two lesbians who had gone through our assisted conception service and got refused treatment. OK, it didn't lead to case law but it did definitely force the organisation to change its position. So, people can use the law to pressurise organisations to do things.*'

Equality in power relations is a dominant theme within the literature (Baker et al, 2009; Young, 1990; Anderson, 1999; Fraser, 2007). Chapter 5 has already summarised the complex way in which the public sector organisations within Glasgow make decisions both individually and in partnership with each other and has attempted to illustrate the web of governance and influence that exists. The formal texts made reference to decision-making processes for equality outcomes and other aspects of the PSED which were more suggestive of descriptive representation than a politics of difference. The evidence from the interviews and the discussion group was largely consistent with this. The Council officer lead for equality, whilst indicating that for the setting of equality outcomes, '*we had a long period of consultation and engagement,*' nevertheless framed this almost entirely as something pragmatic, satisfied that '*at the end of that process it looked like quite a sensible read.*' From within the group of advocates came the concern about a lack of '*genuine co-production*' of outcomes and '*consultation after the event.*' The political lead, referring to data that highlighted differential uptake of services by members of minority ethnic communities, reflected on his approach to dialogue and participatory democracy. As can be seen from the following, information was accrued either as a political conversation or as a consequence of lobbying, rather than as a consequence of dialogue between decision makers and social groups:

'*The people from BME communities who are Labour politicians in here, I meet with them from time to time and I say, what are the issues that your*

constituency...and I speak with organisations like the Glasgow Disability Alliance and so on, people will come in here and say, there's an issue.'

Yet, he also likened the Council to a 'machine,' reflecting an earlier observation by an advocate, highlighted its lack of representativeness, *'if you look at the profile of the elected member in the Council, you'll find only about a third are women'* and intimated an awareness of the difficulties the public have in understanding and approaching the organisation. This was a view shared by the coordinator of the equality forum who encapsulated views held widely within the advocacy community of meaning, about their relationship with the public sector and the nature of power. In the first, she confirmed a gap between the way the public sector was organised and public knowledge:

'As a lay person, there's no understanding of these structures. I would say what percentage of Glasgow know about all these structures and how they work. 10%? Less? What does the CPP stand for? You know, I don't think, personally there's a benefit to power for a structure not to be clear, that's across the board. Does it really matter to the Council structures or the CPP structures if people don't understand?' (Coordinator, Glasgow Equality Forum – Community two).

In the second, she highlighted how the quest for influence by the voluntary sector was both enhanced and compromised by the links that were forged between equality leads and advocates. Once again this signalled the absence of a robust and open way by which the defining and enacting of equality measures could be ensured:

'It's actually about, it's quite bad for transparency as well, you know, it means that you become a person in the know, then you become part of the problem. So I think that's a real challenge, it's about the softer channels of communication and influencing which, in some ways are good to know them and then you can try and, if for example there's people in the public sector who you develop good working relationships with, say J, who do I speak to about this sort of thing, you get a bit of inside, not inside

information, but you know be guided or make relationships with people in power.'

It might be expected that the contrasting perspectives on the Equality Act, the PSED and its associated secondary legislation in Scotland would lead to similarly contrasting views as to its efficacy. The evidence from the interviews and the discussion groups indicates that the equality leads viewed the law as having a positive impact on their organisations and indeed there was some suggestion that the advocacy groups were able to detect a positive impact also. One of the representatives of the disability advocacy organisation commented on how implementation of the PSED within the City of Glasgow College *'has actually improved the support they offer to staff and to their students'*. His understanding stemmed from participation in the equality advisory group set up by the College. The Director of the same organisation was more circumspect suggesting that commitment across organisations was more rhetorical than substantive: *'I think the legal framework is causing agencies to have to fulfil their duties but you can fulfil a duty by having a plan that doesn't really deliver very much.'*

There were however caveats about the possibilities of change from within the public institutions. The realpolitik of operating within a political climate of economic austerity and welfare reform also hung heavily on the interviewees in both communities of meaning for its implications for both inequality and compliance with the PSED. Equality leads for the City Council and the GHSCP expressed concerns for disabled people particularly, the former commenting; *'I think if anything, issues for disabled people around socioeconomic inequality and participation and civic life are going to be bigger because of things happening nationally with welfare reform'* and the latter doubting whether the law could be made meaningful in such circumstances, *'I've been involved in discussions around, we need to take x amount of pounds out of disability services you know'*. Many of the implications for compliance with the PSED were rooted in the loss of staff and the capacity of organisations to undertake the thinking and the planning required, something which the advocacy community repeatedly prioritised as important. The Director of the disability advocacy

organisation reflected on the way the heterogeneous population presents as a problem rather than as enrichment:

> '"I mean for everything you are saying about disabled people, I've got another five strands to think about" and I think in a nutshell, that sums up sometimes the perceptions and responses of some officers as to whether what it's added. It's added a big workload to them, they've not seen it as an opportunity that if we get it right for all of this, we're really going to get it right for all the citizens in Glasgow, it's just added to their workload and I think that's about the fact that posts have been lost.'

If, however, as suggested from within the discussion group, there were indications of cooperativeness across the communities of meaning, what could be evidenced about opportunities for the work on the PSED to coalesce, for each individual formal text not to be seen in isolation or for some of the difficulties to be considered collectively? One member of an advocacy group reflected to the discussion group that there were greater opportunities than at any time in her working life in the city for *'these sites of influence to coalesce to a much, much greater extent* and that a positive example existed about how networked governance and cooperation across the further education sector brought benefit. Community planning, which brings the public sector together to plan and pool resources for the common good but previously commented as being unknown to the public was nevertheless cited as the appropriate vehicle for leadership on equality:

> '...*community planning structures are, it's the place where decisions are made so we, that's where we've got find ways into and definitely if equalities, strong equalities leadership is coming from there it has got to be the best place for it'* (Equality lead officer, Glasgow City Council – Community one).

Whilst the Community Plan is considered in more depth in the next chapter, the equality lead within community planning identified that there is a fragmentation within the city that the community planning partnership has not resolved and

which affects its potential to develop a strategic response to the PSED requirement. The problem was further evident in the concluding piece of evidence in this chapter where the equality lead within NHSGGC reflected on whether there had been an overall impact of the PSED for the city:

Equality lead: There's not enough synchronicity between what the Council and the health board and the other public sector organisations are doing. I mean, there's a very small move towards it so there's a Glasgow Community Planning equality group which does bring the partners together and it's actually a really nice group to be involved in. They're very motivated to try and do something. They're maybe finding their voice a wee bit as well. I think that some of the discussion we've had and voluntary sector partners are on that group as well but they're very outwith the mainstream structures so it's like a group that's trying to get itself into the mainstream but it's not really part of the governance structures of the city. It could be but it's not at the moment and that's partly to do with the tension between the City and Community Planning per se because lots of people don't think Community Planning works, don't want to get involved in it, don't see it as a good way of bringing all the partnerships together so there's a lack of a mechanism for that group to actually have some impact but you could see potentially it could have that impact' (Equality lead, NHSGGC – Community one)

Researcher: And does the legislation get discussed at that group?

Equality lead: Yes it does, it does but you know so far there hasn't been an effective mechanism to have a Glasgow approach to the equality duty or the equality legislation.

7.5 Conclusion

This chapter has considered how two communities of meaning – public sector equality leads and voluntary sector advocates have interpreted the significance and meaning of the Equality Act 2010 and particularly the PSED with its

associated Scottish Secondary Duties. These data form part of a composite picture that is being drawn up the about meanings associated with the PSED and its relationship to social justice in Glasgow.

For both groups, the challenges of addressing the needs of a heterogeneous population were central to their responsibilities and the members of each group were consistent in articulating a concern for and commitment to the dimension of equality that Baker et al (2009) refer to as respect and recognition. In the same way however, that both the literature and the textual evidence in the previous chapter was equivocal, both groups also wrestled with the complexity of injustice and its origins. Unlike the texts however, an understanding of and concern with what has been referred to in the literature as the machinery of social injustice (Donnison, 1994) and a discourse about power differentials was evident. Although this was more prevalent within the advocate community, there were also signs of such an analysis within the equality expert community. It was also however apparent that despite shared responsibilities and expertise within the expert community that there was also divergence. Expert members from within Glasgow City Council more obviously concurred with a perspective about the vulnerability about certain social groups and as such revealed a greater consistency with the Council's compliance text. Further, in the same way that the texts revealed a pre-occupation with a discourse around poverty in a way that was unrelated to the requirements of the PSED, both interviews and discussion groups revealed the contested nature of both its inclusion and the way that it was represented. For some participants from the expert community, addressing poverty was presented as central to compliance with the duty. For some, the tension between recognition and redistribution (Fraser, 2007) was a genuine dilemma. At the same time, this concern did not extend to differentiating the pathways into poverty experienced by different social groups. For members of the advocacy community the focus on poverty was viewed as a mis-representation of the requirements of the PSED but also a failure of analysis about the differential nature of poverty.

As partly revealed through analysis of the texts, the way that language was used by research participants to describe the outcome that legislation is designed to

deliver, (for, example greater fairness, equality, or equal opportunities), was a source of further inconsistency. It can however also be concluded that this represented the different ways that injustice is problematised within the city. That finding notwithstanding, the interviews and discussion groups in general revealed that beneath the surface of the formal texts lay a more complex reading of the processes of compliance with equality law than was evident from the compliance texts. From this, it is possible to conclude that committed individuals are both supported by the law and use the law to find ways to justify change within their organisations. Similarly, advocates largely represented the PSED as positive and enabling and presented as a discourse of leverage in their interactions with public authorities.

Despite this, reservations were voiced from within both communities of meaning about the extent to which apparent compliance with the PSED has instigated substantive change within and across the organisations it is designed to influence. That this paradox exists appears from analysing the data to be compounded by a discourse around governance and accountability which focussed on the immovability of the bureaucratic 'monster-machines' and the weakness of the enforcement agency, the EHRC. Once again, it can be argued that this is a failure to take responsibility for structural injustice (Young, 2011). Further, inequalities in power were evident from reports that the setting of equality outcomes was neither fully transparent or a democratic process despite evidence from the discussion groups of an apparent willingness across the communities of meaning to collaborate. Insomuch that the central argument of this thesis is that the PSED in Scotland with its associated secondary duties has significant potential to further social justice in the city the existence of these inconsistences and the fragmented meanings of equality point to only partial fulfilment of that hypothesis. The next chapter does however consider the relationship of the PSED to the signifiers of strategic development of the organisational sample and therefore of the city itself.

Chapter 8: Equality Mainstreaming in Glasgow – Towards a Just City?

8.1 Introduction

Having considered the meanings that can be identified by overall consideration of PSED compliance texts and the two communities of meaning closely associated with the duty, the final chapter of findings is based on closer scrutiny of equality mainstreaming in Glasgow. The rationale for undertaking this as part of the bricolage approach and IPA methodology is because of the requirements under the terms of the Scottish secondary duties whereby public authorities are required to produce a report on how they are mainstreaming the aims of the general duty. The potential of equality mainstreaming has previously been considered as part of Chapter 4 and it can be described as the means by which equality norms are incorporated routinely and appropriately into all policy and practice.

Meaning making about equality mainstreaming concerns two things: the significance that is accorded to the process and the way that equality is framed and enacted. Each of the organisations which constitute the sample contribute significantly to the lives of the heterogeneous population albeit in different ways and at different levels of magnitude. It has previously been theorised that the nature of the organisational sample is such that that the nature of their responsibilities, functions and resources can be mapped across the social systems which impinge on equality and social justice. Consideration of the formal mainstreaming reports and any signifiers of the general aims of the PSED inherent within the sample of strategic documents, adds a further layer of interpretation about the meaningfulness of the PSED and also whether there is an interrelationship that potentially contributes to urban justice.

Unlike the previous chapters which sought to highlight consistencies and contradictions across the organisations and in relation to two communities of

meaning, each organisational type is considered in turn and takes account of their relevance to the typology of social systems drawn up by Baker et al (2009). For the health care and further education functions, this will be undertaken by considering their most recent formal compliance texts in relation to their most recent publicly available strategic plans. As the range of responsibilities and reach of Glasgow City Council and its associated arms-length organisations is more extensive, evidence is drawn from three sources - its most recent formal mainstreaming report, a sample of texts associated with the development of city policy and service delivery within the city and the third community of meaning – politicians and senior managers. This will include evidence that has been accrued about the potential of the formal partnership arrangement, the Glasgow Community Planning Partnership. In covering such a breadth of organisations and texts and their implications, the relationship to sensitising concepts and emerging discourses it is recognised that this constrains the depth by which each piece of evidence is detailed. Nevertheless, the data highlights that there are some interrelationships between the PSED and the strategic intentions of city institutions but that once again this is partial and that the conceptualisation of equality is inconsistent and unclear.

8.2 Interpreting the meaning of equality mainstreaming in the health care system in Glasgow

In the typology of the key social systems which generate inequality – economic, political, cultural and affective - identified by Baker et al (2009) and discussed in Chapter 2, the health service, and social care, play a key role in both the economic and the affective systems. Some examples of the relationship between the experience of prejudice, discrimination and poor health have been cited elsewhere in this thesis although it is beyond its scope to explore this fully. It is also known that prejudice and discrimination is experienced by different social groups as both patients and staff, despite the existence of equality law (see for example, Salway et al, 2016). The decisions that are made in relation to the physical planning of health care, in the procurement of goods and services and as an employer also contribute potentially to the manifestation of social justice and equality in the city. Despite this potential, the way that health and social care

plays this role appears to be both under-theorised in the literature and lacking in empirical research.

Both NHSGGC and the GHSCP provide health care for the population of Glasgow within an environment that is notable for the level of health inequality that exists (McCartney, 2011). As a long-standing organisation, NHSGGC has a developmental history and several years' experience applying the requirements of previous and current equality law. During the period of study, the Board's strategic text (NHSGGC, 2015) made it clear that it was responding to policy changes in favour of health and social care integration for which the GHSCP subsequently became the lead organisation within Glasgow city. The latter was finally established in 2016 and as such was undergoing the formational stages of a new organisation during the course of the study. As the focus of the NHSGGC Board has moved progressively towards secondary and tertiary services, a key strategic concern was the rationalisation and modernisation of services that had previously been spread over several sites and the subsequent opening of a new hospital. Despite the difference in emphasis, both are complex organisations serving the population throughout the life course. From the experience of the researcher, conceptualising equality and mainstreaming the general duty across all their functions requires commitment and skill and had to be managed in tandem with many competing policy demands.

