

The Moray Council Mainstreaming Report 2013

Introduction

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 requires local authorities to publish a report on the progress it has made in integrating the general equality duty to the exercise of its functions, so as to better inform that duty. The report must be published not later than 30 April 2013 and subsequently at intervals of not more than two years. This is the first mainstreaming report of the Moray Council and Moray Council's Education and Social Care Department (the Education Authority).

The report must include:

- An annual breakdown of the information it has gathered under its duty to gather and use employee information.
- Details of the progress that it has made in gathering and using that information to enable it to better perform the general equality duty.
- Details of how equality is taken into account in the way the authority exercises its functions

Although there is no specific requirement to mainstream the equality duty, the principle behind mainstreaming may help authorities to 'pay due regard' to the general equality duty in the exercise of its functions.

The General Equality Duty

Section 149 of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The duty covers the protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. The public sector duty also covers marriage and civil partnerships, with regards to eliminating unlawful discrimination in employment.

Employee information

The EHRC recommends publishing the following information:

- “The race, disability, gender and age distribution of your workforce at different grades, and whether they are full- or part-time employees
- “An indication of the likely representation in terms of sexual orientation and religion and belief, provided that no individuals can be identified as a result
- “An indication of any issues for transsexual staff, based on involvement of transsexual staff or equality organisations
- “Details and feedback from involvement with staff and trade unions
- “Quantitative and qualitative research with employees, e.g. staff surveys
- “Records of how you have shown due regard to the needs of the duty in decision-making concerning employment in your organisation, including any assessments of impact on equality and any evidence used
- “Details of policies and programmes that have been put in place to address equality concerns raised by staff and trade unions.” (Equality and Human Rights Commission Scotland, 2012: *Employee information and the public sector equality duty: A guide for public authorities (Scotland)*)

Breakdown by sex

Table 1: Workforce

	Number	Percentage
Total workforce	5232	100
Female	3785	72
Male	1447	28

Table 2: Applicants

	Number	Percentage
All applicants	6923	100
Female	4768	69
Male	1890	27

Table 3: Shortlisted Applicants

	Number	Percentage
All shortlisted applicants	547	100
Female	411	75
Male	106	19
Prefer not to say	14	3
Did not answer	224	41
Unknown	27	5

Breakdown by race

Table 4: Workforce

	Number	Percentage
WHITE:		
Scottish	1739	33
English	258	5
Welsh	13	0.25
Irish	10	0.19
Northern Irish	12	0.23
Polish	7	0.13
Any other White	172	3
Any Mixed background	2	0.04
Asian, Asian Scottish,		
Indian	2	0.04
Pakistani	2	0.04
Bangladeshi	1	0.02
Chinese	1	0.02
Any other Asian	2	0.04
Black, Black Scottish,		
Caribbean	1	0.02
African	1	0.02
Any other Black	0	0
Any other background	0	0
No response	2945	56
Unknown	63	1

Table 5: All applicants

	Number	Percentage
WHITE:		
Scottish	4514	65
English	1579	22
Welsh		0.00
Irish	71	1
Any other White background	178	3
Any Mixed background	30	0.43
Asian, Asian Scottish, Asian English, Asian Welsh or other British Asian:		
Indian	50	0.72
Pakistani	25	0.36
Bangladeshi	4	0.06
Chinese	7	0.10
Any other Asian background	11	0.16
Black, Black Scottish, Black English, Black Welsh, or other Black British		
Caribbean	4	0.06
African	36	0.52
Any other Black background	10	0.14
Any other background	39	0.56
No response	42	0.61
Unknown	323	5

Table 6: Shortlisted applicants

	Number	Percentage
WHITE:		
Scottish	367	67
English	128	23
Welsh	1	0.18
Irish	3	0.55
Any other White	10	2
Any Mixed background	0	0.00
Asian, Asian Scottish,		
Indian	0	0.00
Pakistani	1	0.18

Bangladeshi	0	0.00
Chinese	0	0.00
Any other Asian	1	0.18
Black, Black Scottish,		
Caribbean	1	0.18
African	0	0.00
Any other Black	1	0.18
Any other background	1	0.18
Prefer Not To Say	3	0.55
Unknown	30	5

There are no comparable figures for Moray available yet from the 2011 Census. The breakdown from the 2001 doesn't give figures for race, instead it uses a broad breakdown of geographical origin. These are given in the next table (source: scroll.gov.uk):

Table 7: Census 2001 data on country of origin.

