

The Moray Council Equality Impact Assessment report 2013

The Moray Council developed new guidance for Equality Impact Assessments (EIA) during 2012. With the introduction of the new guidance new procedures were put in place to ensure compliance with the public sector equality duties. Under the new procedures all Legal and Committee Services work in partnership with the Equal Opportunities Officer to ensure that all committee reports had an EIA where appropriate.

During 2013, 538 committee reports were reviewed. Of these, 125 (23%) identified impacts following an assessment. For 2012 the figures are 69 out of 519 reports, or 13%. In 2012 there were 25 (5%) reports that made no mention at all of equality implications. During 2013 all reports made a reference, even if this was that no impacts had been identified or that an EIA was not needed. In the latter case, a reason was given and in most cases these concerned monitoring reports or reports that did not require a decision by the committee.

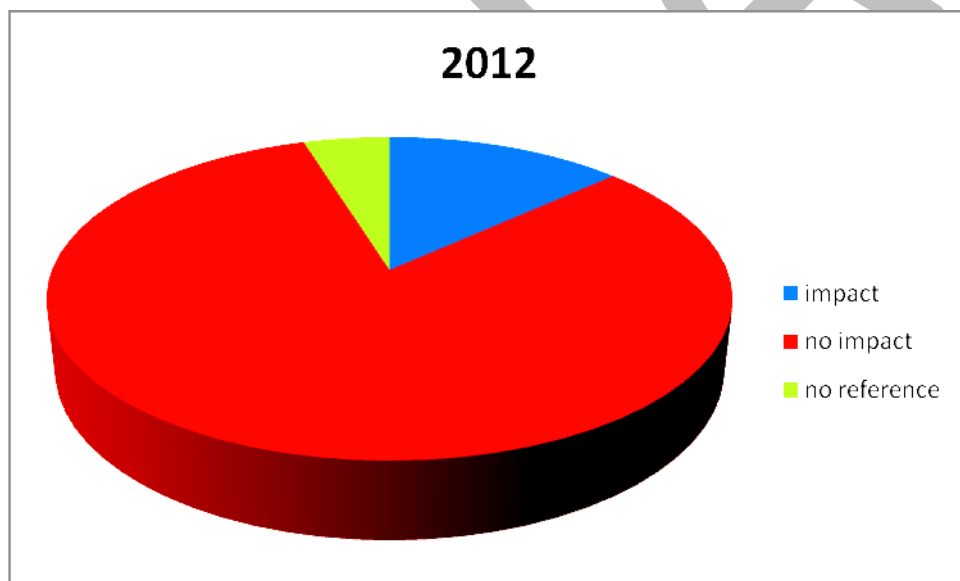


Figure 1 Equality section in committee report 2012

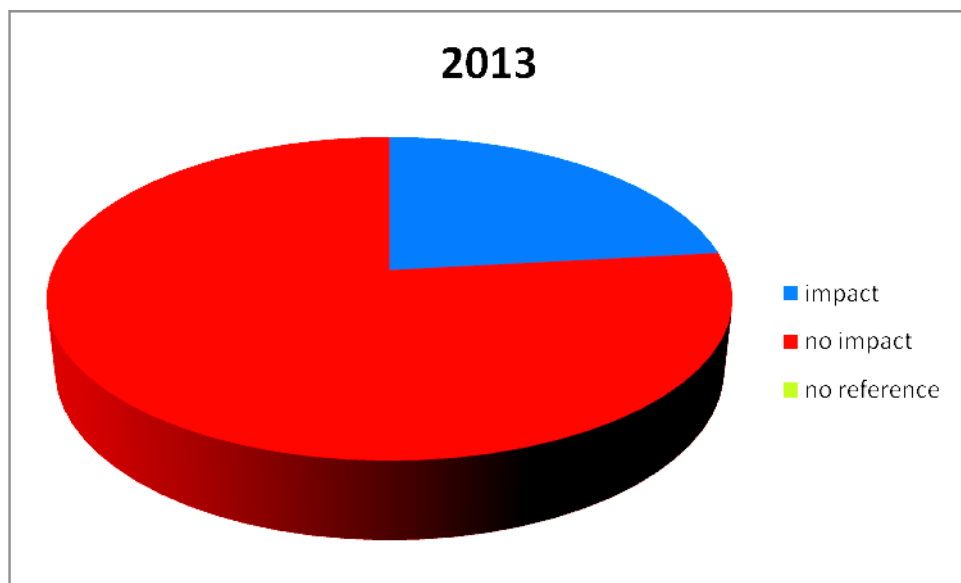


Figure 2: Equality section in committee reports 2013

The extent to which impacts have been identified varies per committee. Figure three shows the percentages per committee.