The Board's formal mainstreaming report (NHSGGC, 2016) was extensive and comprehensive and apparently in line with recommendations made by the EHRC about matching mainstreaming with functions, listed a broad range of responsibilities for the organisation. Implicit within these responsibilities are indications of aspects of the dimensions of equality identified by Baker et al (2009) concerning respect, love care and solidarity and as such are listed below:

- Planning and delivering fairer services;
- Leadership on tackling inequality;
- Listening to patients and taking their needs into account in improving services;

- Working towards fairer health outcomes and tackling the underlying causes of differential health outcomes;
- Creating a diverse workforce, supporting staff to tackle inequalities and acting as a fair employer;
- Measuring performance and improving data collection;
- Resource allocation, fair financial decision making and procurement

These responsibilities were not represented in the corresponding strategic text (NHSGGC, 2015) making it unclear to what extent these had been adopted by what Squires (2005:373) describes as the 'regular actors in the policy making process' or whether it was an attempt by equality experts within the organisation to frame a set of functions for compliance purposes. Nevertheless, there were clear signs within both texts of an interrelationship between compliance with the PSED and the strategic priorities and objectives of the Board. This suggests that the mainstreaming requirement had at least some influence on core business of the Board.

The overall purpose of NHSGGC presented within the strategic text was a more generalised one:

'Deliver effective and high-quality health services, to act to improve the health of our population and to do everything we can to address the wider social determinants of health which cause health inequalities' (NHSGGC, 2015:1).

From this, it can be argued that the organisation had created a sufficient strategic impetus for its role in the furthering of social justice for its heterogeneous population to be developed. In keeping with findings elsewhere about the relative importance of the redistribution of resources and recognition in achieving social justice and the way it echoed the literature, there was a prominent discourse on inequality which focused on deprivation, 'over the past 10 years, the gap in healthy life expectancy between the 20% most deprived and the 20% least deprived areas has increased from 8 to 13 years' (ibid, 2015: 5). There was nevertheless some signalling of organisational recognition of a more

complex scenario of differential need, uptake of services and experience of health care across the heterogeneous population. Equality legislation was presented as remedial in this respect:

'But we also know that not everyone has benefitted from these improvements: one of the key challenges in meeting our aspirations will be how we address unmet need and differential uptake of services which lead to the health gap and premature mortality for people in equality groups or living in persistent poverty' (ibid:6).

'There are significant differences in health, access, experience and outcomes of health care between different groups depending on their age, gender, race, disability, sexual orientation, income and social class. Equality legislation requires us to set clear outcomes for improvement to protected characteristics' (ibid:20).

Whilst this can be regarded as going against the grain of what has been referred to as the 'norm of the homogeneous public' (Young, 1990:164) further references to differential needs were limited in relation to the Board's five priorities - 'early intervention and preventing ill-health; shifting the balance of care; reshaping care for older people; improving quality, efficiency and effectiveness; tackling inequalities' (ibid:1). The specific aim of re-shaping care for older people arguably brought the needs of at least one protected characteristic to the fore and in this the predominance of older women and likelihood of their experiences of poverty was at least acknowledged. In this respect, there was a direct read across to the mainstreaming text which summarised the work that had been done to engage with older people and in the development of specific anti-discriminatory policy on the 'removal of unjustified age cut offs in service provision' (NHSGGC, 2016:5) On the other hand, by focussing solely on maternity care as the service need for women, rather than considering women's differential health needs and experiences this can be seen as conforming to a stereotypical view of women's lives.

That the existence and purpose of equality law was made explicit as part of what was defined as the 'deliverables' for the 2015/16 year signified a move beyond rhetoric, the aim being to: 'reduce barriers for groups who face discrimination to improve access and ensure people's human rights in all our services (people with protected characteristics covered by the Equality Act 2010)' (NHSGGC, 2015:15). The means by which this would be achieved was further formalised as the equality impact assessment (EQIA) process: 'equality impact assessment will be used to consider the needs of people at greatest risk when planning services, using disaggregated data and population health data to understand need' (ibid, 2015:20). It has however already been noted that some authors (Walby, 2005; Verloo and Lombardo, 2007) have raised concerns about the interpretation of mainstreaming as an efficient, technical process concerned with the completion of the task rather than the outcome. In this respect, the emphasis in the compliance text on the volume of EQIAs carried out, numbers of staff trained and recording system: 'since 2010 we have carried out 360 Equality Impact Assessments to ensure that we are planning services to meet the needs of all of our patients' (NHSGGC, 2016:2), rather than evidencing how equality has been enhanced was symptomatic of that concern.

Conversely, there were indications that mainstreaming had been viewed as the democratising process that it has the potential to be (Walby, 2005; Squires, 2005). In the face of a general but emphatic statement within the strategic text concerning engagement; 'robust engagement with people from equality groups or with people experiencing poverty will inform service improvements' (NHSGGC, 2015:20), there was a long statement within the mainstreaming text about the commitment to this ideal which is included here in full for its implication of heterogeneity, if not from intersectionality, and of changes that have resulted from participation. That there was a reference to a particular ethnic group, the Roma, which has been recognised as being particularly discriminated against, and to asylum seekers was indicative of recent changes in the complexity of the Glasgow population:

> 'Since 2010 we have engaged with over 400 patients specifically relating to NHSGGC's equality outcomes. Additionally, we have regularly met with

specific groups of people with protected characteristics to consult, engage and take action to reduce their experience of discrimination in our service. These include two patient Health Reference Groups, our Human Library volunteers, the British Sign Language (BSL) champions, our Asylum Seeker peer educators, our Roma peer educators, patients with Learning Disabilities and our Better Access to Health (BATH) Group. The BATH group is made up of disabled patients who advise on the adjustments required in our buildings to ensure they are accessible ...We have developed innovative methods of patient engagement including Conversation Cafes, the Human Library and a British Sign Language mediator to gather feedback from Deaf BSL users (NHSGGC, 2016:8).'

References to specific policy developments within the compliance text were also a sign of systemic change within the organisation, in recognition of certain forms of need. The establishment of improved communication with those who have language difficulties (Clear to All accessible information policy and interpreting service), support for the transgender population (Gender reassignment protocol) in addition to the overturning of previous restrictions by dint of age are all suggestive that distinctive forms of discrimination had been identified and new criteria agreed. Further, each of these policy developments were indicative of what was described as its quality deliverables, 'delivering care which is demonstrably more person centred' (NHSGGC, 2015:18).

Baker et al (2009) have argued that that being cared for is essential for human development and that love, care and solidarity is a key dimension of equality. Elsewhere, the freedom to acquire wellbeing is also regarded as fundamental to social justice (Nussbaum and Sen, 1993) ,health and affiliation capabilities helping to realise this (Nussbaum, 2000). The way the health board can be seen to apply an equality mainstreaming principle to its core business of care for patients was therefore important. Inequalities sensitive practice has been cited previously in Chapter 6 as a signifier of organisational commitment to equality. Although there was little indication of the extent of its implementation, its reference within the strategic text can nevertheless be seen as reinforcement that the organisation was seeking to displace existing practice in favour of

something more able to determine the relationship between injustice, discrimination and poor health. This apparent commitment to the displacement of existing ways of working was however tempered by caveats about other demands on the organisation such as meeting attendance targets to which inequalities sensitive practice would be expected to contribute, 'we will deliver benefit to individuals and improve the outcomes of our services, for example by reducing nonattendance, poor concordance with treatment, misdiagnosis and unnecessary repeat attendance' (ibid:20). Such qualification raises questions about the meaning innovative practice had to the organisation and the depth of its commitment.

Within the GHSCP compliance document, reference was also made to 'equalities sensitive practice' and whilst no explanation was given for the change in terminology it can be assumed that its acknowledgement is a legacy from its parent organisation, NHSGGC. Otherwise, there were some distinct differences between the two organisations as evidenced by the way that the vision within the strategic plan of the GHSCP was framed in terms of the city, its people and community:

'We believe that the City's people can flourish, with access to health and social care support when they need it. This will be done by transforming health and social care services for better lives. We believe that stronger communities make healthier lives' (GHSCP, 2016b:3).

The emphasis on communities is instructive, suggesting that the partnership has been influenced by the way that Glasgow City Council problematises injustice as something external to the organisation with remedies to be found within communities when given the right level of support. That this is linked to the theme of vulnerability has already been evidenced in the interpretation of its formal PSED text (see Chapter 6), and further visible in one of the partnership's objectives, 'supporting vulnerable people and promoting social well-being' (ibid:3).

As a plan for the future rather than a report on previous mainstreaming, it is difficult to make a judgement as to the extent that a commitment to equality mainstreaming had affected the development of the new organisation. Scrutiny of the identified equality outcomes however showed an aspiration for services to be effective in addressing 'protected characteristics and wider circumstances that affect health and wellbeing' (GHSCP, 2016a:10). Whilst this is suggestive of a desire for mainstreaming it is nevertheless indicative of a confusion between outcome setting and the requirements of the mainstreaming process, a consistent criticism by the EHRC and others (EHRC, 2013; CRER, 2016).

Although emphasising the use of EQIA on all its new or revised plans, policies, services and strategies, there was little sense in the strategic document of the GHSCP as to whether or how this had been or would be translated into a stronger relationship between greater equality and the aim of transforming services. Consideration had been given to what was termed 'equalities' and confusingly this was presented as a short sub-section under a main section 'About the Partnership.' The intention behind the use of the plural term was not defined. In this form, it did however mirror that used in the body of the formal compliance text from which it is possible to deduce that it is an attempt to pay heed to the multiplicity of social groups. This is at odds with the literature where equality is conceptualised as an indivisible phenomenon. Largely summarising aspects of the compliance text, the strategic text uses a form of words whereby it 'will contribute to reducing the health gap generated by discrimination' *(GHSCP, 2016b:12)*. In this, it explicitly constitutes discrimination as generative of health inequality, hinting at Fredman's conceptualisation of substantive equality (Fredman, 2012). The absence of further reference however makes the intentionality of this statement, and therefore its significance, questionable. Indeed, a subsequent emphasis on tackling health inequalities through primary care and in sexual health and 'by providing easily accessible, relevant, effective and efficient services in local communities' (ibid:25), appears to render the population as once again, homogeneous.

8.3 Equality mainstreaming and further education – the example of the City of Glasgow College

The freedom to be well-educated is often constrained by membership of a social group (Lynch and Baker, 2005) and educational establishments are significant contributors to the equality dimension of learning and working having the potential to maximise equality of educational options and satisfying work. The way that education operates also impinges on the way that cultural practices are defined and legitimised. City of Glasgow College describes itself as 'the largest and most diverse tertiary education establishment in Scotland' (City of Glasgow College, 2017:5) and aims to be a 'world-class beacon of college education' (ibid:7). Its provision of a range of educational, technical and training opportunities at different levels aspires to contribute to both individual learning and to an 'alignment of curriculum delivery with economic needs' (ibid: 10). Its most recent strategic plan reflects the major changes that have taken place to the further education sector within Glasgow with the merger of three specialist colleges and the building of a super-campus within the city centre and the refurbishment of other sites.

In its most recent mainstreaming report, the College deployed a language of democratic inclusion of both its student and staff population in the process of change. A set of linkages with what appears to be its bureaucratic processes was presented although not described fully. Whilst Fairclough (1989) has indicated that lists mask as much as they portray, it was suggestive that the process of implementing PSED was closely bound to the internal functions of the College:

> 'The College involves individuals and groups representing protected characteristics during discussions and decision-making procedures across its operations and services. Examples of involvement include: the Student, Staffing and Equalities Committee of the Board of Management; the Equality, Diversity & Inclusion Advisory and Engagement Group; Senior Management Team meetings; the Equality, Diversity & Inclusion Working Group; and the Student Executive, Equalities Officers and Class Representatives' (City of Glasgow College, 2017a:21).

That the PSED was seen as integral to College functions and that this was a process for which there was ongoing review was further endorsed in both compliance text and strategic plan:

‘As was the case with the Equality Mainstreaming Report 2015, a systematic review on the progress the College has made in making the Public Sector Equality Duty (PSED) integral to the exercise of its functions so as to better perform the duty was conducted’ (ibid: 22).

Whilst it was made clear within its strategic text that compliance with equality law was regarded as important, the framing of equality, diversity and inclusiveness as one of the six core values of the College, can be regarded as active endorsement of the mainstreaming principle. An Access and Inclusion Initiative aimed ‘to anticipate need, identify and eliminate barriers to participation, and ensure that everyone is given a fair and equal opportunity to an outstanding student experience’ (ibid: 13), further naming the set of issues as a high priority, as a sign of commitment and as requiring continuous improvement. That this was not merely rhetoric was vouchsafed in an interview with a representative of the disability advocacy organisation from community two:

‘I can identify real genuine improvements as I say in terms of how they support students across different protected characteristic groups and interestingly how they have also improved their support for staff across different protected characteristic group’ (Representative, disability advocacy group).

The theme of ongoing and iterative improvement was further detectable in its “Mainstreaming Matrix” which ‘allows current progress in mainstreaming the PSED to be identified, which in turn permits future action and support to be targeted (ibid:7). Yet by adopting a metaphor of ‘spotlights,’ as ‘illustrating that effective mainstreaming can be demonstrated across most functions’ (ibid:6*)*, the college nevertheless appeared to undermine its own case. If it is a

requirement of equality that members of all social groups are granted worthwhile occupational opportunities (Baker et al, 2009), the focus on 'spotlights' served to highlight that mainstreaming was fragmented and sporadic. One spotlight drew attention to the experience of women in certain industries and might be regarded as an intimation of a commitment to gender mainstreaming: 'our construction and built environments teams have developed a vocational pipeline for women seeking a career in the construction industry' (ibid:33) with the aim of tackling the significant underrepresentation of women in the industry. There was however no extended narrative on gender inequality in education or the workplace and as such it is difficult to determine whether it was indicative of a more widespread approach. Further, the spotlight analogy appeared at odds with a discourse of systemisation and rigour as represented in the following affirmation:

> 'To nurture an environment in which the equality, diversity and inclusion of students, staff and visitors from all backgrounds are routinely anticipated, expertly accommodated and positively celebrated' (ibid :26).

A further note of caution must be introduced. Whilst it is possible to attribute a level of seriousness with which the College regards its heterogeneous population, the extent to which its overall aims are likely to contribute to social justice and equality must also be considered critically if not extensively. The College has emphasised that its strategic aims and the development of its curriculum are closely aligned with the four areas of Scotland's Economic Strategy – investment, innovation, inclusive growth, and internationalism (Scottish Government, 2015d). This highlights two things. Firstly, there is a level of interconnectedness between each of the systems through which equality is either limited or enhanced. Secondly, it shows that the prism of equality law needs to be applied across both local and national organisations for its full meaning to be appreciated and for its application as a tool for structural equality to be realised. It is once again beyond the scope of this thesis to consider this in detail other than to acknowledge that whilst the national Economic Strategy in Scotland draws limited attention to systemic under-representation in the labour market of disabled people, some ethnic minority groups and older people, no reference is

made to this relationship within the texts of the College. Government commitment to equality mainstreaming is also a question that needs to be asked but again is not one that can be answered in this study. Consideration is, however given, to the Glasgow Economic Strategy in the following section.