CAS015 Country of birth by sex						
All people						
Geographical level : Council Area – Moray						
	ALL PEOPLE	%	Males	%	Females	%
ALL PEOPLE	86940	100.00%	43447	100.00%	43493	100.00%
Europe	85383	98.21%	42713	98.31%	42670	98.11%
United Kingdom	83736	96.31%	41939	96.53%	41797	96.10%
England	14101	16.22%	7541	17.36%	6560	15.08%
Scotland	68250	78.50%	33647	77.44%	34603	79.56%
Northern Ireland	578	0.66%	313	0.72%	265	0.61%
Wales	789	0.91%	427	0.98%	362	0.83%
UK part not specified	18	0.02%	11	0.03%	7	0.02%
Republic of Ireland	183	0.21%	78	0.18%	105	0.24%
Ireland part not specified	0	0.00%	0	0.00%	0	0.00%
Channel Islands/ Isle of Man	52	0.06%	24	0.06%	28	0.06%
Other Western Europe	1313	1.51%	611	1.41%	702	1.61%
EU countries	1182	1.36%	532	1.22%	650	1.49%
Non EU countries	131	0.15%	79	0.18%	52	0.12%
Eastern Europe	99	0.11%	61	0.14%	38	0.09%
Africa	300	0.35%	145	0.33%	155	0.36%
Asia	701	0.81%	334	0.77%	367	0.84%
North America	339	0.39%	152	0.35%	187	0.43%
South America	43	0.05%	22	0.05%	21	0.05%
Oceania	155	0.18%	72	0.17%	83	0.19%
Other	19	0.02%	9	0.02%	10	0.02%
Footnotes:						
1 The European Union as defined on Census day (29 April 2001).						
2 'Other' consists of people born at sea or in the air, or with country of birth not stated.						
3 People born in Central America have been included in North America.						

Breakdown by disability

Table 8: All staff

	Number	Percentage
Yes	16	0.31
No	2284	44
Did Not Answer	2932	56

Table 8: Applicants

	Number	Percentage
Yes	255	4
No	6280	91
Did Not Answer	326	5

	Number	Percentage
Yes	11	2
No	499	91
Prefer not to say	4	0.73
Did not answer	33	6

Breakdown by religion

Table 9: Workforce¹

	Number	Percentage
Christian	1341	26
Other	13	0.25
None	545	10
Prefer not to say	61	1
Did not answer	3265	62

Table 10: Applicants

	Number	Percentage
Buddhist	16	0.23
Church of Scotland	1624	23
Other - Christian	917	13
Roman Catholic	461	7
Hindu	41	0.59
Sikh	7	0.1

¹ For the existing workforce, non-Christian religions have been put together into one category. Because of the small numbers it was felt that a further breakdown could reveal personal and sensitive information about individuals.

Jewish	5	0.07
Muslim	33	0.48
None	2805	41
Other Religion or Belief	137	2
Unknown	417	6
Prefer Not To Say	460	7

Table 11: Shortlisted applicants

Church of Scotland	134	24
Other - Christian	72	13
Roman Catholic	33	6
Hindu	41	7
None	214	39
Other Religion or Belief	26	4
Pagan	2	0.37
Unknown	37	7
Prefer Not To Say	38	7

Transgender

The question used for determining whether or not a member of staff is transgender is: is your gender the same as it was at birth. The results appear to indicate that this question is not well understood. In future the following two questions, recommended by the EHRC, will be used:

At birth, were you described as....