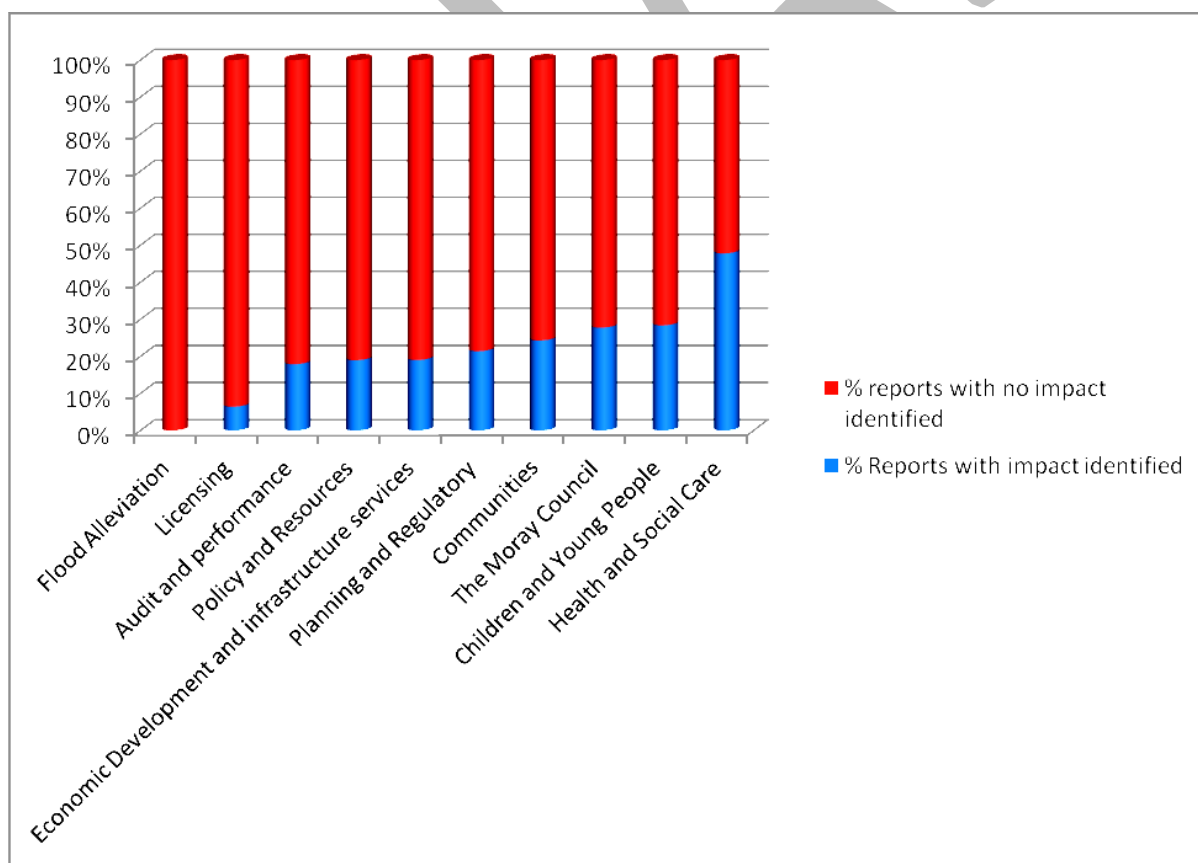


Figure 3: Percentage of reports with impact identified per committee

The quality of the assessments has improved considerably compared to 2012.

Budget 2013/14

The 2013/14 Revenue budget was presented to the Moray Council at a special meeting on 13 February 2013. It identified 90 areas of savings, 35 of which were identified as needing an initial screening prior to an equality impact assessment¹. The full report and appendix 3 which lists the proposals which needed an initial screening can be found [here](#).

A report on the outcomes of the initial screening was presented to The Moray Council on 27 March 2013 under a confidential agenda item. Of the 35 proposals 17 no longer needed a full EIA and 2 concerned staffing issues to be dealt with separately. It was also noted that proposals in relation to public toilets, which hadn't previously been listed, did require an EIA. Thirteen EIAs were completed and submitted to this meeting. The report on the initial screening and completed EIAs can be viewed [here](#). In relation to the proposals to close a number of libraries it was recommended that a consultation in the areas affected by library closures was needed.

At a special meeting of full council on 3 July 2013 the completed EIAs in relation to withdrawing subsidies for some public transport routes and the proposed closure of public toilets were submitted. The EIA on public transport included mitigating actions in the form of extension of the Dial-a-Bus services for which £70,000 was made available. The EIA helped inform three options in relation to the mitigating actions. These are contained in appendix 1 to the report and can be found [here](#).