8.4 Meaning making about equality mainstreaming across systems: The Glasgow City Council 'family'

The reach of the Glasgow City Council 'family' is both extensive and central to the experiences of the population of Glasgow. In its responsibilities, organisation and governance, it has a far higher degree of complexity than even the health care or further education organisations. In its many strategic texts and where it partners other organisations, the Council has been at pains to portray the city as one which has emerged from its post-industrial legacy 'to become a modern, outward looking, confident and growing City' (Glasgow Community Planning Partnership, 2017). Within the time frame of this study, the Council's 2012 - 2017 Strategic Plan was 'refreshed' in 2015 to take account both of new issues and to reaffirm existing priorities. The language was concerned with 'ambition,' being 'world class' and about 'long term change' with the emphasis 'on a renewed focus on economic growth and tackling poverty and inequality in the city' (Glasgow City Council, 2015b:3). Six priority themes: 'economic growth; world class city; a sustainable city; a city that looks after its vulnerable people; a learning city; making best use of our resources'(ibid:8) all, with caveats, play to the possibility of enhanced urban justice for a heterogeneous population, to the idea of cosmopolis (Sandercock, 2003) or social differentiation without exclusion (Young, 1990).

The themes of the strategic plan have been complemented and augmented subsequently by a range of other strategies and plans. This thesis has drawn additionally on the Economic Strategy (Glasgow City Council, 2016a) as a symbol of the development of the city, as a city and the Resilience Strategy (Glasgow City Council, 2016b), the City Development Plan (Glasgow City Council, 2017) and the Community Plan (Glasgow Community Planning Partnership, 2017) as markers of the development of people and place. It is however recognised that

each of these strategies and plans overlap and complement one other. All are contextualised by the Scottish Government's agenda for cities which makes claims on Scotland's cities and their regions as the powerhouse of Scotland's economy and by Glasgow's participation in the Core Cities initiative (Core Cities, 2017). Throughout the texts, a certain importance has been attributed to the city because of the extent of external resources it has been able to draw on and because of the external affirmation that has been received; being awarded a City Deal, Future City status and its 'award-winning' People Make Glasgow branding project. Latterly though, a narrative of belt-tightening in response to austerity measures has become more visible. Together the plans contribute in part to the social systems which determine how inequality and equality are generated and to the theorised dimensions and processes of equality. The relationship between elected representatives and the people they serve is crucial to the way that power is exercised and for whom, crucial to both the meaning of oppression and the way it is addressed.

The Council's 2013 -17 report on progress in the mainstreaming of the general equality duty covers the same time frame as the strategic plan and the emergence of the other plans under consideration. It has indicated that the delivery of the Council's equality outcomes has been undertaken within a context 'of mainstreaming equality in all aspects of policy development and decision making, thereby demonstrating leadership' (Glasgow City Council, 2017a:5). The aim therefore of this part of the chapter is to explore the relationship of that statement to the claims about the city and its meaning for the heterogeneous population. It considers the mainstreaming text, the texts associated with the development of city policy outlined above and a sample related to service delivery. The perceptions of a third community of meaning – politicians and senior managers are included. Its concern is whether and how the direction that the Council family is taking the city through its many functions is imbued with the expectations or ethos of equality law.

8.4.1 Interpreting the importance of mainstreaming

A light touch approach has been taken to the identifying the relationship between the mainstreaming requirement of the secondary duties in Scotland and

the strategic plans of both health service organisations in Glasgow and the Glasgow College. In view of the greater significance of the work of the Council family to the breadth of factors which determine city life, its most recent report on mainstreaming is considered in greater depth and counter-posed with the perceptions of the third community of meaning. This community of meaning was selected for its strategic and operational decision-making authority over strategies and policies which purport to shape the future of the city and a range of the services which have an impact on the lives of Glasgow residents – education, social care, community safety, culture and leisure, land and the environment, the local economy and social justice. In these roles the participants have an indirect responsibility for equality law, and their degree of involvement and their perspectives on equality and the nature and extent to which Glasgow City Council is undertaking change with respect to equality is indicative of the power of the PSED.

In chapter 6 the overall tenor and commitment of compliance with the PSED described an equivocal picture about the Council's interpretation of both injustice and equality law. Close scrutiny of the mainstreaming element of its most recent compliance text also reveals inherent contradictions and silences. Its list of 'functions' are circumscribed; Leadership, Structure and Partners; Evidence and Information; Access to Services; Employees and Education Services. No explanation has been provided as to the inclusion of one service and not others nor for the exclusion of its strategic and planning functions. The apparent commitment by the Council to mainstream equality into policy development and decision-making, is presented as an assertion, a statement of rhetoric rather than an explanation of reality and confused by the title of the report which referred only to mainstreaming into service delivery. The statement about governance; 'to govern equality in service delivery, executive and scrutiny decision-making arrangements are in place' (ibid:5) is qualified as follows:

> 'All scrutiny and policy development committees have embedded equality
> in their remits. Reports to committee regularly highlight equality issues
> through the inclusion of an equality check on all committee report

templates. This check is linked to the Equality Impact Assessment process and must be signed off by a Head of Service' (ibid:5).

This signals a significant contradiction. The use of the word embedded here implies that equality is fixed firmly and deeply into the work of the Council committees, yet the means, an equality check on committee reports, does not necessarily confirm that consideration has been given at all times nor how any change that might be needed or warranted is addressed. No information is provided as to what constitutes policy nor whether the process was in line with Scottish Government expectations that the 'EQIA involves assessing the impact of new or revised policies, practices or services against the requirements of the public sector equality duty' (Scottish Government website). Scrutiny of the appendix in the report which listed the EQIAs that had been carried out between 2015 and 2016 showed no discernible pattern and no categorisation, making it appear random and unstructured. Whilst there were many internal policies cited, only one EQIA for a strategy with population implications – the Resilience Strategy – had been completed by April 2017 despite the strategic functions that lie within the Council's remit.

A further process of equality governance described for services identified the role of Annual Service Plan and Improvement Reports (ASPIR), a performance management tool for the Council which includes governance over equality activity. In these, 'services are asked to summarise the key findings and response to Equality Impact Assessments (EQIAs) that have been conducted during the year and set out the planned EQIAs for the upcoming financial year' (ibid:8). Whilst this too might be construed as indicative that departmental priorities and plans were constitutive of the PSED, there was a conspicuous lack of any evidence of any changes resulting from the assessments thus rendering the information as rhetorical. In this persistent citing of the EQIA process of mainstreaming it was its technicality that had assumed importance rather than its purpose in relation to an underlying analysis of inequality or its engagement with those whose experiences it purports to address. As a democratically elected organisation this approach represents the antithesis of mainstreaming as 'an institutional tool of deliberative democracy' (Squires, 2005:367).

In its briefing note for councillors and elected members, the Improvement Service for Scotland and the EHRC (Improvement Service, 2013:6 has highlighted their important role in championing equality and in its scrutiny and particularly in representing the needs of their constituents:

> 'Your role in leading, supporting, defending and advocating for the people and communities you represent means it is important that you have a solid grasp of how equality feeds into the day to day workings of the council.'

As such, the leading political party is particularly well placed to fulfil this role because of its power over the Council agenda and all the interviews that were carried out with politicians were those from the majority party at the time of the fieldwork for the study. As the deputy leader of the Council, chair of external governance meetings with the ALEOs and a member of the HSCP Joint Board, the political lead for equality had a pivotal role. His belief that the City Council was fully cognisant of the meaning of equality has already been identified in chapter 6. Other councillors concurred with the rhetoric of the importance of equality, the political commitment to its enhancement and to compliance with the PSED:

> *'My understanding of what it means in terms of your ability to take part in society and the support to take part in all aspects of society, the economy, and of course democracy as well, then equalities are absolutely at the heart of that'* (Political lead for social justice).

> *'The issues and understanding of equality are already there'* (Political lead for Education)

> *'I think equalities is very much at the heart of, of anything that happens within the City Council, whether what happens within City Council Departments or whether it's within Community Planning. It's about delivery of opportunities for all'* (Political lead for Community Planning).

'Community Safety Glasgow is aware of it (the PSED). I mean we have a twice-yearly equalities update to the Board which I've asked for' (Political lead for tackling hate crime).

Despite this affirmation and in spite of their political leadership, the prevailing tone was nevertheless one of uncertainty about the meaningfulness of what was happening to embed equality across the Council functions. In the face of the emphasis placed in mainstreaming text on the role and governance of EQIA, the following lengthy passage concerning a report to Council about a source of funding, the political lead for equality described a reality which was at odds with the public account:

Senior politician and equality lead: This is quite a good example actually because what this report is the integrated grants fund and its tens of millions of pounds and it works for the range, raft of organisations in the city to do a whole lot of different things including promoting equalities so when we get to the back of this in terms of recommendations, actually it's not at the back, it must be at the front. It will say equality impacts; EQIA carried out. An EQIA has been carried out as part of the process of development… Outcome: the EQIA has informed the assessment criteria and process. Now, an executive member sitting there, a politician sitting there might be tempted to look at that and say, that's fine, that's informed the assessment criteria. But what does that mean? I know what it means because of my role in terms of equalities but, so there's legislation and yes, it's been done. Officers have said it's been done and that's fine and all the rest. But what difference has that actually made to this process. Have any of the recommendations been changed as the result of that being done? It doesnae tell us' (emphatic voice)

Researcher: So why is that not happening then?
Politician: Well. Its either not happening because everything is hunk dory and fine and there's no need for any changes to the recommendations because it's been done thoroughly and properly or, there something in the system that suggests that even though a process has been gone through

there isn't a recognition that actually some of, some of the decisions by Council has a detrimental effect on particular groups. I don't know which of these it is, it's probably a combination of both but we need to get underneath it so that's something that the strategic equality group will need to be discussing and say, why is it when these reports come up, we rarely or ever see in here a change in the recommendations that have been made. Why is that? I will be asking.

This registered doubt and frustration that the basic requirement of an equality check had not necessarily been completed for what he termed a considerable amount of money. Secondly, and significantly, even in terms of the limited role of EQIA, he acknowledged political and organisational weakness in a fundamental appreciation of the possible impact that everyday decision making might have on 'particular groups.' Lastly, even within the context of a technical solution he could not tell from the document whether there had been any change.

Other politicians exhibited a similar frustration and a sense of powerlessness over the EQIA process. In the following quote, the political lead for tackling hate crime described what she saw as their relative meaninglessness:

'I felt the equality impact assessments were really superficial... they're a bit rote and I felt some were really quite superficial and we'd had a paper, a couple of papers to Committees where I'd thought, my God, you know, in fact one, me and somebody else we spoke to the Chair when we saw the paper and we're going to ask for this to be sent back.'

8.4.1.1 The example of the education department

The contradiction between the conviction that equality is at the heart of the Council's business, the way political leadership is exercised and the implications for organisational change was further illustrated by consideration of mainstreaming within the Education Department. This was presented as an exemplar in the formal mainstreaming text in a lengthy sub-section. Here, there was rhetorical representation of mainstreaming; 'the promotion of equality and diversity is a requirement in every educational establishment's statement of

Vision, Values and Aims' (Glasgow City Council, 2017a:15). There was a language of inclusion; 'Education Services continue to include as many children and young people as possible in mainstream provision with appropriate support' (ibid:16). There was also apparent pride in schools; 'the resulting report concluded that schools and nurseries were harmonious places where employees are committed to the principles of inclusion' (ibid:*17).* Yet, there was also inference that schools are problematic places for certain forms of identity; 'Education Services worked closely with partner organisations to deliver initiatives to raise awareness about diversity and tackle homophobia' (ibid:18). A list of actions was designed to present the Council in a favourable light, yet they did not make the purpose of education clear, revealed little candour about limitations in terms of any prejudice, discrimination and inequality and made no indication of what a systematic approach to mainstreaming would be designed to achieve.

As further evidence of the contradictions that exist between the mainstreaming report and the core business of the Council, there was no reference to the showcasing of the Education Department within the Department's ASPIR text for 2016/17. Not only might it be expected that within the ASPIR text, the significance of EQIA would be reported on but that the other developments would be signalled as a measure that equality mainstreaming was being enacted. Within the body of the ASPIR text, allusions to equality were confined to cultural diversity and the generic statement, tackling inequalities. Equality was once again presented as 'equalities,' grouped in a category with 'benchmarking' and 'inspection,' a feature of all ASPIR reports. This provided further evidence of the transactional nature of mainstreaming. Further, an action, where it was the most vulnerable and deprived that were singled out for attention, both exemplified the pervasiveness of a vulnerability discourse and ignored the intentions of the mainstreaming report. A passing reference to gender also bore no relationship to the content of the mainstreaming report, its reference to gender imbalance apparently more concerned with the involvement of men rather than with gender inequality:

'Equality impact assessment work focussed largely on the 2016/17 Transformation Programme. In addition, efforts will continue to address the gender imbalance across elements of the service with a particular

emphasis on parental involvement and the early years' workforce' (Glasgow City Council, 2016: 21).

The interview with the political lead for education was also enlightening. Despite her conviction that the issues and understanding of equality were already present, she nevertheless maintained that the law was required to give an *'extra fillip'* to what she called requests, presumably for funding. In the following extract, it is clear that she regarded equality law as having an important role as a bulwark, required to prevent a move away from equality, implying uncertainty about her expressed conviction that the principle of equality was embedded within the Council:

> *Researcher: So, you're painting this very strong picture of equality being a fundamental principle?*
>
> *Senior politician: It has to be, it has to be and of course it will falter in practice*
>
> *Researcher: Do you think the legislation is now redundant or there is still a need?*
>
> *Politician: We've got a culture where we still need it … There's going to be a continuing need in these very troubling times to have legislation which gives fulfilment, equality, openings, education to black people, Caribbean people, Afro Caribbean people, Indians, Pakistanis, Scottish Asian and Scottish everything else, LGBTI, people with disabilities and people with learning disabilities (Political lead for education).*

But, when asked about how she saw her responsibilities in relation to Education, she revealed that her primary aim did not take the fulfilment and equality of all social groups into account. In claiming that *'basically I want to raise attainment, I want to close the gap between the advantaged and the disadvantaged, those in say Hillhead and those in some of the disadvantaged areas,'* she both denied equality mainstreaming as a priority and elevated the importance of defining injustice as relational between certain homogeneous communities. Without acknowledging it as such, her view, like that of others, supports the Rawlsian

view of social justice (Rawls, 1971), here concerned with distribution of the primary good of educational attainment.

Contradictions were similarly evident in the interviews with senior officers within the Education Department in a way that also belied the positivity of the mainstreaming report. The pre-occupation with poverty as the defining injustice mirrored that of the political lead:

> *'There's huge inequity of opportunity across the city as well. A lot still driven by poverty, levels of poverty, level of parental engagement, opportunity to further your own aspiration, to make something of your life and although we've done a lot over the past few years in terms of raising attainment in Glasgow, there's still pockets of the city where there are huge gaps in terms of the haves and the have nots. So there's huge issues still to be tackled' (Head of Inclusion, Education Department).*

From this interviewee and from a colleague who worked more closely on equality issues, something more fundamental emerged; the nature of the challenge that mainstreaming equality posed, detectable in both non-verbal indicators and in the language of despair:

> *(Sighs)'When you talk about inequities in Glasgow I'm thinking about the challenges in schools, I'm thinking about the challenges our young people face, that our staff face, that our workforce faces and I think across the board, I would say that, ignorance and not knowing and being comfortable and familiar to explore and talk about things is a very, very big thing for us' (Quality Improvement Officer, Education Department).*

The consequence was a default to pragmatism and an acknowledgement that the demands of heterogeneity were too complex. Echoing concerns previously expressed within the advocacy group about an unwillingness to deal with the complexity of heterogeneity, the same interviewee highlighted that '*there are the 10 protected characteristics but what we couldn't do is tackle everything for*

each characteristic at the one time.' As a consequence, a decision had been made to focus on evidence about homophobic bullying and make this a priority.