Please tick one option

Male

Female

Intersex

I prefer not to say

Which of the following describes how you think of yourself?

Please tick one option

Male

Female

In another way : _____

Sexual orientation

It has been decided not to publish these figures at the moment. The Moray Council is working in partnership with Stonewall Scotland to find ways of obtaining more reliable data in the future.

Non-response rates

Generally, there have been high levels of non-response among the workforce for questions regarding most protected characteristics (table 11). The non-response is substantially higher for questions regarding sexual orientation and religion.

Table 12: Non-response rates by protected characteristic

	Workforce	Job Applicants	Shortlisted applicants
Sex	0	4	7
Race	57	5	6
Disability	56	5	6
Religion	64	13	13
Transgender	57	3.5	5
Sexual orientation	63	8	9

The high rate of non-response to equality questionnaires among existing staff is a matter of some concern for the Moray Council. It proposes the following steps to address the issue:

- Awareness raising among staff for the need to collate and analyse this data.
- Reassure staff that the information will be treated sensitively and confidentially.
- Work with Stonewall Scotland to tackle some of the misgivings staff may have about providing equality information.
- Using the Myjobscotland portal to ensure that we have the equality information for new staff and can link this with information on staff development, grievance, disciplinary procedures and staff leaving. This will be subject to new staff giving permission for this data to be used.

Census data

Population

The population of Scotland on census day in 2011 was estimated to be 5,295,400 - the highest ever.

There were more women (2,728,000 or 51.5 per cent) than men (2,567,400 or 48.5 per cent) in Scotland. This was the case for all council areas except for Shetland Islands.

Age structure

In 2011, 17 per cent of the population were aged 65 and over. This percentage ranges from 14 per cent in West Lothian to 22 per cent in Argyll & Bute.

Age comparisons with 10 years ago

Since 2001, the number of children aged under 5 years in Scotland has increased by 6 per cent. This change has not been uniform throughout the country. In the City of Edinburgh the increase was 18 per cent whilst there was a reduction of 11 per cent in Argyll & Bute.

The number of people aged 80 and over has increased by 19 per cent since 2001.

Population in Moray

Total population: 93,300

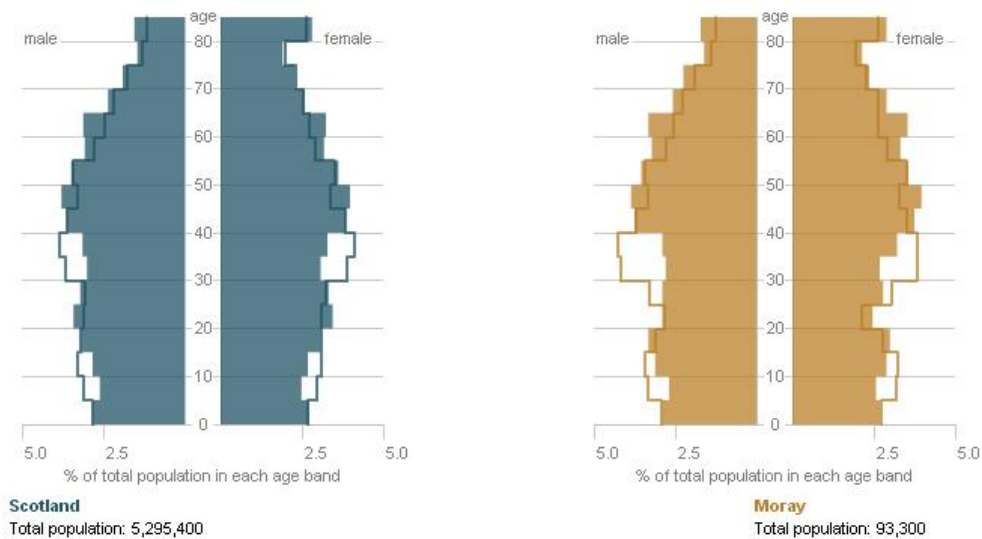
Males: 45,900 (49.2%)