The outcome of the consultation and the full EIA on the proposed closure of several libraries was submitted at a special full council meeting 10 September 2013. In addition to the EIA the council was also presented with a libraries service assessment. Prior to the meeting, a training session was held for elected members on objective justification. The need for objective justification arises when proposals will go ahead despite impacts having been identified which cannot be fully mitigated. Following the EIA and the consultation, the original proposals were amended from closing 7 static and one mobile library to closing 4 static and one mobile library. The full report and appendices can be accessed [here](#).

EIAs and committee reports

A total of 125 committee reports submitted during 2013 addressed equality issues in the equalities section of their summary of implications. The full texts of the equality implications are attached in **Appendix 1**. The full committee reports can be viewed by searching for the agendas of the relevant committees [here](#). To facilitate the

¹ Appendix 3 of the report mistakenly allocated an EIA to the reduction by 1 of Environmental Health Officer post. This should have been allocated to reduction by 1 of Trading standards post at enforcement level.

search, appendix 1 lists the committees and dates alongside the summaries of equality issues.

The Moray Council has a standard form that can be used in completing an EIA. Not all reports listed in appendix 1 will have an EIA form attached. Consideration of the impacts can be done in different ways and the approach to equality impacts is based on the principles of proportionality and relevance. This means that the degree and depth to which an assessment is carried out depends on the scale, significance or the impact on certain protected groups that a policy or practice is likely to have. In some cases an extensive analysis is already contained within some reports. For example, appendix 1 to the thematic review of the attainment and achievements of looked after children (Children and Young People's Services Committee 19/6/2013), contained an analysis of the factors influencing the attainments of looked after children. The analysis led to an action plan aimed at improving attainment levels. A separate EIA form would, in this situation, not add any information to the analysis. Conversely, on the basis of proportionality and relevance it was decided that for all the budget proposals where an equality impact assessment was needed, separate completed EIA forms were attached.

Areas for improvement during 2014

Whilst there has been a great improvement during 2013 both in the number and quality of EIAs, the following areas for improvement with the EIA process have been identified:

- Include positive impacts. There is a tendency to focus on negative impacts when carrying out EIAs. There are, however, reports which specifically address one or more of the general equality duties. General awareness and acceptance of the need to consider impacts would benefit from greater emphasis on areas where the Moray Council actively promotes equality, better relations between groups or tackles inequalities.
- More direct link with the general duties. The extent to which the Moray Council complies with its duties under the Equality Act will be easier to gauge if the equalities section in the committee reports specifically states which of the three general duties are relevant.
- Link with equality outcomes. The equality outcomes published in April 2013 have relevance to all departments within the Moray Council. During 2014 the Equal Opportunities Officer will highlight where recommendations in committee reports have direct relevance to the equality outcomes.

Human rights

During 2013 more attention was paid to human rights implications as part of the equality impact assessments.

Human Rights legislation was taken into account in the development of the Policy Interpretation Guidance for Gypsy/Traveller Sites. The guidance was developed to complement the Moray Local Plan 2008. The document gives guidance on the interpretation of various relevant policy criteria in relation to the specific needs of the Gypsy/Traveller community. For example, in relation to the policy on new housing in the open countryside the guidance states on page 5:

This is drafted with “bricks and mortar” houses in mind, and is generally opposed to more than 2 houses, the objective being to discourage build up of houses in the countryside. Visual impact and prominence are other aspects to consider. Whilst caravans are not houses, they are “homes” in the same context, and a permanent site of say 6 caravans and any associated buildings, would represent a small “rural community” and be in conflict with this policy. This is where there may need to be a “relaxation” from the “more than 2” principle, in recognition of travellers rights/specific needs, and the small number of occasions the recorded demand might generate such proposals.

In relation to the policy on residential caravans and sites the guidance is:

This policy presumes against caravans as permanent homes on the basis that they are regarded as not providing a satisfactory living environment, even as low cost housing, on several grounds e.g. amenity; sustainability/fuel poverty. This has been the general policy stance in successive Local Plans as far as the “settled community” is concerned, but the circumstances of the Gypsy/Traveller community are obviously different, where this form of lifestyle is historical.

This requires to be recognised, and thus the policy criteria should not apply to Gypsies/Travellers.

For some planning issues, the guidance recommends a more strict adherence to the policies or states that a departure from the policy may be difficult to justify. Examples are policies on coastal protection zones, provision of road access, areas of great landscape value and countryside around towns.

The full document can be viewed [here](#).