The emerging sense that there were organisational difficulties with the mainstreaming challenge, especially one with such complex networked governance arrangements, was surfaced from other officers and councillors. A senior policy officer with responsibilities for Our Resilient Glasgow drew out the contradictions inherent where political power is concentrated yet organisational power is dispersed:

'I do honestly think in any organisation there is a balance to be had, you know particularly when you look at mainstreaming issues like equality and sustainability and so forth. There's always that balance of the corporate centre and letting services get on with it, ultimately you want them to understand what to do well and to do it because you don't understand the nature of doing, social care or pavements or galleries. On the other hand, I do think they need to be pushed from the centre because this is a political organisation with a mandate to do these things that wasn't decided by me but by the people of Glasgow and their 79 representatives of which a majority administration has a strong interest in issues like social justice. So, I do think therefore there is a need for a stronger corporate role there.' (Senior policy officer, Land and Environmental Services)

8.4.2 Equality mainstreaming and urban justice for the heterogeneous population in Glasgow – rhetoric or reality?

The evidence so far suggests that the mainstreaming of equality within Glasgow City Council is one where the rhetoric of the mainstreaming text can clearly be challenged. There are indications of complacency from the elected representatives, lack of clarity on the meaning of equality and contradiction in the extent to which governance arrangements serve the mainstreaming intention. The final part of this chapter does however focus more specifically on the sample of policies and strategies with implications for urban justice for the heterogeneous population in order to discern whether and where there were

more subtle processes which represent equality mainstreaming. It does this by firstly focussing on those texts concerned with the development of people and place and secondly the framing of the city through its economic strategy whilst recognising that there is a certain artificiality about this distinction because of the interrelationships between each of the texts.

8.4.2.1 People and place

Recently, Glasgow City Council has sought to place considerable emphasis on the importance of people of Glasgow. Following a succession of branding exercises over the last 30 years aimed at painting a picture of positivity to both the external world and residents, "People Make Glasgow" was launched in 2013 by the City Marketing Bureau, under the auspices of the ALEO, Glasgow Life. Signifiers of the brand are visible throughout the city and one politician cited it as a metaphor for the Council's commitment to the full range of the population:

> *'I mean I think we're quite good about trying to get the whole People Make Glasgow, that whole image of our diversity. I think that that has been really, really positive and good. I think it's got the message out to people'* (Political lead for hate crime: Chair of Hate Crime Committee).

This was at least partly endorsed by the Director of Cultural Services, whose department was responsible for the Council's marketing bureau and consequently for the message. Whilst not specifying what was meant by people she nevertheless claimed:

> *'...that there is a real understanding around people being at the core of all of this and again, that is what I try to do with all of this, actually it's back to people.'*

At the same time, she acknowledged that *'there's an industry in here,'* suggesting that the branding was concerned more with painting Glasgow in a positive light rather than an acknowledgement of the complex nature of the population.

For policy and strategy to have meaning for the heterogeneous population, its existence and the complexity of injustice would need to be visible, where otherness is both recognised and addressed positively (Young, 1990; Sandercock, 2006). Close scrutiny of policy texts which purport to be addressing Glasgow's problems and improving its future present a contrasting acknowledgement of the complexity of the Glasgow population which partly reinforces but mostly contradicts the optimism of the elected member's observation. No mention was made in the equality mainstreaming text of the People Make Glasgow project as a signifier of heterogeneity. The strategic plan was similarly equivocal about the complexity of the population: in its initial iteration, the Council reported that it had 'been told' during consultation with the 'people of Glasgow' 'including equality organisations and groups as part of our equality scheme' prior to the development of its five year strategic plan in 2012 that 'a city where there is fairness, diversity and equality for all" should be a priority (Glasgow City Council, 2012:4). Its refreshed version in 2015 has however made no further reference to diversity or acknowledged the heterogeneity of the population thus ignoring evidence of the different ways in which social groups experience the city.

The Understanding Glasgow Project (GCPH, 2015) has produced a serviceable tool for planning which represents the population as if it comprised a village of 100 people and takes into account some of the demographic dimensions of heterogeneity - sex, age, ethnicity, disability and religion - if not the measures of injustice. Despite having this to draw on, no significant use has been made of the information: the Resilience Strategy for example cited both People Make Glasgow as an indicator of the Council's support for communities and the graphic but made no further use of the data (Glasgow City Council, 2016b).

In a 'letter' as an introduction to the Resilience Strategy, the then leader of the Council stated; 'I want our city to be a fairer, more just place where resilience grows from strong communities' (ibid;1). This extends into the vision of the strategy, quoted here for what is says about what is worth celebrating and for its commitment to health and wellbeing, a consistent theme within all the sample of texts:

'Glasgow is a thriving, inclusive and resilient city. We celebrate innovation, production and culture. Our city is a fair society, where all Glaswegians enjoy the best possible health and well-being,and have the opportunities to flourish.' (ibid:14)

Resilient cities, it maintains are ones which 'survive, adapt and grow' whatever stresses and shocks occur (ibid:6). The qualities required for this have been identified as reflection, robustness, efficiency, flexibility, resourcefulness, integration and inclusion – 'Glasgow is a city that welcomes all people, advocates for social justice, and ensures equal opportunities for people and places to thrive' (ibid:7). Innovation, production and culture have been celebrated, the building blocks of what Young (1990) describes as the virtue of eroticism or the pleasure of different experiences, yet the advantages of heterogeneity have not. Engagement with advocacy groups representing people with protected characteristics as part of an extended engagement process infers an apparent commitment to respecting heterogeneity; 'twelve workshops were held with nine stakeholder groups, including the Glasgow Disability Alliance; West of Scotland Racial Equality Council; Interfaith Glasgow; Glasgow Homelessness Network and the City Mission '(ibid: 17) yet, once again, it is 'people' who are presented as the city's most important asset and the norm of homogeneity reinforced.

Where this engagement with social groups and the completed EqIA might have been expected to translate into a recognition that prejudice and discrimination are inimical to resilience, the strategy is silent. Similarly, strategic 'pillars' committed to fostering civic participation and empowering Glaswegians might have considered the nature of marginalisation and recognised how the legal requirement as part of the PSED to pay due regard to fostering good relations contributes and endorses this aspiration. In these omissions it is ironic therefore that the same senior policy officer who drew attention to the tension between corporate and departmental leadership intimated that for some, like himself, the principle of heterogeneity was so obvious that it had become normative in his practice; '*We know that Glaswegians live different lives, have different features and they intersect in different ways.*' At the same time, he expressed concern, and frustration, about his organisation and what he saw as the

persistence in policy making aimed at an undifferentiated population, which he characterised as '*delivering services for stick people*' (Senior Policy officer, Land and Environmental Services).

In the same way that the Resilience Strategy holds out the promise of fairness for all, the City Development Plan hints at inclusiveness and the importance of recognising diversity:

> 'We want to achieve a City that is made up of sustainable, vibrant and distinctive places which are well-designed, accessible, safe, healthy and inclusive, and which provide for the City's growing and diverse population' (Glasgow City Council, 2017c:19).

As the formal text for planning within the city, it had the potential for a new approach to planning which communicates widely, is value driven, mediates memories of belonging and takes risks (Sandercock, 2006; Fincher and Iveson, 2008). Place making is regarded as fundamental to the development plan whereby:

> 'Placemaking involves understanding the elements that contribute to an area, considering what is currently successful and what is failing. It also relies on a meaningful dialogue with stakeholders and effective engagement with communities in order to harness local knowledge and understand how new development can be successfully integrated. The aim is for new development to contribute towards the creation of successful places, based upon balancing the relationship between the physical, social and economic characteristics of the area' (ibid: 27).

The existence of a place making principle is an important one in terms of spatial justice where creating the opportunities for the successful use of public space by all social identities. It can facilitate encounter, both fleeting and stable, across the population (Fincher and Iveson, 2008). Further, place-making should take account of unjust geographies resulting from, for example, racism, gender discrimination or negative experiences as a consequence of sexuality (Soja, 2010). Concerns with wellbeing which the Development Plan invokes can only be

met by considering multiplicity and difference (Amin, 2005). For this to occur however, recognition of difference might be expected to be forefront and the requirements of the PSED acknowledged and acted upon.

Yet, only one statistic – 'the non-UK born population of Glasgow rose to 14.6%' (ibid:10) - served to explain this diversity and was itself only an oblique reference to the ethnic complexity of the city. There was mention of the youthfulness of the population – 'The City has a relatively young population compared to the rest of Scotland' (ibid:10) – but no mention of women and men, the disabled population or of sexual orientation. More has been made of Glasgow's creative population than of social identity – 'Glasgow is home to 41% of Scotland's actors, dancers, broadcasters, 38% of its musicians and 29% of its artists and graphic designers (ibid:10). Rather than an appreciation of the differential meaning of space and place for different social groups, the concern with people was once again on undifferentiated geographical communities. There is no evidence that women or disabled people or minority ethnic communities for example experience the city as the 'other' in relation to a set of norms where they are not included. Nothing in the document takes cognisance that Glasgow is part of the Global Network of Age-Friendly cities, cited within the mainstreaming report. Despite the references to consultation, the implication from the definition of place-making and the subsequent content of the plan is that new developments are formulated by 'experts' rather than occur as the result of collective efforts between planners and citizens (Sandercock, 2003, Fincher and Iveson, 2008). In this respect, it reinforces previous findings in Scotland which have highlighted that where there is a focus on injustice in relation to place making it is largely confined to socio-economic inequality and that social groups have been' easy to ignore' (Matthews et al, 2012).

In the face of these silence on heterogeneity and equality, the Community Plan apparently sits apart (Glasgow Community Planning Partnership, 2017). Purportedly the means by which public authorities operate as an effective partnership, pooling resources and expertise for the enhancement of the city, it aims to complement the individual strategies within the city. It is a complex text, attempting to identify how these strategies and others will be

operationalised by partners as well as new themes identified through the processes of community planning. A 'Fairer More Equal Glasgow' (ibid:3) forms one of three 'focus' areas. Where other strategies are largely silent about heterogeneity, make no formal acknowledgement of equality law and appear not to have acted on its implications, the Community Plan has sought to align itself closely with the equality mainstreaming narrative of the City Council; Community Planning partners 'will not tolerate inequality and discrimination in the city' (ibid:6). Aspects of injustice are cited as they relate to the other focus areas and priority areas, the needs of disabled people noticeably emphasised, prejudice in the form of hate crime acknowledged as significant in compromising resilience.

Affirmation is given to the significance of the PSED and to the role of partners in mainstreaming equality within their day to day work. In many ways, the text is at odds with the observation of the chair of the Community Planning partnership, an elected member, who placed the emphasis for equality on organisations external to the statutory partners:

> *'We're not, this is what we tell you to do, it's about working together, about how we can harmonise that, gender equality, the disabilities and so forth and we fund organisations specifically though the integrated grant, through the sector partnerships and the area partnerships to target, you know the disability alliance is one of them. So, we fund them specifically. We want to build their capacity as much, we support them, so we work with organisations on the ground because obviously this is not something you can do on your own, but the partners obviously do their own as well'* (Political lead for Community Planning).

It is in the actions of the Community Plan however that the rhetorical commitment to equality mainstreaming is once again hollowed out by the alignment of the Community Plan exclusively to the People Make Glasgow Fairer Strategy (Glasgow City Council, 2016). This latter strategy has been 'co-produced' with the partners in the Poverty Leadership Panel, its aim to make 'poverty a thing of the past' (ibid:8). In an apparent recognition of the way that poverty is differentiated, this text highlights pensioner poverty, disability and

poverty, poverty among ethnic minorities and lone parent poverty. Its one reference to discrimination, 'discrimination limits opportunities in a variety of situations,' (ibid:15) is made in relation to the experience of ethnic minorities only, its actions contradictory by making no further reference to these groups or to way that the links between discrimination and poverty might be tackled. That this is contested within the city has been presented elsewhere in this thesis, but the extent of the contradictions prompted representatives of the disability advocacy organisation to refer within the discussion group to its likely withdrawal from the Poverty Leadership panel as a result of its 'tokenism.'

8.4.2.2 The framing of equality through Glasgow's economic strategy

The nature and application of the economic system and its relationship to social justice and equality for the heterogeneous population has been considered within Chapters 2 and 3, although much of the literature is critical to the way that the dominant economic form, neoliberalism is inimical to these outcomes. As such, the Glasgow Economic Strategy (Glasgow City Council, 2016) is highly significant for the city and its people, fundamental to the achievement of equality of resources, to the realisation of satisfying work but also in the way that it informs the basis of other strategic texts. A full analysis is not possible here, rather, as with the examination of other texts, the intention is to consider within the limits of its intentions whether there is evidence of the mainstreaming of the general equality duty or its aspirations.

Throughout this thesis, consideration has been given to the language that is used as an expression of social justice and it has highlighted both the way that fairness is represented in the literature and the way that is viewed by the communities of meaning. An explicit narrative on fairness is apparent in some of the sample of policy texts and is absent from others. Within the Economic Strategy, 'a fairer Glasgow' is presented as a key condition for achieving its aim which is to 'make Glasgow the most productive major city economy in the UK' (ibid:4). Its prevailing discourse about fairness concerns injustice as poverty and inequality - socioeconomic inequality - although the 'machinery' by which these problems are generated is not discussed explicitly. Fairness, it is argued, will be realised through a commitment to inclusive growth, also the dominant feature of

Scottish Government economic policy, whereby the aim is to ensure that the connection between the city and its citizens will be strengthened, in order to build a city economy that is genuinely inclusive (ibid:14). Inclusive growth has been described as growth that 'enables the widest range of people and places to both contribute to and benefit from economic success' (ibid:30).

Empirical evidence presented in chapter 2, made it clear that the causes and experiences of poverty as well as access to employment are differentiated across social groups, requiring differential solutions. This is also an argument consistently presented by advocacy groups in the city which was surfaced in Chapter 7. There is however no exploration of this within the Economic Strategy. Only one brief reference has been made to differential access to employment, where it has been associated with 'under-representation' in skills development programmes for young people; 'We will significantly increase the number of people supported through the Glasgow Guarantee from underrepresented groups, such as those from black, minority and ethnic (BME) communities, care leavers and people with disabilities' (ibid:5).

Despite this silence, the Head of Economic Development was however able to present a more nuanced perspective than was easily discernible within the strategy texts. This indicates some inherent weaknesses in relying on text alone to discern meaning. His interview suggested that he was appreciative that within the current parameters of current economic thinking within the city, there was an emerging understanding of the need to undertake '*planning with equality in mind and that's probably had a greater impact than you might realise*.' Although he did not directly attribute this to formal compliance with the PSED, he was nevertheless able to describe a shift in sensibility towards heterogeneity, partly related to a culture of expectation around EQIA. By way of an example, he cited the way a more systematic interrogation of data had led to greater understanding of differential access to the labour market and reflection on the nature of the barriers that existed for girls, disabled people and people from ethnic minorities.