Females: 47,400 (50.8%)

Age structure in Moray

Age	% in 2011	%change since 2001
Under 15:	16.9%	-3.5%
16 – 64:	64.6%	6.8%
65+:	18.5%	21.7%
80+		28.9%

2011 Census: population estimates for Scotland (outlines show 2001)



Source: 2011 Census, 2001 Census
Based on graphic by [ONS](#)

Detailed information on other protected groups will not be available till autumn 2013.

Gender pay gap information

The pay gap information is published as a separate report.

Statement on equal pay

THE MORAY COUNCIL
EQUAL PAY STATEMENT
UPDATE APRIL 2013

The Moray Council is committed to the principle of equal opportunities in employment and believes as part of that principle that male and female employees should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value.

We recognise that a right to equal pay between males and females free of sex bias is enshrined within both European Community law and United Kingdom legislation.

We believe that, in eliminating sex bias in our pay system, we have sent and continue to send a positive message to our employees and the community in general. It makes good organisational sense to have a fair transparent pay system. Avoiding unfair discrimination improves morale and enhances efficiency.

The Council has worked in partnership with the recognised Trades Unions to this end and has implemented an equal pay compliant agreement on pay and conditions of service for Scottish Joint Council employees.

The Council has and will continue to:

- Identify and eliminate any unlawful practices that may impact on pay
- Take appropriate remedial action

The Council prepared an initial Equal Pay Statement in June 2008 which included a range of actions demonstrating the Council's commitment to equal pay. The statement included a commitment to review progress against these commitments every three years. An initial review was undertaken in 2011 with a summary of progress at that time against each of the criteria, provided in italics below. A further update on progress as at 1st April 2013 is also provided in **bold**:-

- Develop and review employment policies ensuring equal pay compliance;-

The Council is using the established Equalities Impact Assessment (EIA) process for this purpose. During the course of the last twelve months a number of policies have been developed or reviewed including Health & Work; Grading Review, Higher Duty Allowance; and a raft of family friendly policies. A further review schedule has been put in place for the forthcoming year as detailed within the Personnel Services Service Plan. In addition to the above, a number of other policies have also been reviewed including Adoption Leave; Code of Conduct; Harassment; and Equality & Diversity The latter policy also now encompasses issues of diversity as well as equality. In addition, the EIA process is now enshrined in

the corporate decision making process as evidenced by the importance attached to the EIA's undertaken as part of the budget setting process.

- Develop a plan on longer term pay equality:-

A plan is currently in the early stages of development. As part of the commitment to Equal Pay and recognition of the impact of traditional occupational segregation the Council implemented the nationally recognised Living Wage with effect from April 2012.

- Complete job evaluation appeals:-

*All Job Evaluation Appeals were completed in December 2007. All appellants were advised of the outcome and amended salary grades implemented as appropriate in early 2008. The Moray Council is one of the first Councils in Scotland to complete this project. **Locally developed pay protection arrangements ended with effect from 1 December 2012 the effect of which is that all Scottish Joint Council employees are now in receipt of the salary grade determined for their post.***

- Apply the nationally agreed job sizing arrangements for teaching staff:-

*The Authority is continuing to apply the nationally agreed job sizing process as the need arises. **This still applies albeit there have been some national revisions to the scheme***

- Review the pay and conditions of service for craft operatives:-

Following significant consultation and agreement Craft Operatives are now paid on SJC pay scales.