The above shows that where human rights are engaged a balanced approach is needed, involving consideration of competing interests and legislation². Where human rights are concerned, it is necessary to ensure that any infringement of a person's human rights is kept to a minimum and is reasonable. The Equality and Human Rights Commission has published guidance by public sector areas where human rights could be engaged. These are: adult social care, children's services, criminal justice, education services, employment services, health, housing, immigration and asylum, complaints and whistle blowing. This list is not exhaustive:

² This balance applies only to those human rights classed as qualified rights such as the right to respect for privacy and family life. Absolute rights, such as right to life, always take precedence, whereas the limited rights such as right to liberty, can be restricted only under specific conditions contained within the European Convention on Human Rights.

for example decisions on planning, licensing and infrastructural works frequently involve considerations of human rights issues.

It is expected that during 2014 human rights considerations will feature more frequently in equality impact assessments. The Equality and Diversity Corporate Advisory Forum are looking at amending the guidance on equality impact assessments and support to be put in place to assist departments in considering human rights impacts.

Complaints

Whilst it's not possible to go into detail here of specific cases it its worth mentioning that the general equality duty and human rights are considered when dealing with complaints from the general public.

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Appendix 1: Equality impacts identified during 2013

Table 1: summary of equality impacts

Committee	Date	Title	Equality section
Policy and Resources	15/01/2013	Digital Connectivity Strategy	The provision of high speed broadband assists issues of social inclusion in rural areas.
Policy and Resources	15/01/2013	Review of Community Council Scheme and Electoral Arrangements	Equalities run as a strong theme within the CC scheme, code of conduct and CC members' handbook. These provisions will be reviewed alongside other material in the scheme. Furthermore the public consultation process will be designed with equalities in mind. Standard provisions relating to accessibility of election materials will apply as in all other elections. In relation to this report, it was determined following consultation with the Equalities Officer that at this initial stage an Equalities Impact Assessment was not required.
Policy and Resources	15/01/2013	Community Councils	It is recognised that Community Councils may need some support in addressing their equalities requirements
Policy and Resources	12/03/2013	Corporate Services: Services Plans 2013/14	Managers consider equalities issues for staff and service users when assessing current service delivery arrangements and future requirements.
Policy and Resources	12/03/2013	Workforce Planning: Progress on 2012 Plan and Proposed Strategy and Plan for 2013	Equality impact assessments have been undertaken on each policy.
Policy and Resources	12/03/2013	Employment Policy Framework Review 2012	Equality impact assessments have been undertaken on each policy.
Policy and Resources	12/03/2013	Welfare Reforms Update	The Department for Work and Pensions has developed an equality framework in respect of the welfare reforms.

Committee	Date	Title	Equality section
Policy and Resources	07/05/2013	Chief Executive's Office: Service Plan	Managers consider equalities issues for staff and service users when assessing current service delivery arrangements and future requirements.
Policy and Resources	02/07/2013	Advertising Revenue	The Council's Equalities Officer will be consulted on advertising material where appropriate, to ensure compliance with the Act.
Policy and Resources	02/07/2013	Walk, Jog, Run (Athletics) Co-Ordinator for Moray	An equalities impact assessment has been completed for this report. (Appendix 1)
Policy and Resources	02/07/2013	Community Sports Hub Officer for Moray	An equalities impact assessment has been completed for this report. (Appendix 1)
Policy and Resources	13/08/2013	Community Council Scheme 2013-2017	<p>Following consultation with the Equal Opportunities Officer it was determined that an Equalities Impact Assessment was not required. However some issues were identified but have been justified or mitigated.</p> <p>Membership Ages - During the review of the scheme there was a proposal in the initial consultation to reduce the full membership age to 16 and the youth membership age to 14. However in the final round of consultation issues. This withdrawal could be seen to impact on equalities, however the justification for child protection is a legitimate aim and in this respect not extending membership any further is a proportionate means of achieving this aim. It may be argued that expecting all CC members to undergo a disclosure raises issues around the right to privacy and could be seen as a far more intrusive way of achieving the same aim.</p> <p>Clause relating to non-attendance CC members at meetings - This clause may disadvantage certain groups but it is clearly explained that illnesses, disabilities or carer responsibilities need to be taken into account and are grounds for granting a leave of absence.</p>
Policy and Resources	13/08/2013	Procurement Performance (2012/2013) and Priority Report (2013/2014)	Equality impact assessments were carried on the procurement process during the DBS detail design stage and are contained within the Business case approved by Policy and Resources Committee on 22 September 2009.