By way of contrast, the Director of Strategy within the HSCP notably drew attention to what she regarded as the dominant discourse within the Development and Regeneration Services (DRS) department where responsibility for the Economic Strategy and the City Development Plan lay. She questioned whether there was genuine concern within the way that city was being framed for its people, describing a pre-occupation with physical regeneration and wealth creation. The role of the HSCP, she maintained, was to contest this view and to ensure that the 'people side' was an integral requirement:

'If we're not about those discussions they're not going to be able to realise that true regeneration of the city so they might get big buildings and they might get banks and HRMC coming in to do business in Glasgow but unless they are talking to us about the people side of that then that aspiration is not going to be realised.' (Director of Strategy, GHSCP)

At the same time, a senior member of DRS was very clear that when new projects were developed it was using criteria other than the needs of the heterogeneous population in mind:

Researcher: And would cognisance of inequalities have been taken into account when those projects were formulated?

Senior Policy Officer: probably not, probably too early…

Researcher: They wouldn't have been identified as the result of an awareness of specific forms of inequality

Senior Policy Officer: Correct. They wouldn't have. (Senior Policy Officer, Development and Regeneration Services)

8.5 Conclusion - the 'meaning' of equality mainstreaming in Glasgow

This chapter has been based on an assumption that the requirement to produce a mainstreaming report as part of the secondary duties in Scotland associated with compliance with the PSED creates a potential for shaping the strategies of city institutions and through that, the lives of the population. The functions and responsibilities of these organisations relate to both the systems which impinge on social justice and dimensions of equality so it is axiomatic that effective mainstreaming could support the development of enhanced urban justice for the heterogeneous population. This chapter has therefore explored the underlying meanings of equality mainstreaming that are inherent in the specific mainstreaming texts and the strategic texts of the two health care institutions, the City of Glasgow College and Glasgow City Council. For health and further education it is recognised that the schematic analysis of the formal compliance text and a recent strategic text provides only a limited account of the interrelationship between the PSED and organisational activity. From the texts associated with Glasgow City Council it has been possible to provide a more comprehensive overview of discourse across different departments and actors.

In limited ways, the data suggest that the mainstreaming texts of health care and further education institutions correspond to a discourse that mainstreaming concerns everyday business and is not confined to a set of discrete actions. Further, it can be concluded from the relevant texts that the strategic direction of health care and further education has been at least partially imbued with a recognition that the population that they serve is a heterogeneous one. For both health care institutions, a discourse on the way that care and practice considers the nature and implications of injustice is a significant intimation of respect and recognition but also that way that resources are used is important for equality. Similarly, despite contradictions and silences which make it clear that the intentions of equality mainstreaming have not been fully embraced, the degree of alignment between the law and strategy implies an interplay between those who facilitate compliance with the PSED and those with the leadership responsibilities to define such strategy. For the City of Glasgow College that this

reflects a worldview within the national strategic direction for further education towards inclusion and equality can be no coincidence.

Across the Glasgow City Council 'family,' the metaphor used to reflect both directly and indirectly managed functions and services, the responsibilities towards a heterogeneous population have emerged as a more complex one. Evidence from the language used by politicians points to rhetorical commitment to equality within their areas of leadership responsibility. Similarly, those officers with responsibility for strategic development within their departments were able to articulate both commitment to equality but also a perspective that reflected a discourse of organisational stasis. The textual evidence reflected these contradictions. The compliance text for example presented mainstreaming as a series of actions with no clear narrative that mainstreaming involves an iterative, ongoing process of change. From what was said and left unsaid however in both the compliance texts and the organisations performance reports (ASPIR texts), there were signs that the Council intended the reader to accept that it understands the meaning and intention of equality mainstreaming and that it knows how and when to undertake it. This masking is an important finding as it indicates what Fairclough (2003) regards as both power *in* discourse and power *behind* discourse. The former refers to the cues which are used to convey context and attitude to the subject, shaping the relationship between the producer of the text and the audience. The latter shapes the reader's assumptions and affects the interpretation of what is conveyed.

Although masking applies to all the organisations in the sample, for the Council, whose actions and decisions affect the lives of the heterogeneous population in Glasgow in so many ways this reading of equality mainstreaming is especially important. By appearing to represent mainstreaming as neutral and contained, requiring the most limited description of a process, this effectively diminishes both its potential and what its delivery might expect by way of change. The dispersal of power across the City Council does however create both strengths and weaknesses. Its strength lies in the apparent desire by motivated senior staff who have authority to explore and stimulate a more nuanced approach to equality through mainstreaming intentions. Its weakness is that there is

inconsistency which even political leadership appears not to have sufficient authority to address – even compliance with the limitations of the EqIA process is viewed as partial, incomplete and lacking in effectiveness. At the same time, an apparent preoccupation with the importance of the volume of EqIAs carried out points to another contradiction which has previously been highlighted in the literature (Walby, 2005) whereby achieving equality is as the result of a technical fix.

Overalll, textual analysis of the Council's key strategic documents has unearthed the dominance of the theme, revealed in previous chapters, that Glasgow aspires to be a world class city yet the heterogeneous population and the mainstreaming of its needs is either absent or secondary to other priorities. A discourse concerning the need to tackle poverty is represented as the main social justice aspiration yet once again the causes and the response are mainly silent on their differentiation across social groups. That the nature of the population and its requirements is not presented in the foreground of key pieces of place-making policy within the city with the interesting exception of the Community Plan is perhaps indicative of the ideal of impartiality (Young, 1990). This further resonates through explorations of planning in Glasgow in a way that Sandercock refers to as (in) difference (Sandercock, 2000) rather than acknowledging difference and which echoes the drive for homogenisation in the neo-liberal city (Fincher and Iveson, 2008; Low and Iveson, 2016). These themes are explored further in the final chapter which contains the overall conclusions that can be derived in relation to the aims of this thesis.

Chapter 9: Conclusion

9.1 Resume and purpose of chapter

The experiences of the population are complex and varied and circumscribed by identity such that some forms of identity confer privilege and others disadvantage. In some cases, different forms of identity intersect thereby creating compound disadvantage. Despite this axiom, policy and planning decisions about people's lives and how policy and practice rarely take this into account, preferring to 'reduce difference to unity' in what Young (1990:97) calls the 'ideal of impartiality.' In recognition of this, the way that equality law has evolved since the first anti-discrimination legislation has to led to responsibility being place on public authorities to play a proactive role in considering and responding to the impact of identity. The terms of the Public Sector Equality Duty (PSED), a component part of the Equality Act 2010, are such that authorities are required to pay due regard to a general duty comprising three aims - tackling discrimination and victimisation, promoting equality of opportunity and fostering good relations. In advancing equality, it makes clear that organisations are required to remove or minimise disadvantage arising from protected characteristics, to take steps to meet the needs of people from protected groups where these are different from the needs of others and to encourage people from protected groups to participate in public life. The responsibilities or secondary duties associated with the PSED in Scotland have strengthened the vagaries of due regard by restricting the autonomy of organisations to decide on the limits of compliance. These include the production of equality outcomes, reporting on mainstreaming the three aims of the duty and assessing policies and practices.

The rationale for this study had its origins in the practical experience of complying with the PSED within one large and complex public authority. Inherent within this work was the realisation that promoting equality is a wicked issue and making sense of that required investigation of a bigger picture than could be achieved through the lens of an individual organisation. With a concern therefore

for what it has termed the heterogeneous population at its core, the thesis has drawn on multiple literatures to create a set of sensitising concepts or framework for investigating the meaning and reality of compliance with the PSED in one city, Glasgow. Overall, the study has sought to answer the question as to whether and how the PSED and the Scottish secondary duties enhance social justice. No other research has examined the potential of the PSED in this way.

This framework was created through the incremental and iterative development of a set of interlocking ideas. The first of these was that the strong discourse on social justice which has permeated Scottish policy making since devolution provided a logic for theorising equality within that context and the second was that cities are the crucible for the struggles for rights and justice. Given commitment by public authorities, the third idea was that the application of the Scottish Secondary Duties has the potential to affect the way that the population and social justice are conceptualised and to impinge on the core business of large public authorities in a way that could effect change in the pre-requisites for enhanced urban justice. The city under investigation, Glasgow, was chosen for its significance as the largest city in Scotland, for its representativeness as one of the Core Cities within the UK but also because the professional experiences of the researcher provided historical knowledge, insights and access to key actors.

The purpose of this final chapter is twofold. Firstly, it focuses on the research, summarising the approach taken to the study and its findings and the conclusions that can be drawn from the findings in relation to the research questions and associated sensitising concepts. This includes the strengths and limitations of the study. Secondly, the chapter considers what has been learnt in relation to both theory and practice and using this as a basis, determines what might be the implications for both for future research in the field and for policy making.

9.2 Approach to the study and to its findings

This has not been an evaluation of the extent of compliance with the secondary duties nor of the impact of equality outcomes, rather it has sought to interpret

the underlying meanings associated with that compliance using the principles of IPA. This has utilised a methodology and set of methods whereby evidence was abducted from various sources and in different ways allowing both critical investigation of the sensitising concepts drawn from the literature and for other discourses to be surfaced. The sources of data comprised compliance texts from a sample of organisations, interviews and a discussion group with communities of meaning and a sample of strategic and policy texts with implications for the shaping the responsibilities of both the individual organisations and Glasgow as both place and space. The sample of organisations was a purposive one, selecting from those public authorities covered by the PSED which best represented the social systems which impinge on equality as social justice and whose combined responsibilities and activities had the greatest reach over the Glasgow population. All were involved in a trajectory of change; in the way that health and social care is provided, in the modernisation of tertiary education and in defining and shaping the nature of post-industrial Glasgow. The purpose in selecting strategic and policy texts associated with the sample of public authorities was to determine the commitment to, and the extent and nature of equality mainstreaming within the context of their overall aims and objectives.

The first two findings chapters (Chapters 6 and 7) were organised to consider the meaning that could be abducted from compliance texts, both nationally and locally, and from two communities of meaning – equality leads and advocacy groups. The focus nationally was on the compliance text produced by the Scottish Government for the context that it created for local public authorities. Within Glasgow, the focus was on the two health and social care organisations, on the largest further education institution and on local government. The aim was to determine underlying perspectives in relation to the purpose and utility of the PSED and to juxtapose data from the two communities of meaning for consistency and contestation.

Chapter 8 examined mainstreaming reports in more detail and strategic documents of the organisations under investigation in order to determine relationships between the PSED and the way each organisation was evolving and their likely meaning for the heterogeneous population. The extent of the

strategic and service functions of Glasgow City Council has resulted in a wide range of documents which relate to these functions and consequently to the parameters of the city. As such it was approached differently from the health and social care organisation and from further education, by firstly determining the importance that could be attributed to mainstreaming through consideration of both its formal report and the third community of meaning - politicians and senior officers. Secondly, broad- brush consideration was given to the strategic plan, the resilience strategy, the city development plan, the community plan and the economic strategy for their association with the pre-requisites for urban justice and their implications for the heterogeneous population. The conclusions as to whether and how the PSED and the Scottish Secondary Duties enhance social justice within Glasgow are presented below using the sensitising concepts as their basis and a compositing of the different sources of evidence

9.3 The heterogeneous population

Chapter 2 considered the case for the heterogeneous population, firstly by summarising the evidence for experiences of prejudice, discrimination and inequality by which different social groups are characterised. It then sought to consider the literature on the structural mechanisms by which these outcomes occurred before reviewing theories of social justice for their explanatory potential in taking full account of the diverse ways in which the heterogeneous population experienced injustice. It is a fundamental argument of thesis that it is through the lens of identity that people are most likely to explain who they are (Yuval – Davis, 2010) and that recognition of heterogeneity is enabling and energising (Young, 1990). Despite many theories of social justice being equivocal about the role played by social identity and its relative importance, it was nevertheless possible to conclude that each contributed something to this understanding. It was for their practical application to empirical research however that the chapter concluded with consideration of equality of condition (Baker at al, 2009) and substantive equality (Fredman, 2016) for the way they had drawn out salience from the work of other authors - that concepts of fairness and equality are inherent to social justice (Rawls, 1971), that there are essential dimensions of social justice or equality (Sen, 1979; Nussbaum, 2000)

and that these are mediated through a set of social systems (Young, 1990; Fraser, 2003).

By drawing on these inter-related themes as a line of inquiry it was intended to determine perceptions of heterogeneity, the nature and causes of injustice and the way that equality as social justice was conceived and articulated. Despite equality law foregrounding heterogeneity through the set of characteristics that it protects, it can however be concluded that there was an equivocality about the significance and implications of identity which was reflected both nationally and within Glasgow. Consequently, there was little articulation about how the challenge of population complexity could and should be used systematically as the basis of decision making.

Throughout the content of the compliance texts there were expressions of respect for and recognition of heterogeneity and this was not surprising in view of their purpose. Whilst, it cannot be claimed that the level of respect accorded fulfilled the expectations of equality of condition (Baker et al, 2009) or a politics of difference (Young, 1990), diversity was largely presented as bringing benefit and worthy of celebration. Further, there were strongly worded denunciations about the iniquities of prejudice and discrimination in line with a move towards substantive equality (Fredman, 2012). There was however divergence about what lay behind these manifestations and therefore how the PSED was being interpreted as both a signifier of injustice and as a mechanism by which this could be addressed. In so much that there was some limited recourse to conceptualising injustice as systemic and structural within the Scottish Government text, albeit with greater emphasis on certain social groups than others, this appeared to exert no impact on the way that the local texts were formulated. Similarly, the apparently greater awareness and understanding of a structural analysis of different forms of oppression and of intersectionality by the representatives of the advocacy groups, had not apparently been drawn upon to contextualise either compliance texts or strategic texts.

It was possible to infer from an apparent willingness to make public that discrimination existed within the organisations – particularly NHSGGC, HSCP and

College of Glasgow - that they, as institutions, appreciated that they played a role in creating injustice and that this needed to be surfaced and dealt with. Whilst this suggested that the more nuanced understanding of the associated equality leads had had some influence, there was still nothing to suggest from texts that this stemmed from an organisational appreciation of their overall contribution to the wider structural determinants of inequality and equality. This was even less visible in the Glasgow City Council compliance texts. Here, there was a dominant discourse around attitudes and behaviour of the general population and their role in the prejudice and discrimination experienced by social groups. From this, it appeared that the Council placed the origins of injustice as external to its role as a large and complex organisation with responsibilities that span both social systems and dimensions of equality. This was further evident by the way that the theme of vulnerability pervaded its compliance texts, its strategic texts, and by and large, the views of its participants within the communities of meaning. Whilst concerns with vulnerability can be taken as a measure of empathy with those who are oppressed, it can also be viewed as an expression of privilege confirming the status of those who are considered vulnerable as 'other' (Cole, 2016).