- Respond to grievances and complaints to the Council on equal pay:-

*The Council is dealing with any such grievances and claims through recognised procedures in this regard. **Equal pay claims all but settled. The Council has been working hard to conclude any outstanding equal pay claims with only a handful remaining.***

- Review progress every three years:-

*The Council is scheduled to review progress annually. **A further update on progress will be reported in April 2015 with a wholesale review of the Equal Pay Statement no later than 30 April 2017***

Human Resources

April 2013

Equality and the Moray Council

The Moray Community Plan 2012 – 2015 shows a commitment to an outcome-focused, evidence-based approach to policy making with a strong emphasis on community engagement. This approach provides a good framework for mainstreaming equality. The way that the specific equality duties have been interpreted within the Moray Council is that they make local authorities more accountable and more aware of the consequences of their decisions.

“The Single Outcome Agreement has the potential for high impact (positive or negative) on all protected groups. As such, a full analysis is unlikely to do justice to the full range of potential issues, and therefore separate assessments for individual elements of the Single Outcome Agreement will be carried out within appropriate timescales for delivery, if they have not already been completed.” (Moray Community Plan, p.20).

Within the Moray Council, equality is seen not only as a duty following from the Equality Act, it is also seen as a vital element of Best Value considerations.

Responsibilities

The Chief Executive and Corporate Management Team are responsible for implementing the Equality Outcomes which were approved by Elected Members at full council meeting on 27 March 2013. Elected Members, Chief Officers, Heads of Service and employees all have responsibilities for ensuring that the aims and objectives are achieved.

Mainstreaming activities

The Council has established arrangements to take forward equality and diversity.

- The appointment of an Equalities Champion among the elected members. On 4 July 2012, the Moray Council appointed its Convener as Equalities Champion. The Equalities Champion and the Chair of the Communities Committee have regular meetings with the Equal Opportunities Officer to keep abreast of developments relating to equal opportunities and Human Rights issues.
- The creation of an Equality and Diversity Corporate Advisory Forum. This forum is responsible for providing advice to the Corporate Management Team and Communities Committee in relation to the impact of existing and future EU, UK and Scottish legislation, policies and practices on equality and diversity and the promotion of equality and fairness in service delivery and employment. They will promote equality and diversity within the Council by assisting in the dissemination of information and staff engagement generally in the equalities and diversity agenda. These arrangements are designed to help mainstream diversity and equality within the organisation and ensure a coordinated corporate response on equality issues.

- Service Managers are responsible for ensuring that Equality impact assessments are carried out, that sufficient information is gathered to inform services on the effects that policies and activities have on equality groups and ensuring the assessments are carried out in-depth and to a standard which will be acceptable to the Equality and Human Rights Commission. Managers must ensure that challenging recommendations are identified to improve access to services and service delivery. All equality impact assessments will be scrutinised by the Equality and Diversity Corporate Advisory Forum and selected assessments will go to the Moray Equalities Forum for additional scrutiny. This is to ensure that assessments are of an acceptable standard and reflect the different equality groups perspectives. All services will update and develop their Service Improvement Plans as necessary, setting out the particular equality issues facing their service and their arrangements for delivering improvements in relation to these issues.
- Legal and Democratic Services monitor all committee reports and liaise with the Equal Opportunities Officer to ensure that equality issues are considered in all the Moray Council's activities. The guidance on equality impact assessments are incorporated within the guidance for committee reports.
- The Head of Personnel Services is responsible for collecting equalities data on staff and monitoring staff in post and applicants for employment. There is a requirement to monitor the pay equality. All services are required to collect equalities data to establish how and who is accessing services.
- The Moray Council has developed on-line training on equality issues which is mandatory for all staff and elected members. In addition, there is an introductory module on the public sector equality duties for elected members.
- The Moray Council has included an approach to equality impact assessments for all its budget proposals at an early stage, to ensure that all decisions are transparent and have considered impacts and mitigating actions. Details about the consultation process and the equality impact assessments can be found [here](#).
- Equality included in procurement training. Procedures are now in place to use results from Equality Impact Assessments in considering award criteria.