Committee	Date	Title	Equality section
Policy and Resources	13/08/2013	Customer Contact Centre Performance Levels	An equality impact assessment has been carried out as part of the development of proposals set out and no impact has been identified.
Policy and Resources	08/10/2013	Variation of Council Tax on Long-Term Empty Properties	As part of the Scottish Government's consultation exercise an Equality Impact Assessment was completed. This concluded that the legislation would not be expected to lead to negative impacts on any particular equalities groups. While it is not possible to say at this time whether any equalities groups will particularly benefit from the new regulations any increase in the housing stock may have indirect benefits, for example tackling homelessness and addressing potential under occupancy issues relating to welfare reform (particularly given the number of Band A and B properties currently identified as unoccupied).
Policy and Resources	08/10/2013	Designing Better Services Programme Phase 3 (Implementation): Programme Progress Update	Equalities assessments for each element of the DBS programme were completed during Phase 2 (Design). There are no equalities issues contained in this report
Policy and Resources	05/11/2013	The Living Wages	The purpose of the Living Wage is to address low pay. Within the Moray Council, the Living Wage supplement will mainly be afforded to female employees.
Policy and Resources	03/12/2013	Procurement Update (2013/2014)	Equality impact assessments were carried on the procurement process during the DBS detail design stage and are contained within the Business case approved by Policy and Resources Committee on 22 September 2009.
Policy and Resources	03/12/2013	Consultation Community Empowerment (Scotland) Bill	The Bill contains an equality statement reiterating the Government's commitment to the promotion of equality and the removal or minimisation of disadvantage, and consideration of the impact of the bill on "protected characteristics" under the Equality Act 2010. The government want to consider issues relating to poverty and disadvantage and ensure that all communities can access the benefits the Bill may deliver.

Committee	Date	Title	Equality section
Audit and Performance Review Committee	16/01/2012	Getting it Right for Every Child (GIRFEC)	The GIRFEC programme seeks among other things to empower vulnerable children, young people and parents and thereby address some of the impact of poverty and inequality in the longer term. It includes general arrangements for advocacy and representation for children and parents and encourages staff working with children and parents to identify and address barriers to participation, for example in relation to disabilities, learning difficulties and cultural or language differences. The Equal Opportunities Officer has confirmed that there are no equalities implications associated with this report. Local Integrated Assessment and Planning procedures have been subject to an Equality Impact Assessment.
Audit and Performance Review Committee	16/01/2012	Service Planning	Equality impacts are assessed individually for each of the priorities
Audit and Performance Review Committee	13/03/2013	Community Safety Partnership - Delivery and Performance of Service	The Safer Strategy was subject to Equality Impact Assessment. At the consultation stage the strategy was forwarded to the equalities forum and additional groups for comment and input.
Audit and Performance Review Committee	13/03/2013	Community Asset Transfer/ Property Disposal Update	An Equalities Impact Assessment (EIA) was carried out on the original strategy and will have to be carried out on any reviewed strategy and will be considered during the review.
Audit and Performance Review Committee	13/03/2013	Audit Scotland National Report - Health Inequalities in Scotland	An Equality Impact Assessment is not needed because the report is to inform the Committee to note and consider.
Audit and Performance Review Committee	08/05/2013	Equal Opportunities	The equality outcomes give a full account of the equality duties and protected groups that are covered by the outcomes.

Committee	Date	Title	Equality section
Audit and Performance Review Committee	08/05/2013	Workforce Planning	Equality impact assessments have been undertaken on each policy.
Audit and Performance Review Committee	08/05/2013	Affordable Housing	The housing needs of equalities groups are identified in the Local Housing Strategy (LHS). The affordable housing programme seeks to deliver the housing priorities contained in the LHS.
Audit and Performance Review Committee	03/07/2013	Self Directed Support	An equality impact assessment was carried out as part of the development of the policy/strategy/activity. No impact has been identified. The recommendations are expected to promote equality of opportunity for the following groups: age, disability.
Audit and Performance Review Committee	03/07/2013	Moray Care at Home Intermediate Care Service	Positive indicators were identified for the elderly and for disabled people, no negative indicators were identified.
Audit and Performance Review Committee	11/09/2013	Looked After Children, Out of Area Placements and Additional Resource Packages	Out of area placements and additional resource packages are accessed by any young person on the basis of assessment of risks and needs
Audit and Performance Review Committee	06/11/2013	Curriculum for Excellence in Moray Schools	The Scottish Government's Equality Impact Assessment on the Curriculum for Excellence can be found on http://www.scotland.gov.uk/Topics/People/Equality/18507/EQIASearch/CurriculumforExcellence