At the same time, some of the compliance texts had been used to express commitment to, and action on, one perceived form of significant injustice which is not directly within the current jurisdiction of equality law. Prominence was given to the tackling of poverty and had been addressed particularly extensively by the Scottish Government and the City Council but also referenced by the health and social care organisations. With the history of the prevalence of poverty and its current context in both Scotland and Glasgow, its inclusion is perhaps unsurprising, yet the purpose of its prominence was unclear. An anti-poverty discourse is an acknowledgement of the redistributive aspects of social justice and is a tangible manifestation of recourse to principles of fairness (Rawls, 1971). There is a substantial literature that shows how it is generated and experienced differentially across social groups (McKnight, 2014), an issue that was referred to within chapter 2 but this was little reflected upon, the implications largely not identified and outcomes not designed to address these differentials. From this it can also be argued that the complexity of injustice had

not been understood and that the impacts of sexism, racism and disability discrimination subordinated, together with their intersectional nature.

9.4 The meaning attributed to the PSED

Presentation and appearance of documents are markers of the importance attached to their purpose constituting as they do the concrete statements of concrete actors (Wagenaar, 2011). Those associated with the PSED suggest there were differences in the way that organisations covered by the study viewed their worth. These differences were exhibited in terms of attention to detail, of attractiveness, whether there was written endorsement from the most senior levels of the organisation or not, the use of a prose style which is explanatory and aimed at reaching a wide set of audiences or one which is obscure, and by a pre-disposition to either humility about what can be achieved or hubris. Each of the organisations concerned show strengths and limitations in relation to these characteristics yet it is the set of documents produced by Glasgow City Council whose presentation and appearance were most marked by lack of attractiveness, by lack of endorsement, and by obscurity and hubris. From this it might be concluded that lower priority has been given to presenting the purpose and the consequences of complying with the PSED than with the showcasing of other Council commitments, once again relegating the heterogeneous population to secondary importance.

Indeed, acknowledging the significance of the activities of Glasgow City Council to both social systems and dimensions of equality identified by Baker et al (2009) and to an understanding of substantive equality (Fredman, 2016) has been an underlying argument of this thesis. In this context, from interpreting the significance of the findings texts, interviews with its expert policy cohort and its political and senior officers, it can be concluded that the discourse on equality is, at best, partial and fragmented, and at worst, distorted or absent.

The absence of a differential approach to poverty could be construed as a form of institutional discrimination in itself and as well as evidencing limitations in understanding of injustice, evidenced a failure in the interpretation of the PSED.

Indeed, it brought to the fore a distinctive tension that existed across the communities of meaning which centred on the state of internal scrutiny, power and voice, in a way that undermined the pre-requisites for effective delivery of due regard (Hepple, 2011b). That the advocacy groups regarded themselves as often unheard in their concerns about the way that poverty was presented in relation to PSED compliance signalled both a disregard for dialogue and further indicated an unwillingness to interpret the full implications of the aims of the general duty.

Paradoxically however, although the issue of poverty emerged so strongly within texts, through interviews and as the source of debate within the discussion group it masked a contrasting conclusion concerning the utility of both the Equality Act 2010 and the PSED. Each of the communities of meaning but particularly the equality leads and most of the advocacy groups considered the Act and the PSED within it as a necessary and well-constructed piece of law. Its importance lay in the perceived leverage that it provided for those within and outside the institutions although the weakness of external regulation was deemed a significant problem. In this respect, it endorsed findings in the literature about the inadequacies of both the regulator and the judicial process for the task of judging and moderating a lack of compliance (Fredman, 2011; McColgan, 2015). That these concerns only extended to England where the secondary duties have fewer implications for organisations presents an issue for Scotland and begs the question of the leadership of the Scottish Government. That the monitoring reports about compliance in Scotland focus on the transactional requirements rather than potentially transformational opportunities of the secondary duties, this also offers no springboard for broadening and deepening the way the PSED is interpreted on behalf of the heterogeneous population.

9.5 From leverage to the shaping of public institutions in Glasgow

The emerging narrative is one in which the PSED appears to be having limited impact on the dialectic about equality in Glasgow. Nevertheless, the PSED places expectations on organisations to operationalise equality into their actions and plans and the requirement to produce a mainstreaming report in Scotland further

formalises that expectation. As Crowley (2016) has pointed out, effective mainstreaming should change both institutions and society and this underpinned both the sensitising concept about the role of public sector institutions and the corresponding research question. The opportunities afforded to enhance dimensions of equality and social systems within the typology of equality of condition has been an underlying assumption within this thesis. This is because of the range of services and responsibilities covered by the sample of organisations which give them certain powers over how they allocate resources, how they extend the conditions for love, care and solidarity, how they extend educational and occupational options and how most importantly, they stimulate a politics of difference. It has already been shown that there was general optimism about the construct of the PSED and secondary duties and about its moral as well as its legal value. Investigation has highlighted that whilst mainstreaming actions were identified, these did not appear to translate systematically into the sensibility and core business of the organisational sample.

Evidence from the reports on mainstreaming, from the sample of service and strategic plans and from the actors constituting the community of meaning who determine the political and conceptual framework for these plans once again reflected divergence and contradiction. There were some limited signs that a sensibility about the aspirations of the PSED had become integrated into the most recent strategic plan for NHSGGC. Practice which took cognisance of the impact of the way that different forms of inequality affected health was encouraged and expected. Specific policies ensuring communication with ethnic groups to facilitate equality of access pointed to development in the way that the health service contributed to the affective system. For the HSCP however it was too soon to tell what had resulted from its positive rhetoric. Similarly, the naming of equality as a core value within the strategic plans of the City of Glasgow College signified that other policies and practice would be assessed using this as a criterion. That this commitment was recognised by representatives of advocacy community of meaning to have changed practice, especially in favour of disabled students, can be considered as evidence that change is possible and that it has meaning. For the Council, the picture was a murky one. Great store was placed within texts and by interviewees on the integration of the

equality impact assessment process, yet this was reported as being found wanting as a tool for change. There was no evidence in ASPIR texts that it had helped to significantly identify differential experiences by social groups in relation to services. Similarly, scrutiny about the way that strategies for the planning of space and place, for the strengthening of local resilience and for enhancing economic resources within the city largely maintained the preference for homogeneity.

If words matter, it was the most recent report on mainstreaming from the City of Glasgow College that has had the unintentional effect of defining the essence about the scaling up of the PSED for city life. By referring to 'spotlights' to evidence examples of progress, this has provided a metaphor for the way that the PSED has been adopted and interpreted and the significance that it has acquired, small aspects of city life illuminated by its requirements whilst the rest has remained in darkness. Although arguably conforming to the view that despite inimical external conditions, islands of social justice can be maintained (Marcuse, 2009), the findings also appear to confirm the concerns about due regard and reflexive law in the literature. The additional duties in Scotland appear to have not enabled a move from a transactional approach to equality to a transformational one (Crowley, 2016).

9.6 Glasgow: A just city?

It had been the original experience of the researcher that compliance with the PSED in one organisation, however thoughtful and transformational could only ever have a limited impact on the complex nature of equality. Chapter 3 both acknowledged and explored the significance of cities for enhancing equality and social justice for the heterogeneous population and it was this that contributed to the proposition laid out in Chapter 4 about the potential which lay in scaling up the PSED across institutions. Despite the limitations of the way that the PSED has been interpreted it is however worth reflecting on the nature of the just city, how commitment PSED might yet influence this outcome and whether there were additional signs that there was a move towards greater justice for the heterogeneous population within Glasgow.

Many authors have recognised that heterogeneity is the sine qua non of a just city. It is the basis of Sandercock's cosmopolitan city (Sandercock, 2003) and Amin's good city (Amin, 2006), and the city is the foundation stone of a politics of difference (Young, 1990). Theories of urban justice have illuminated how individual and collective emancipation might be made possible through forms of planning that mobilise resources and power, take risks, alter the ethos of institutions and generate hope. There is emerging evidence that where cities have recognised the benefit of, for example, gender mainstreaming and interculturalism, this has improved the quality of living for all.

By placing itself as an economically important city within the UK, Glasgow has been attempting to position itself as outward facing with aspirations to be a world-class city, characterised by modernity, resilience, fairness, a city that is capable of withstanding future shocks and stresses. Recent strategic and economic plans have boasted about its ambition and its successes. Its recent branding, People Make Glasgow dominates the city and ostensibly places the population at the heart of the decisions that are made about its current and future wellbeing. Pride has been expressed on the welcome that has been given to asylum seekers and refugees, the city's ethnic mix a further sign of its attractiveness. Some City Council documents on its compliance with the secondary duties of the PSED have placed this work in the context of the emerging city. In its claims for greater fairness, Glasgow echoes the aims of other cities within the UK (Bunyan and Diamond, 2014), its commitment to inclusive a growth, like that of the Scottish Government, is a possible sign that the city can be used to challenge dominant economic models (Newman, 2014). By contrast with the document that he was responsible for, and in a reversal of the views of others, the lead officer for the city's economic strategy symbolised how equality impact assessment does have the potential to raise the profile of heterogeneity. When combined with the interrogation of data which surfaces differential experiences rather than superficially querying the likelihood of negative impact, his experience showed that has led to a shift in thinking if not yet to significant action. This inconsistency between thought and action, and also the terminology that he brought to bear, was not however helped by the

profusion across both texts and participants of different terminologies and their inherent meanings to signify progress in addressing injustice for the heterogeneous population. Indeed, this finding is significant as it highlights that there is 'no lingua franca' on equality adopted within the city and as a result there is a complex discourse which variously frames aspirations in terms of fairness, social justice, equality or equal opportunities. That there is no apparent debate about the complexity of this discourse and the implications of the different forms of framing can only be concluded as detrimental to the city. As the map of governance and influence drawn up in Chapter 5 has shown, there are a number of opportunities for communities of meaning to come together to examine the relationship between the PSED and the goals of the city. Inherent within the PSED but particularly in the focus on good relations between protected characteristics is a requirement to engage with the recipients of its effective compliance. Democratic participation also underpins theories of the just city (Sandercock, 2006), constitutes the basis of equality in power relations (Baker et al, 2009) and is evidence of responsibility taking for structural injustice (Young, 2011). For Squires (2005), it is key to unlocking the transformational potential of mainstreaming. The nature of the dialectic between communities of meaning suggested that despite the divergences in the way that equality was framed there were also opportunities for establishing a more coherent discourse about heterogeneity. Both the health and the education organisations had made attempts to create internal structures through which the voices of different social groups might be heard and drawn upon. Although not without limitations in relation to the nature of the representation on such groups and the power of such forums, it nevertheless intimated awareness, and willingness, to initiate a dialogue about difference. Again, and although it was largely rhetorical, the acknowledgement of the PSED within the Community Plan can also be viewed as a signifier that a city-wide conversation can be created.

At the same time, determining the meaning of the PSED has however largely fallen to designated officials within the authorities concerned, some with dedicated time and some for whom it forms only part of their responsibility. During the period of study, the City Council had created a political lead for equalities with substantial power and authority to enable compliance and

question existing power relations. Other politicians and some officials made claims about their desire and their opportunity to forge institutional change, voicing certainty about the rightness of the law and of consensus about the need to change. For Amin (2006) this would constitute evidence that decision making about the PSED was being made by enlightened urban elite. Yet, in funding an equality forum this had created an opportunity for advocacy groups to represent their combined interests and comprised a resource for the city. In the same way that the actions of social groups created the impetus for equality law (Thane, 2010), the presence of that forum was on opportunity for the articulation of the characteristics of a just city for the heterogeneous population and the role the PSED has in contributing to that.

Paradoxically, it was also the pervasiveness of a poverty discourse and that of vulnerability that appears to dominate political and officer thinking in Glasgow that revealed another contradiction but also another possibility. The extent to which concerns about poverty, socio-economic inequality and health inequality permeate service planning, economic policy and partnership working within Glasgow can be construed as a form of mainstreaming. This is an indication that, public authorities are able to conceptualise and enact this way of working once an issue acquires sufficient internal or external momentum. Overall, this signifies a lack of leadership in maximising the potential of equality law and the PSED specifically to frame cities as being about and for a heterogeneous public.

9.7 Strengths and limitations of the study

This thesis has been constituted as a complex piece of bricolage where there has been an attempt to draw together many themes into a coherent whole. This is both its strength and its limitation. Its strength lay in the way that many themes with different ontologies have been drawn upon in the service of understanding and resolving a wicked issue; the constituents and meaning of injustice and their application to different social groups, the inter-relationship between social justice and equality, urban justice, and the history and reality of equality law. The salience taken from each of these perspectives has created the means for the wide-angled charting of the landscape that was referred to in Chapter 1.

By drawing on this range of disciplines and by adopting the principles of IPA, they have enabled a narrative about equality as social justice in Glasgow to be brought to the surface. Further, as empirical research, as opposed to theory, about what constitutes a stimulus for resolving this wicked issue is limited, especially in a way that could inform the actions of public authorities in a practical way, the evidence forms the basis for further reflection and problem-solving. There would be many beneficiaries if the findings enabled greater analysis and such reflection by both the public authorities who constituted the sample and those in other cities in Scotland. This would constitute what determines the issues that the law is designed to address and how it might be used more systematically to reconfigure the services they provide and their policies and strategies. As Wagenaar (2011) has identified, IPA has the potential to contribute to democracy by aiding communication between the different actors in generating and responding to policy, for what is compliance with proactive law but a form of policy making? The staging of the discussion group facilitated by the researcher not only served to vouchsafe initial findings but created an opportunity for collective reflection and discussion by some of the actors which they appeared to welcome.

By contrast, interpreting underlying meanings associated with the PSED within the context of the city has necessitated analysis of a wide range of data sources and volume of data all of which could have provided more individual richness than could be contained within the confines of one thesis. Attempting to draw out salience from a consideration of the relationship of the PSED to service delivery, policy making, planning and strategy development has generated lines of more detailed investigation for each component that could not be followed. There has also been a tension between the requirement to present the study in a linear fashion for comprehensibility and the way that the component parts have intertwined with each other, the complexity of which has been difficult to convey. This applied particularly to the methodology which both informed and was informed by the research questions and in the way that preliminary evidence about the way that governance and influence over the PSED had to be undertaken in order to determine the communities of meaning. Lastly, by

foregrounding Glasgow City Council, greater emphasis was placed on collecting diverse data from Council related sources. This has made invisible the perspectives of other key actors in the other public authorities and the findings have possibly been distorted by limiting interviews to those with responsibility for compliance and for the formulation of the associated documents.

