

Equalities Mechanism Scottish Parliament Regional List 2021

Annual National Conference 2019 passed a resolution 'Improving Our Representation', which noting with concern that BAME, disabled people, and other minority communities continue to be underrepresented in our national parliament.

The National Executive Committee was authorised to investigate whether selection processes can be modified to improve representation with a specific focus on the use of reserved political positions on regional lists for the next Holyrood election.

The Selection Rules for the Scottish Parliament Election 2021 required the National Executive Committee to consider whether and how to apply any equalities mechanism to regional lists after the closing of the ballots for the constituency candidates.

The NEC at its meeting on 31 January 2021 passed the following motion:

The National Executive Committee agrees to introduce a 'reserved places' mechanism on the Regional Lists to address the underrepresentation of BAME candidates and disabled candidates (as per the 2010 Equality Act definition).

The top place on 4 Regional Lists will be reserved for BAME candidates. The Regional Lists selected are based on those regions with the highest BAME population, according to the most recent census (Glasgow, Lothian, North East Scotland, West Scotland).

The top place on the 4 remaining Regional Lists will be reserved for disabled candidates (Mid Scotland & Fife, Central Scotland, South Scotland, Highlands & Islands).

The deadline for the delivery of candidate statements for the internal election remains **8 February 2021 @ 16:00**.

The ballot will open on **15 February 2021 @ 12:00** and close on **1 March 2021 @ 12:00**.

In light of the mechanism agreed, in addition:

1. Candidates seeking selection on the regional list will receive an optional survey asking:
 - a. whether the candidate is BAME (as set out in 'Are you BAME?');
 - b. whether the candidate is a disabled person (as set out in 'Are you a Disabled Person?');

- c. (assuming the candidate is eligible) if the candidate wishes to be included in the 'reserved places' mechanism.
2. For the ballot in the Scottish Parliament Regions of Glasgow, Lothian, North East Scotland and West Scotland—
 - a. a ranked list will be produced from the member's votes;
 - b. if the candidate in first place has responded to the survey advising that they are BAME, the ranked list will be made public as it is;
 - c. in other cases, the highest placed candidate who has responded to the survey advising that they are BAME and who has indicated that they wish to be included in the 'reserved places mechanism' will be made the first placed candidate on the list which is made public.
3. For the ballot in the Scottish Parliament Regions of Mid Scotland & Fife, Central Scotland, South Scotland and Highlands & Islands—
 - a. a ranked list will be produced from the member's votes;
 - b. if the candidate in first place has responded to the survey advising that they are a disabled person, the ranked list will be made public as it is;
 - c. in other cases, the highest placed candidate who has responded to the survey advising that they are a disabled person and who has indicated that they wish to be included in the 'reserved places mechanism' will be made the first placed candidate on the list which is made public.

Are you BAME?

Black, Asian and Minority Ethnic is used here as a statistical term.

The last census in Scotland sought a response to the question 'What is your ethnic group?' using these classifications:

White:

- Scottish
- Other British
- Irish
- Gypsy/Traveller
- Polish
- Other White

Mixed or multiple ethnic groups

Asian, Asian Scottish or Asian British:

- Pakistani, Pakistani Scottish or Pakistani British
- Indian, Indian Scottish or Indian British
- Bangladeshi, Bangladeshi Scottish or Bangladeshi British
- Chinese, Chinese Scottish or Chinese British
- Other Asian

African:

- African, African Scottish or African British
- Other African

Caribbean or Black:

- Caribbean, Caribbean Scottish or Caribbean British
- Black, Black Scottish or Black British
- Other Caribbean or Black

Other ethnic groups:

- Arab, Arab Scottish or Arab British
- Other ethnic group

If your true answer to the census question is anything other than the groups listed under 'White', then you should describe yourself as 'BAME'.

Are you a Disabled Person?

How do I know if I am a 'disabled person'?

We use the definition of 'disabled person' as found in the Equality Act 2010, as that is supplemented by The Equality Act 2010 (Disability) Regulations 2010.

You have a disability if you have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.

What does 'long-term' mean?

The effect of an impairment is long-term if it has lasted for at least 12 months; it is likely to last for at least 12 months, or it is likely to last for the rest of your life.

If an impairment ceases to have a substantial adverse effect on your ability to carry out normal day-to-day activities, it is treated as continuing to have that effect if that effect is likely to recur.

What conditions are not to be treated as impairments?

These include: a tendency to set fires, a tendency to steal, a tendency to physical or sexual abuse of other persons, exhibitionism, and voyeurism.

The condition known as seasonal allergic rhinitis is treated as not amounting to an impairment, but this may be taken into account where it aggravates the effect of any other condition.

Addiction to alcohol, nicotine or any other substance does not amount to an impairment except where the addiction was originally the result of the administration of medically prescribed drugs or other medical treatment.

What is a severe disfigurement?

An impairment which consists of a severe disfigurement is to be treated as having a substantial adverse effect on your ability to carry out normal day-to-day activities.

A tattoo (which has not been removed) or a piercing of the body for decorative or other non-medical purposes, including any object attached through the piercing for such purposes, is not to be regarded as a severe disfigurement.

What if I am receiving medical treatment or have a medical aid?

An impairment is to be treated as having a substantial adverse effect on your ability to carry out normal day-to-day activities if measures (including, in particular, medical treatment and the use of a prosthesis or other aids) are being taken to treat or correct it, and but for that, it would be likely to have a substantial adverse effect. This does not apply in relation to the impairment of your sight, to the extent that the impairment is correctable by spectacles or contact lenses.

What about cancer, HIV and Multiple Sclerosis?

Cancer, HIV infection and multiple sclerosis are each a disability.

HIV infection is infection by a virus capable of causing the Acquired Immune Deficiency Syndrome.

Can I be deemed to be a disabled person?

If you are certified as blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist you are automatically deemed to be a disabled person.

What about progressive conditions?

If you have a progressive condition and as a result of that condition you have an impairment which has (or had) an effect on your ability to carry out normal day-to-day activities, but the effect is not (or was not) a substantial adverse effect you are taken to have an impairment which has a substantial adverse effect if the condition is likely to result in you having such an impairment.

I'm still not sure if I am a disabled person. Where can I find out more?

The official guidance on determining whether someone is a disabled person under the Equality Act 2010 can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/570382/Equality_Act_2010-disability_definition.pdf