Committee	Date	Title	Equality section
The Moray Council	30/01/2013	Public Consultation Responses	The council recognises the importance of assessing the impact of any changes in respect of equality. The council will ensure that appropriate measures are put in place for equality impact assessments to be used as a key part of the financial planning processes referred to in this report. Consultation may need to take place with protected groups on any proposals which may affect them.
The Moray Council	30/01/2013	Venue Arrangements for Elections and Referendums in 2014	An equalities impact assessment has been completed for the proposed activities noted in this report. Some impacts in change of venue have been identified in relation to the Polling Place change, but these can be mitigated by an audit when choosing the final venue, which will be reported to The Moray Council at a later date.
The Moray Council	13/02/2013	2013/14 Revenue Budget	To ensure that the Council has complied with its public sector equalities duties and to ensure that any decision made does not illegally discriminate, the Council will carry out equality impact assessments and consult and involve relevant stakeholders. The equalities duties are legal obligations which should remain a priority, even in time of economic difficulty. Equality Impact Assessments will be reported to Council at its meeting on 27th March 2013. The budget savings previously identified were part of the programme of savings identified in 2010/11 and 2011/12 budget which was subject of extensive consultation with a variety of stakeholders including equality groups including the Equality Forum for Moray.
The Moray Council	27/03/2013	The Elgin High School Replacement Project - Selection of Project Option	Equality considerations will be addressed during the design stage of the new building.
The Moray Council	27/03/2013	Area Based Review Approach to Community Planning	Equalities will be a key consideration in developing a 10 year plan.

Committee	Date	Title	Equality section
The Moray Council	27/03/2013	Petitions Procedure	Guidance will be provided on the web pages relative to the submission of Petitions and those with special needs directed to contact the Democratic Services Manager for assistance. All materials and guidance made available for public use will carry the corporate equalities statement relative to information in other formats. In addition in any correspondence with Petitioners relative to the attendance of a petition hearing accessibility arrangements will be outlined.
The Moray Council	27/03/2013	Equality Outcomes	The recommendations will assist in meeting our obligations under the Equality Act 2010 and the Scottish regulations in relation to the public sector equality duties. The proposed equality outcomes have the potential to impact across the protected characteristics as follows: bullying - age, gender, disability, race, religion/belief, pregnancy/maternity, gender reassignment, marriage/civil partnership, sexual orientation: domestic abuse - each of the 9 characteristics as above: accessible streets - age, disability and pregnancy and maternity.
The Moray Council	27/03/2013	Elgin Western Link Road	The Western Link Road or any constituent part of it has been designed in accordance with the Designing Streets Policy and in consultation with the Community to ensure that it caters for the needs of all ages and those with disability. Affordable housing will be provided in accordance with the Housing Needs and Demand Assessment.
The Moray Council	22/05/2013	Targeted Best Value Audit 2012/13 and Shared Risk Assessment Assurance and Improvement Plan 2013-15	Inspection regimes cover aspects of the equality duty.
The Moray Council	22/05/2013	Performance Management	The ability to evidence fulfilment of the Council's equalities obligations is a key factor in the Performance Management Review.
The Moray Council	03/07/2013	Revenue Budget Savings Options for 2014/15 to 2016/17	The Equal Opportunities Officer has been consulted and his comments incorporated in Section 5 of this report.

Committee	Date	Title	Equality section
The Moray Council	03/07/2013	Area Based Review - Progress Report	Equalities will be a key consideration in developing a 10 year plan.
The Moray Council	07/08/2013	Targeted Best Value Audit 2012/13 and Shared Risk Assessment Assurance and Improvement Plan 2013-16: Development/Action Plan	Inspection regimes cover aspects of the equality duty.
The Moray Council	10/09/2013	Revenue Budget Savings: Libraries Service	The Equal Opportunities Officer's comments are incorporated, primarily in section 4 and throughout the report.
The Moray Council	25/09/2013	Government's and COSLA'S Regeneration Capital Grant Fund Stage 2 South Lesmurdie Bid	The creation of a community hub in South Lesmurdie would assist alleviate issues of social deprivation in the community and allow great access to services
Health and Social Care Services Committee	13/02/2013	Community Care and Criminal Justice Revenue and Capital Budget Monitoring 2012/13	One of the guiding principles underlying the budgetary monitoring process is ensuring that we are meeting our obligations under the Public Services Equality Duty (PSED) in the provision of services to service-users and carers. All our policies and practices as appropriate are monitored under the PSED, where identified as a requirement a full equality impact assessment is carried out, and monitored and reviewed as laid down by our policy.