9.8 Contribution to knowledge and the implications of the study for future research

The emphasis within this thesis has been on the way that the equality law privileges heterogeneity and on the requirement for public authorities to take a proactive approach to equality. There are few, if any, other drivers of policy and practice which require consideration of the comprehensiveness of injustice and over which there is any regulation, however limited that might be. Yet there is very little research that could be drawn upon as to how the PSED has been interpreted. What exists is largely confined to descriptions of small-scale good practice (Clayton-Hathway, 2013). No other study has been identified that considers the meanings that are attributed to the requirements of the PSED or how the complexity of its three central aims and protected characteristics has been reflected in overall organisational change or across organisations. Whilst it was beyond the limits of this thesis to explore the theory of praxis, there was nevertheless as underlying assumption that for the PSED to be truly effective, it required a form of critical thinking, where ideas were analysed and teased out and where theory might be drawn upon and turned into practice. Further research with those responsible for compliance with the PSED would be justified, especially in Scotland with its policy emphasis on social justice, to determine how compliance could be maximised in this way and organisational transformation in favour of the heterogeneous population be enhanced. By necessity, this would require further investigation into all or specific dimensions of equality and all or specific social systems in relation to reflexive law, public administration and organisational change. In this context, theory about the necessity and form of a politics of difference (Young, 1990) as a central to realising social justice for a heterogeneous population would warrant further

testing. The barriers to change for politicians, policy makers and service managers would also require more theorising and empirical investigation.

Similarly, consideration of the implications of the duty at city level has been one way of determining both what is meant by urban justice and how that might be translated into the context of one specific city. In light of the potential relationship between an expanded form of planning which seeks to recognise and resolve urban conflicts (Sandercock, 2003), enhance encounter and understanding (Fincher and Iveson, 2008) and contest the restrictions of neoliberal governance strategies (Low and Iveson, 2016), there is a body of work to be undertaken as to how an equality mainstreaming requirement might more explicitly facilitate this. Arguably, this is especially pressing in Scotland, where previous research has shown that insufficient regard has been taken of social groups in relation to regeneration planning (Matthews et al, 2012) yet where there are aspirations that community planning and community empowerment will yield significant benefits for the population. In this sense, Glasgow is an appropriate site for such research. As a member of Core Cities UK, Glasgow is collaborating with the other largest cities within the UK to identify and act upon measures which both strengthen the potential of cities and their role in a 'stronger, fairer Britain' (Core Cities, 2017). Arguably, tackling prejudice, discrimination and the way that inequality manifests itself across the populations of those cities would be instrumental in realising their aims and would warrant consideration of how 'due regard' could be applied. If all social groups are to have a right to the city (Lefebvre, 2003; Harvey, 2008) then this requires more conceptualisation by those who both understand the city and the nature of oppression experienced within it. It is unknown to what extent there is something unique about Glasgow or whether the findings are applicable elsewhere. As the only Scottish city within the Core Cities group, Glasgow is the one city where public authorities are covered by an extensive set of secondary duties. This raises the potential for research within the other cities as to firstly, whether and what purchase the general duty has had in relation to the aspiration to greater fairness and secondly, what difference the absence of extensive secondary duties has made. The current nexus between community planning, the equality forum and equality leads in Glasgow, has been insufficient to make

policy and planning for a heterogeneous population a priority. Why this might be is another dimension in understanding how the wicked problem of equality in Glasgow could be resolved but determining the combination of power, expertise and experience that would be necessary to inform the work of other cities would be equally important.

9.9 Implications of the study for policy

The implications for policy of this study are closely related to the implications for further research. It is from the limitations that have been identified about the relationship between the PSED and the way that public authorities have interpreted its significance that the changes to policy could be drawn, even if no further evidence was available. As the population becomes progressively more urbanised and cities are given or assume more autonomy then the way that heterogeneity of the population is both acknowledged and taken account of will determine the extent to which their future plans tackle the experiences of prejudice, discrimination and inequality which underpin equality law. Cities which aspire to fairness cannot achieve this by focussing on a just distribution of resources alone (Davoudi and Bell, 2016), even if this were possible. The three aims of the PSED with or without secondary duties make it incumbent on duty bearers to consider closely how their full intention can be exercised and therefore what policies are required to ensure that core functions are informed by the duties. Further, it requires more thought about the democratisation of the policy making process such that those groups most affected by injustice do not consider themselves marginalised from that process even where they have some notional involvement. The tasks are recognised as not being easy, requiring as they do a more systemic approach to considering how the political, economic, cultural and affective systems within the city produce or reproduce injustice, how the decisions about how space and place is constructed are arrived at and how services are conceptualised and provided.

Within Glasgow there are however new opportunities. Since the research was carried out there have been local government elections and a change in the political make-up of the city. New administrations are inevitably keen to make

their mark and one of the commitments of the new administration has been to produce a draft City Charter for consultation (Glasgow City Council, 2018). An informal agreement between the council and citizens it has comprised a statement of values, a vision and ways in which both might work together to meet the vision. Were the aims of the general duty and the requirements of secondary duties placed at its heart, it is envisaged that the way that prejudice, discrimination and inequality is experienced within the heterogeneous population could come to the fore together with the implications for the way that the city moves forward. Scotland's Agenda for Cities (Scottish Government, 2016) views cities in terms of their contribution to economic growth and recognises Glasgow as the county's economic powerhouse. Throughout this study, the relative significance of redistribution and recognition has been presented as a dilemma for theorists, policy makers and practitioners. It has also argued however that the just distribution of resources needs to take full account of the way that discrimination and prejudice impede this outcome and how full cognisance of this is a matter for economic planning. Without commenting on the political and economic assumptions made within the current Scottish and Glasgow economic strategies, the implications of the findings are that equality mainstreaming would enhance the city agenda in Scotland.

The EHRC is the regulatory body responsible for enforcing the Equality Act 2010 and has been considered throughout this thesis. The divergence between Scotland and England in terms of the secondary duties has implications for the way that the EHRC exercises its regulatory and research functions. Although it has legal powers for enforcement, its preferred mode of working currently is to provide advice and guidance to organisations as well as publishing information and undertaking research. Its priorities are to clarify the law, highlight priority issues and to challenge policies or practices which cause disadvantage. The latter might be in relation to individual organisations but also across a whole sector or industry. This combination of powers and responsibilities does not however take cognisance of geography especially where the confluence of public authorities have significant jurisdiction over the systems which determine equality such as within the city. Arguably, this is an oversight and the implication of this research is that were the EHRC to place more emphasis on prioritising the compound

effect of the PSED then this would stimulate the reflection and action that the findings of this thesis advocate.

Appendix 1: Key anti-discrimination and equality law milestones, 1945 – 2014

Decade	Legislation	Protected Group	Grounds covered	Positive Duty covered
1940s	1944 Disabled Persons Employment Act	Disabled people	Employment criteria	No
	1948 National Assistance Act	Disabled people, unmarried mothers	National Insurance safety net	No
1950s				
1960s	1965 Race Relations Act	All racial groups	Discrimination in public places Establishment of Race Relations Board	No
	1967 Sexual Offences Act	Gay men	Partial decriminalising of sex between men, England and Wales	No
	1968 Race Relations Act	All racial groups	Discrimination in employment and housing. Establishment of Community Relations Commission	No
1970s	1970 Equal Pay Act	Women and men	Pay and conditions of employment	No
	1970 Chronically Sick and Disabled Persons Act	Disabled people	Provision of Community Services	No
	1975 Sex Discrimination Act Equal Pay Act Amendment	Women and Men. Marital status	Direct and indirect discrimination in employment, provision of goods and services. Establishment of Equal Opportunities Commission	No
	1976 Race Relations Act	All racial groups	Direct and indirect discrimination in employment. Direct discrimination goods and services Establishment of Commission for Racial Equality	Yes

1980s	1980 the Criminal Justice (Scotland) Act	Gay men	Partial decriminalising of sex between men, Scotland	
1990s	1995 Disability Discrimination Act	Disabled people	Direct Discrimination in employment, services and sale of land. Introduction of reasonable adjustments	
	1998 Human Rights Act	All	15 rights and freedoms including protection from discrimination in relation to all rights	No
	1999 Disability Rights Commission Act	Disabled People	Establishment of Disability Rights Commission	No
2000s	2000 Race Relations Amendment Act	All racial groups		Race Equality Duty
	2003 Employment Equality (Sexual Orientation) Regulations	Lesbians, gay men and bisexual people	Direct and indirect discrimination in employment,	No
	2003 Employment Equality (Religion or Belief) Regulations	Faith groups	Direct and indirect discrimination in employment	No
	2004 Civil Partnership Act	Same-sex couples	Same rights and responsibilities as married heterosexual couples	No
	2004 Gender Recognition Act	Transsexual people	Allows change of gender	No
	2005 Disability Discrimination Act	Disabled people	Direct and indirect discrimination in employment, goods and services. Extension of reasonable adjustments	Yes
	2006 Racial and Religious Hatred Act	All racial and faith groups	Criminalisation of incitement to racial and religious hatred	No
	2006 Employment Equality (Age) Regulations		Direct and indirect discrimination in the workplace	No

	2006 Equality Act		Extended antidiscrimination goods and services to lesbians, gay men, bisexual people and trans people Establishment of Equality and Human Rights Commission	Yes Disability and Gender equality duty
2010s	2010 Equality Act	All protected characteristics	General duty to Extends antidiscrimination goods and services on grounds of age	Yes Public Sector Equality Duty. PSED
	2011 Equality Act 2010 (Specific Duties) Regulations	All protected characteristics	Specific requirements to meet PSED	
	2011 Equality Act 2010 (Specific Duties) (Scotland) Regulations	All protected characteristics	Specific requirements to meet PSED	

Appendix 2: Equality Act 2010 provisions and sequence of enactment

October 2010

- Basic framework or protection against direct and indirect discrimination, harassment and victimisation in services and public functions, premises, work, education, associations and transport
- Changing the definition of gender reassignment by removing the requirement for medical supervision
- Providing protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic
- clearer protection for breastfeeding mothers
- applying a uniform definition of indirect discrimination to all protected characteristics
- harmonising provisions allowing voluntary positive action

Provisions relating to disability

- extending protection against indirect discrimination to disability
- introducing the concept of "discrimination arising from disability" to replace protection under previous legislation lost as a result of a legal judgment
- applying the detriment model to victimisation protection (aligning with the approach in employment law)
- harmonising the thresholds for the duty to make reasonable adjustments for disabled people
- extending protection against harassment of employees by third parties to all protected characteristics
- making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health

Provisions relating to work

- allowing claims for direct gender pay discrimination where there is no actual comparator
- making pay secrecy clauses unenforceable
- extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment
- introducing new powers for employment tribunals to make recommendations which benefit the wider workforce

April 2011

- positive action - recruitment and promotion
- Public Sector Equality Duty

Appendix 3: Indicative semi-structured interview questions and prompts – Example of Equality lead, NHSGGC

1. Description of job and role in NHSGGC,
2. NHSGGC refers to fairness in its documents, specifically in connection with equality legislation. What does a fair society mean to you?
More specifically?
Fairness and equality equivalent?
3. What is fair and unfair about life in Glasgow at the moment?
Any people or communities for whom life in Scotland is particularly unfair?
Some people still more discriminated against than others?
4. Based on your experience or evidence, what is your and your organisation's analysis of the cause/s of unfairness in Glasgow?
5. Many references to social justice in Government policies. Important concept?
You or your organisation have a view on how equality is perceived in relation to social justice?
6. What role do you think the Equality Act 2010 in general plays in facilitating fairness/equality?
Strengths and weaknesses of the PSED.
Specific duties – useful or too limiting?
Implications of 'due regard' and reflexive law
EQIA
Where does it sit alongside other legal instruments such as Human Rights or equality related policies?
7. The population bears a complex range of injustices. How should they best be taken into account?
Fair to all - no one group gets preferential treatment? Intersectionality?
Suitable terminology for describing the population – different, diverse, heterogeneous?
8. Is difference sufficiently recognised and celebrated in Glasgow. If yes, what does this look like? If no, what more should be done?
Creating a politics of difference. Possible? How?
9. My thesis is concerned with the role of the city in furthering equality. Does NHSGGC have a city perspective?
What do you **and** your organisation believe would be the best ways to further equality and increase fairness in the city?
Extent of impact of PSED on public institutions in Glasgow
Thoughts on ways of improving equality in Glasgow.
10. Is there a role of Government and EHRC in facilitating equality at a city level?
11. What should be the top 3 fairness/equality priorities for the city? You? NHSGGC
Enablers and barriers?

Appendix 4: Discussion group presentation

Slide 1: Equality in Glasgow:
Meaning and Impact of the PSED on City Life
Slide 2: Purpose of session
• Rationale for the research
• Assumptions
• Approach taken to the research
• Initial interpretation of findings
• Encourage your reflection and commentary on any aspect of the presentation
Slide 3: Starting point
• Grappling with Equality Act compliance for all groups
• Equality is both contested issue and a wicked problem:
'Complex, rather than just complicated – that is, it cannot be removed from it environment, solved and returned without affecting the environment' (Grint, 2008)
• Curiosity about what constitutes an equal or just city and the potential role of the legislation
• Casting of a wide net
'I think every city and every country can never stop its work on equality (Glasgow politician)
Slide 4: Assumptions
• Equality legislation exists because injustice exists and has been struggled over for many years
• Equality legislation assumes that the population is heterogeneous with differential access to power and resources
• Theories of social justice provide ways of thinking about equality of what and for whom
• Cities are significant spaces of scale and power: places where:
'social differences are gathered together at unique scales and levels of identity' (Fincher and Jacobs, 1998)
• Organisations bound by the PSED influence the nature of city life through economic development, spatial planning, access to culture, education, health and social care service delivery
• Mainstreaming of the general duty has the potential to be transformative
• PSED builds on and complements historical and current activity in Glasgow promoting equality
Slide 5: PSED General and Specific Duties
General duty
• Eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the EA2010
•Advance equality of opportunity between people who share a relevant characteristic and those who do not
•Foster good relations between people who share a protected characteristic and those who do not
'Speaking about the legal side, Equality Act 2010, obviously the Public Sector Equality Duty which in plain English essentially means, fairness, opportunity and respect for all' (Equality lead)

Slide 6: Scottish Specific Duties
• Duty to report progress on mainstreaming the equality duty
• Duty to publish outcomes and report progress
• Duty to assess and review policies and practices
• Duty to gather and use employee information
• + pay gap, procurement and accessibility
•Mainstreaming - EHRC
'Mainstreaming the equality duty simply means integrating equality into the day to day working of an authority. This means taking equality into account in the way an authority exercises its functions. In other words, equality should be a component of everything an authority does'

Slide 7: Aims of research
• Equality of what, for whom? What problem are we trying to solve, do we all understand it in the same way?
• Significance accorded to the PSED
• City life – is the city being shaped towards greater equality and to what extent is the PSED contributing to that?
• Gaps, silences and contradictions
• A Glasgow narrative on equality

Slide 8: Approach: the casting of a wide net
•Review of 3 different sets of literature to generate questions
•Qualitative methodology for interpreting meaning
•Sites of investigation
Scottish Government, GCC family, Community Planning, GHSCP, NHSGGC, City of Glasgow College

Slide 9: Sources of evidence - Documents
•Equality Outcomes and Mainstreaming Reports
•Policy and strategy with implications for the shaping of the city – Scottish Cities Strategy, GCC Strategic Plan Refresh, Glasgow's •Economic Strategy, Our Resilient Glasgow, City Development Plan,
•General reports with Glasgow context, eg ODS 2010, CRER 2016 Report on Glasgow's Public Bodies Progress on meeting the PSED

Slide 10: Sources of Evidence – Interviews with a cross section of Communities of Meaning (Yanow, 2000)
-Advocacy group representatives – local and national
-Politicians
-Policy leads
-Equality leads
-Regulator
-This discussion group

Slide 11: Initial Interpretation
• How are Glasgow's problems in relation to equality perceived?
• What are we trying to achieve?
• How is change made to happen? - Governance and Influence
• How is the PSED perceived?
• A framework for interpreting progress?
• The city as a place and space

Slide 12: How are Glasgow's problems in relation to equality perceived?
• As a general sense of injustice which we need to work together to resolve

• That some protected characteristics have been better served than others and we need to place greater emphasis on these

• Discriminatory attitudes towards some groups are getting worse but we are not willing to face it

• Its not explicit prejudice or discrimination but unwitting stereotyping

• That prejudice, discrimination and inequality are deeply embedded in our structures

• Its poverty

Slide 13: Thoughts?

