JOINT STATEMENT FROM EQUALITY STAKEHOLDERS ON THE PUBLIC SECTOR EQUALITY DUTY IN SCOTLAND

24th November 2026

Equality organisations across Scotland are united in calling for urgent action to improve impact and implementation of the Public Sector Equality Duty. This statement highlights key areas for change and calls upon Scottish Government to refocus this vital duty on improving lives and ensuring that public bodies meet the legal obligations which it confers.

These calls are particularly urgent in the current political and economic climate, and in light of the absence of any commitment to reform PSED in the Scottish Government's new Programme for Government, despite previous commitments to improve the effectiveness of the duty. Equality, diversity and inclusion are facing growing political backlash, while far-right and anti-migrant activity is increasing. At the same time, significant public service reform and spending pressures risk further entrenching inequality. A strong and effective PSED is therefore more important than ever.

WHAT IS THE PUBLIC SECTOR EQUALITY DUTY?

PSED is the key legal framework on equality for Scottish public bodies. It is supposed to tackle discrimination and advance equality for women, people from Black and minority ethnic communities, disabled people, young and older people, LGBT people, and on the basis of religion or belief, pregnancy and maternity, and marriage and civil partnership.

In Scotland, the Scotland-specific duties apply to almost 200 listed authorities. These require public bodies to take action on mainstreaming equality, the gender pay gap, equality outcomes, and equality impact assessments among other areas.

PSED has the potential to centre equality across the public sector, ensuring that policy, spending decisions, and the design and delivery of services actively reduce inequality. It is intended to address biases in the system that exacerbate inequalities and result in policymaking that improves the lives of people who share protected characteristics.

WHY IS IT FAILING?

Despite its legal status and transformative potential, and 13 years of implementation, PSED is categorically not delivering this purpose. Evidence from the Equality and Human Rights Commission and the equalities sector shows that compliance by public bodies is poor, enforcement is weak, and the current framework is not sufficiently focused on improving outcomes.

In Scotland, more than a decade of evidence shows what isn't working. Yet Scottish Government and public bodies have failed to meaningfully improve their performance. Equality is still treated as an 'add on', rather than a core driver of public policy and resource allocation. This actively reproduces inequality, with visible results across Scotland's economy and public services. For example, persistent pay gaps for women, BME people and disabled people, health inequalities, underinvestment in childcare and social care, unequal access to housing, inaccessible transport, non-inclusive education, and many other areas where policy consistently fails to meet the needs of those that PSED is meant to benefit.

Equality is not sufficiently prioritised across Scottish Government, which has failed to build the capacity and structures needed to embed it consistently across policymaking and delivery. In times of crisis, this work has been deprioritised even further. Yet it is precisely in times of crisis – such as the pandemic, spending cuts, or the cost of living crisis – that those already struggling experience the greatest harms.

Real reform of the PSED would address this injustice.

WHAT DO WE NEED TO SEE?

1. **Strengthened and more prescriptive regulations**

We welcome forthcoming regulatory changes to drive action on pay gaps and improve equality outcomes. However, reform must go further. Thirteen years of evidence shows that current duties are insufficient to drive action, with inconsistent compliance and limited impact. Strengthened and more prescriptive regulations are needed to ensure equality is embedded in decision-making, rather than treated as a 'tick box' exercise.

2. **Collaboration with expert organisations working on equality**

Public bodies must meaningfully engage lived and learned expertise through equality organisations and trade unions. To protect the rights of protected groups, policy and practice must reflect the realities of their lives. However, current consultation approaches do not sufficiently lead to resulting action. Effective collaboration should involve co-production and clear feedback and accountability structures.

3. **A framework for intersectionality**

A clear framework for intersectionality is essential to move beyond one-size-fits-all approaches that obscure inequality. Public bodies must be required to collect, analyse, and use intersectional equality data, and to apply this analysis in policymaking. Without this, inequalities experienced by those facing multiple forms of disadvantage will continue to be overlooked.

4. **Capacity building on PSED across public bodies**

Scottish Government's Equality and Human Rights Mainstreaming strategy and toolkit are steps in the right direction, as are proposals made under the Scottish Ministers' Duty. However, these measures are insufficient. Public bodies have not developed the equalities competence, including the ability to understand and apply intersectional analysis, required to deliver mainstreaming and cannot be expected to build this without external support. Sustained and well-resourced capacity building is essential to enable meaningful implementation of the duties.

5. **Leadership, accountability and enforcement**

Progress on equality has been constrained by weak leadership, limited accountability, and ineffective enforcement. Senior leaders set priorities and allocate resources, yet equality is routinely deprioritised, with no consequences for inaction. Evidence shows that public bodies are unlikely to act without meaningful accountability. Reform must therefore strengthen leadership expectations. Beyond current proposals, robust enforcement mechanisms, clear lines of responsibility, and consequences for non-compliance are needed to drive sustained action.

Our organisations support these calls for action from the Cabinet Secretary for Social Justice and Housing.

Reform of PSED could drive transformative change for those whose interests we represent.


aberlour
scotland's children's charity


ALLIANCE
HEALTH AND SOCIAL CARE
ALLIANCE SCOTLAND
people at the centre


amma


AMINA
The Muslim Women's Resource Centre


AMNESTY
INTERNATIONAL


ARTICLE 12
IN SCOTLAND


BACK OFF


CARERS
TRUST
SCOTLAND


cemvo
SCOTLAND


Close the Gap


coalition
of carers in scotland
from recognition to rights


CRER
coalition for racial
equality and rights


CSREC


Disability
Equality
Scotland


Dundee International Women's Centre


ELECTHER


ENGENDER


Equality
Network


EQUATE Scotland
For Women in Science, Engineering & Technology


feniks


GDA
Glasgow Disability Alliance
Promoting Equality, Rights and Social Justice


GMB
SCOTLAND


grec


health
creation
scotland


HospiceUK
Scotland


Human Rights
Consortium
Scotland


Inclusion
Scotland


INDEPENDENT
AGE
Let's end financial
hardship in later life


IHS
YOUTH SCOTLAND


JUSTRIGHT
SCOTLAND


KAIROS
WOMEN+


Lawmanity


LGBT
Health and
Wellbeing


LGBT
YOUTH
SCOTLAND


MCFB


me!
OPP


migrant
women
press


neurological
alliance
of scotland


nus scotland
national union of students


One Parent
Families Scotland
changing lives, challenging poverty

PASS THE MIC
WOMEN OF COLOUR EXPERTS IN SCOTLAND

PATH
Scotland
Positive Action Training in Housing

the
POVERTY
ALLIANCE
WORKING TOGETHER TO COMBAT POVERTY

PREGNANT
THEN
SCREWED
SCOTLAND

PROJECT
SCOTLAND

RAPE
CRISIS
SCOTLAND

SCLD

Scottish
Independent
Advocacy
Alliance

Scottish
Women's
Aid
50

Scottish
Women's
Budget
Group

Scottish Women's Convention

Scottish
Trans

SEMDC
Scottish Ethnic Minority Deaf Charity

See Me
End mental health
discrimination

SHAKTI

35
YEARS
Sikh Sanjog
CHANGING
LIVES

stuc

THE
TEACHERS'
UNION

THE YOUNG
WOMEN'S
MOVEMENT

ubuntu
women shelter

WOMEN'S
ENTERPRISE SCOTLAND

WSREC
50+ years of championing equalities

ZERO
TOLERANCE