Committee	Date	Title	Equality section
Health and Social Care Services Committee	13/02/2013	Joint Commissioning Strategy for Older People	The Joint Commissioning Strategy, when completed, will be subject to an Equalities Impact Assessment and a Housing Impact Contribution Statement.
Health and Social Care Services Committee	13/02/2013	Contract Management Framework	A Guide to Commissioning for Community Care has used the Visualising Outcomes in Community Engagement (VOiCE) toolkit and was the subject of an Equality Impact Assessment. Where work has been contracted out, the Council is still responsible for ensuring that the work carried out is in compliance with the Equality Act 2010. The public sector equality duties for Scotland now include a duty to have regard to whether its award criteria should include equality considerations which will help it to better perform the equality duty. This duty applies to all tenders that are done on the Most Economically Advantageous Terms basis.
Health and Social Care Services Committee	13/02/2013	Re-Designing the Community Justice System - A Consultation on Proposals	The proposed options explore how a range of structural and funding barriers to the effective delivery of offender services in the community could be removed. These proposals represent a radical reform of a system in Scotland which has been seen to not fully address some of the most disadvantaged and marginalised members of our society. The proposals are also aimed at strengthening community safety by reducing reoffending.
Health and Social Care Services Committee	10/04/2013	Community Care and Criminal Justice Revenue and Capital Budget Monitoring 2012/13	One of the guiding principles underlying the budgetary monitoring process is ensuring that we are meeting our obligations under the Public Services Equality Duty (PSED) in the provision of services to services-users and carers. All our policies and practices as appropriate are monitored under the PSED, where identified as a requirement a full equality impact assessment is carried out, and monitored and reviewed as laid down by our policy.

Committee	Date	Title	Equality section
Health and Social Care Services Committee	10/04/2013	Re-Designing the Community Justice System - Draft Response to Consultation	The proposed option explores how a range of structural and funding barriers to the effective delivery of offender services in the community could be removed. These proposals represent a radical reform of a system in Scotland which has been seen to not fully address some of the most disadvantaged and marginalised members of our society. The proposals are also aimed at strengthening community safety by reducing reoffending.
Health and Social Care Services Committee	10/04/2013	Partnership Board for Learning Disabilities	A Learning Disability Partnership Board will promote the rights and issues of people with learning disabilities.
Health and Social Care Services Committee	10/04/2013	Introducing the New Moray Community Care Policy	Committee is requested to consider and comment on this draft policy on the understanding that the final submission of this policy will be support with a full equality impact assessment.
Health and Social Care Services Committee	05/06/2013	Adult Community Care Services: Service Plan 2013/14	Where appropriate, Equality Impact Assessments will be undertaken in relation to the individual projects outlined in this Service Plan
Health and Social Care Services Committee	05/06/2013	Community Care and Criminal Justice Revenue and Capital Budget Monitoring 2012/13	One of the guiding principles underlying the budgetary monitoring process is ensuring that we are meeting our obligations under the Public Services Equality Duty (PSED) in the provision of services to service-users and carers. All our policies and practices as appropriate are monitored under the PSED, Where identified as a requirement a full equality impact assessment is carried out, and monitored and reviewed as laid down by our policy.
Health and Social Care Services Committee	05/06/2013	Living It Up Moray - Project Update	An Equality and Diversity Impact Assessment has been undertaken by the central Project Management Office (NHS24).

Committee	Date	Title	Equality section
Health and Social Care Services Committee	05/06/2013	Partnership Board and Forum for Learning Disabilities	A Learning Disability Partnership Board and Forum will promote the rights and issues of people with learning disabilities. The proposed nature of the Forum and Board are fully compliant with the public sector equality duties set out within the Equality Act 2010 which states that public sector bodies must have due regard to the need to: Eliminate discrimination, harassment, victimisation and other behaviour prohibited by the Act. Promote equality of opportunity, even if this means treating some people more favourably than others. Foster good relations between people who share characteristics protected by the Act and those who don't.
Health and Social Care Services Committee	05/06/2013	Local and National Developments in Mental Health Strategy and Services	Work undertaken towards development of Mental Health Services locally will support the delivery of services to promote the health and wellbeing of service users with mental health issues.
Health and Social Care Services Committee	05/06/2013	Production of a Market Position Statement for Adult Social Care in Moray	An Equality Impact Assessment will be carried out as part of the production of the Market Position Statement and any impacts will be identified and reported to Committee along with the draft document.
Health and Social Care Services Committee	14/08/2013	Moray Joint Dementia Strategy 2013-2016	The proposals have been developed following extensive consultation with services users. Some positive impacts on elderly and disabled groups have been identified, i.e. Greater choice and control over their service provision and care at home rather than in a residential setting. No negative impacts were identified.
Health and Social Care Services Committee	14/08/2013	Community Care and Criminal Justice Revenue and Capital Budget Monitoring	One of the guiding principles underlying the budgetary monitoring process is ensuring that we are meeting our obligations under the Public Services Equality Duty (PSED) in the provision of services to service-users and carers. All our policies and practices as appropriate are monitored under the PSED, where identified as a requirement a full equality impact assessment is carried out, and monitored and reviewed as laid down by our policy.