• Do these perceptions coincide with your own or do you have a view which is not represented here?

• Are these contradictions inevitable and do they matter?

• Should there be more attempt to represent the problem as a consensus view and if so how might this be achieved?

Slide 14: What are we trying to achieve?

• Social justice – yes, it's all encompassing

• Social justice – no, too focused on poverty or income inequality, nebulous

• Fairness - yes, popular representation of success, eliminating unlawful conduct

• Fairness – no, undefined, divisive

• Equality – yes, legal status, opportunity and outcome

• Equality and diversity - equality + celebration of difference

• Equality, diversity and inclusion – equality + difference + reducing the barriers of exclusion

• Social justice and equality?

Slide 15: What does the multiplicity of terms tell us

•Can different representations of progress co-exist successfully?

Slide 16: Governance and Influence over equality in Glasgow

• Is networked governance a strength or a weakness in relation to equality for the Glasgow population or both?

• Do these sites of governance, development and influence coalesce? Do they need to?

• The Poverty Leadership Panel mentioned many times. Significance?

Slide17: Perceptions of the PSED

• Equality is the right thing to do, PSED adds value

• PSED/Specific duties provide framework for motivated individuals and organisations to organise, create dialogue and communicate requirements. Something to be proud of

• Makes the abstract clear

• Prompts interrogation about the needs of specific protected characteristics

• Masks the needs of specific protected characteristics

• PSED sits in the background creating marginal change

• An additional burden on over-stretched organisations, duty fatigue

• Made no difference to lived experience

•Do you have a view that isn't reflected here?

•What are your thoughts about the implications in this variation of views for the population of Glasgow?

Slide 18: Glasgow: Towards Equality of Condition?

•Basic equality, liberal rights, something further – equality of condition?

Five dimensions

Equal Respect and Recognition - critical assessment of dominant culture

Equality of Resources – realisation of aims in life

Equality of Love, Care and Solidarity – sense of importance, belonging and appreciation, active support for other

Equality of Power – group related rights, participate politics/politics of difference, democratisation

Working and Learning as Equals –self-development and meaningful work

Mediated through four systems which require change – political, economic, cultural, affective. Baker et al (2009) Equality: From Theory to Action

Slide 19a and b: Equal Respect and Recognition

-Fairness, diversity and equality for all but inferred not explicated. Tolerance, celebration of ethnic diversity & multicultural activity. Anti-homophobic bullying in schools. Frustration that services delivered for 'stick people.' Experiences of discrimination cited. Differential attitudes to mainstreaming and EQIA. Loss of dedicated staff

Equality of Resources

-Efforts towards equitable access to services and public spaces and to prevent cuts having a disproportionate effect. Concerns that resources within the city will be less just and fair. Silence in economic strategy about resource distribution. Unsafe spaces. Locked out space making

Equality of Love, Care and Solidarity

-Anti-hate crime activity, Support for survivors of abuse. Refugees welcomed. Independent living for disabled people. Equality sensitive health and social care practice. Customer care. Disabled people and elderly people denied need for full care and solidarity. Racism. Gendered nature of care giving

Equality of Power

-Consultation with equality groups, role for GEF, participatory budgeting. Unrepresentative Council, Unrepresentative IJB, lack of debate about power dynamics. Differential economic power

Working and Learning as Equals

-Non-representative council workforce. Employability initiatives but undifferentiated. Apprenticeships. Equality as a core value of further education. Inclusive schooling. TIE. Gender inequality in subject preferences.

Slide 20:

"'The right to the city is far more than the individual liberty to access resources: it is a right to change ourselves by changing the city. It is moreover, a common rather than an individual right since this transformation inevitably depends on the exercise of collective power to reshape the processes of urbanisation.' (Harvey, 2008)

Appendix 5: Participant Information and Consent Form

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of Glasgow | Social Sciences

Participant Information Sheet

1. Thesis title and Researcher Details

How Fair is the City? The impact of equality legislation on city life: A Glasgow Case Study

2. Invitation

I would like to invite you to take part in a research study. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Please do not hesitate to ask if there is anything that is not clear or if you would like more information. Thank you for reading this.

3. What is the purpose of the research?

The Equality Act 2010 and the associated Public Sector Equality Duty is designed to address discrimination experienced by different groups, promote equality and forge good relations between groups, to the benefit of the whole population. Public sector institutions have been devising the ways in which they can best fulfil these obligations yet there has been little research into how this affects the discussion about equality or whether it improves people's lives. This research is intended to do two things, to illuminate how the Equality Act 2010 is contributing to improving equality in Glasgow and how this can be improved further. Its focus on the city is because of the significance of cities to the UK population – more than 50% of people now live in cities and cities and their public sector institutions have considerable responsibility for driving the economy and responding to the needs of the population.

4. Why have I been chosen?

You have been invited to take part in this study due to your direct or indirect responsibility for implementing or monitoring the Equality Act 2010 or because you represent a non-governmental organisation which advocates on behalf of people with one or more of the characteristics protected by the legislation.

5. Do I have to take part?

You do not have to take part and participation is on a voluntary basis.

6. What will happen to me if I take part?

You will be invited to take part in a semi-structured interview that will last a maximum of 90 minutes and also be invited to take part in a focus group to discuss the initial findings of the research. The focus group will also last for a maximum of 90 minutes.

7. Will my taking part in this study be kept confidential?

All the data collected for this research will be kept confidential. That means that your name will not be used in notes or recordings and you will only be identifiable by a code which will be kept separately.

When the research is written up I may seek your written permission to use quotes which will not identify you by name.

Please note that assurances on confidentiality will be strictly adhered to unless evidence of wrongdoing or potential harm is uncovered. In such cases the University may be obliged to contact relevant statutory bodies/agencies.

8. What will happen to the results of the research study?

The results of the research study will be written up for my PhD. I will also provide a summary of the findings and learning points participants on request.

9. Who has reviewed the study?

The study will be reviewed by my Urban Studies Supervisors, Dr Mhairi Mackenzie and Professor Moira Munro.

The application has been reviewed by the University of Glasgow College of Social Science Ethics Committee.

10. Contact for Further Information

Please contact me if you require any further information or to discuss your involvement -Sue Laughlin Tel: 07890486470 Email:
s.laughlin.1@research.gla.ac.uk

If you have any concerns regarding the conduct of this research project, you can contact the College of Social Sciences Ethics Officer, Dr Muir Houston, email:
Muir.Houston@glasgow.ac.uk

University of Glasgow | College of Social Sciences

Consent Form – all participants

Title of Project: How Fair is the City? The impact of equality legislation on city life: A Glasgow Case Study

Name of Researcher: Susan Laughlin

1. I confirm that I have read and understand the Plain Language Statement for the above study and have had the opportunity to ask questions.

2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.

3. I consent to interviews and focus group participation being audio-taped and understand that if quotes are to be included in the write up of the research I will not be identified by name.

4. If applicable, I consent to being observed as part of a group meeting and for my contribution to be used as data. Where it is I will not be identified by name.

5. I understand that any summaries of learning points for the research for participants, peers, colleagues or managers will not identify me by name.

I agree / do not agree (delete as applicable) to take part in the above study.

_____   _____   _____

Name of Participant   Date   Signature

_____   _____   _____

Researcher   Date   Signature

Appendix 6: Coding: parent and sub nodes using NVIVO

Parent nodes identified on basis of certain sensitising concepts, sub codes identified from both literature and as a consequence of concepts introduced through close reading of data (*in bold/italics*). Data coded to multiple nodes where appropriate.

Sensitising concepts	Parent codes	Sub-codes 1	Sub-codes 2
The heterogeneous population experiences compound injustices and that the framing of social justice which takes full account of this is complex	Injustice	Prejudice and discrimination	Racism Sexism Homophobia Transphobia Sectarianism Class/Socioeconomic
		Inequality	***Poverty*** ***Vulnerability*** ***Health inequality***
		Systems	Economic Power relations Cultural Affective
		Privilege	
		Oppression	Exploitation Marginalisation Powerlessness Cultural imperialism Violence/Hate crime
	Justice	Fairness	
		Equality	Inclusion. Diversity
		Equality of Condition	Respect and recognition Resources Love, care and solidarity Power Working and learning
		Substantive equality	Addressing prejudice/discrimination
Recognising heterogeneity is enabling and energising	'Ideal of impartiality' (of all)	***People***	
	For all	Specific Groups	Age Disability Gender LGBTI Race and ethnicity

			Religion *Socio-economic status*
		Intersectionality	
		Diversity	
		Demography	
	Otherness		
	Celebration		
Equality legislation has arisen as the result of historical struggle and is a recognition by the state that change is required	Equality Act 2010	PSED	Eliminate discrimination, harassment, victimisation Advance equality of opportunity Promote Good Relations
		Due regard	
		Mainstreaming	
		Outcomes	
		EQIA	
		Social movements	
		Regulation	
Public sector institutions have an important role in operationalising equality	Externalisation		
	Organisational culture change	Governance and accountability	*Networked governance* *Roles and responsibilities* *Relationship between public and third sector*
	Acknowledgement of complexity		
The PSED creates an impetus for policy formulation and implementation	Strategic equality objectives		
A politics of difference enhances participatory democracy	Dialogic		
	Inclusion		
	Engagement		
The city is a site for transformation	Urban justice	Islands of justice	
		Spatial justice	Encounter
		Right to the City	
	Glasgow	Aspirations	*World class* *People Make Glasgow* *Inclusive Growth* *Tackling socio-economic and health inequalities*

Appendix 7: Aggregation of data for each research objective

The overarching research question was whether and how the Public Sector Equality Duty and the Scottish secondary duties enhance social justice within Glasgow. It was elucidated in two ways, firstly, by determining the meaning that can be attributed to compliance with the PSED and the secondary duties and secondly, by investigating how the meanings and actions associated with the secondary duties shape key city organisations. In order to meet the first objective, data was aggregated firstly from compliance texts and secondly from interviews with two communities of meaning, drawing on both annotations and nodes for which data existed:

Potential for change? Interpreting Public Sector Equality Duty documents

Data aggregation	Source – annotations and coding
Interpretation of commitment and overall sense of meaning	Annotation - appearance, language and tone of formal documentation. Endorsement. Emerging developments. Metaphor. Rhetoric. Emphasis. Reflection. Contradictions Codes – Due regard. Externalisation. Organisational culture change. Complexity
Examining the complexity of heterogeneity	Codes - 'Ideal of impartiality' (of all). For all. Specific groups. People. Intersectionality. Diversity. Celebration. Demography
The framing of injustice	Codes - Prejudice and discrimination. Inequality. Oppression. Systems. Poverty. Vulnerability. Health inequalities
Equality of what and for whom?	Codes - Equality of condition - Respect and recognition, Resources, Love, care and solidarity, Power, Working and learning Substantive equality – addressing prejudice and discrimination PSED - Eliminate discrimination, harassment, victimisation, Advance equality of opportunity, Promote Good Relations Specific groups. Intersectionality Tackling socioeconomic and health inequalities
Who decides?	Codes - Politics of difference – Dialogic, Inclusion, Engagement. Power relations

Synchronicity or multiple meaning? Communities of meaning and the PSED

Data aggregation		Source – annotations and coding
Overall sense of meaning		Annotation - Metaphor. Rhetoric. Emphasis. Reflection. Contradictions
The framing of injustice		Codes - Prejudice and discrimination – racism, sexism, disability prejudice. Inequality - Vulnerability, Poverty, Health inequalities. Oppression. Systems.
Addressing injustice		Codes – Fairness. Social Justice. Equality. Otherness
Perceptions of the significance and impact of the Equality Act and the PSED	The Equality Act 2010 – progress or standstill?	Codes – Equality Act, 2010. PSED. Due regard. Organisational culture change. Specific groups – disability, gender, LGBTI, race and ethnicity, socioeconomic status
	Significance and meaning of the PSED	Codes – PSED. Mainstreaming. Outcomes. Social movements. Regulation.
	On the application of the PSED in Glasgow	Codes – Organisational Culture Change. Governance and accountability - roles and responsibilities, relationship between public and third sector. Dialogic. Glasgow. Tackling socioeconomic and health inequalities

For the second objective, data was aggregated across mainstreaming compliance texts, strategic texts and the third community of meaning as follows:

Examining equality mainstreaming – towards a just city?

Data aggregation		Source – annotations and coding
Interpreting the meaning of equality mainstreaming in the health care system		Annotation - Metaphor. Rhetoric. Emphasis. Reflection. Contradictions Codes – Equality Act 2010. PSED – due regard, EQIA. Organisational culture change. Strategic equality objectives. The city is the site for transformation. Islands of justice
Equality mainstreaming and further education – the example of the City of Glasgow College		Annotation - Metaphor. Rhetoric. Emphasis. Reflection. Contradictions Codes - Codes – Equality Act 2010. PSED. Organisational culture change. Strategic equality objectives. Islands of justice
Meaning making about equality mainstreaming across systems – the Glasgow City Council family	Interpreting the importance of mainstreaming	Annotation - Metaphor. Rhetoric. Emphasis. Reflection. Contradictions Codes - Equality Act 2010. PSED – due regard, EQIA. Organisational culture change – governance and accountability. Strategic equality objectives. The city is the site for transformation
	The example of the education department	Codes – Diversity. Inclusion. Mainstreaming. EQIA. Specific Groups - LGBTI
	Equality mainstreaming and urban justice for the heterogeneous population in Glasgow – rhetoric or reality?	

	People and Place	Codes – Equality Act 2010. PSED – due regard, EQIA. Organisational culture change – governance and accountability. Strategic equality objectives. The city is the site for transformation. Ideal of Impartiality – People. Urban justice. Spatial justice. Right to the City. Glasgow – World Class, People Make Glasgow. Tackling socio-economic and health inequalities
	The framing of equality through Glasgow's economic strategy	Codes - Equality Act 2010. PSED – due regard, EQIA. Organisational culture change – governance and accountability. Strategic equality objectives. The city is the site for transformation. Ideal of Impartiality – People. Specific Groups – age, disability. Glasgow – Aspirations – World class, inclusive growth, tackling socio-economic and health inequalities

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