Committee	Date	Title	Equality section
Health and Social Care Services Committee	14/08/2013	Draft Market Position Statement for Adult Social Care in Moray	An Equality Impact Assessment will be carried out as part of the production of the MPS and any impacts will be identified and reported to Committee along with the final document.
Health and Social Care Services Committee	09/10/2013	Community Care and Criminal Justice Revenue and Capital Budget Monitoring 2013/14	One of the guiding principles underlying the budgetary monitoring process is ensuring that we are meeting our obligations under the Public Services Equality Duty (PSED) in the provision of services to service-users and carers. All our policies and practices as appropriate are monitored under the PSED, where identified as a requirement a full equality impact assessment is carried out, and monitored and reviewed as laid down by our policy.
Health and Social Care Services Committee	04/12/2013	Moray Autism Strategy 2014-2024	The proposed strategy is designed to improve support to people with autism, thereby improving their outcomes. This will include those who are most vulnerable and disadvantaged because of their condition. Following consultation with people with autism and their families, the strategy has been written in a way that is accessible to as wide a range of people as possible.
Health and Social Care Services Committee	04/12/2013	Day Services Transport	The availability of accessible transport has a huge impact on whether some people can access community facilities and thereby reduce their social isolation. Any change to transport provision needs to consider individual needs and outcomes.
Health and Social Care Services Committee	04/12/2013	Community Care and Criminal Justice Revenue and Capital Budget Monitoring 2013/14	One of the guiding principles underlying the budgetary monitoring process is ensuring that we are meeting our obligations under the Public Services Equality Duty (PSED) in the provision of services to service-user and carers. All our policies and practices as appropriate are monitored under the PSED, where identified as a requirement a full equality impact assessment is carried out, and monitored and reviewed as laid down by our policy.

Committee	Date	Title	Equality section
Health and Social Care Services Committee	04/12/2013	Mental Health and Wellbeing Strategy and Action Plan	The proposed strategy will promote equality of opportunity and access for those suffering from mental ill health, focusing on the rights of those with mental illness and address mental health stigma and discrimination. Equality impact assessment and consultation and involvement with mental health service users will be an integral part of the development of the proposed strategy.
Planning and Regulatory Services	19/02/2013	Gypsy/Traveller Sites: Policy Interpretation Guidance	An equality impact assessment is not needed at this stage, but will be post consultation. It is worth remembering that the recommendations will impact on all three elements of the public sector equality duty: <u>Need to eliminate discrimination</u> etc: the current situation can leave gypsy/travellers without access to accommodation and services which are appropriate to their lifestyle arising from their status as a recognised ethnic group under the Equality Act 2010. <u>Promote equality of opportunity</u> , even if this means treating some groups more favourably than others. <u>Foster good relations</u> . The consultation has potential to seriously impact on relations between gypsy/travellers and the settled community.
Planning and Regulatory Services	16/04/2013	Landscape Framework and Principles for Elgin Business and Industrial Park	The development can have positive impacts on protected groups and should be designed as accessible to all types of users, genders and abilities.
Planning and Regulatory Services	06/06/2013	Moray Local Development Plan: Consideration of Responses to Main Issues Report	The Main Issues Report pulls together recommendations from various Departments of the Councils, each of which will have been subject to an Equalities Impact Assessment as appropriate. (e.g. Housing Needs and Demand Assessment)

Committee	Date	Title	Equality section
Planning and Regulatory Services	11/06/2013	Interim Policy Guidance on Gypsy Traveller Sites: Report on Consultation	<p>One of the main issues arising from consultation was that the settled community felt that the Guidance gave more favourable treatment to the Gypsy/Travellers. Of the opposite view was the representative of the Gypsy/Travellers community, whose view is that the Guidance should include a greater “presumption in favour” of Gypsy/Travellers proposals.</p> <p>The Equalities Officer has advised that the second general public sector duty under the Equality Act 2010 is the duty to have „due regard“ to the need to promote equality of opportunity, even if this means treating some groups more favourably than others. Due to the “conflict” between the Council’s obligation to accommodate the needs of Gypsy/Travellers, and the current wording of some policies (as would they apply to the settled community), some “relaxation” is the only way to resolve this. He has further advised that as drafted the Guidance does indicate that Gypsy/Travellers rights will be regarded as a material consideration and taken into account when compliance with policy is being assessed, but that it is not justified to include an automatic “presumption in favour”. Accordingly the Guidance is felt to comply with Equalities and Human Rights legislation. (h)</p>
Planning and Regulatory Services	20/08/2012	Planning Applications - Acceptance of Late Representations	A clear and transparent policy on acceptance of late representations will ensure that all parties are treated on an equitable basis in terms of how their representations are considered.
Planning and Regulatory Services	15/10/2013	Development Plan Scheme: Moray Local Plan Review	Whilst this report is primarily about timetabling aspects and has little in the way of Equalities implications, a decision not to hold drop-in exhibitions may have an effect for those without access to internet/computer. The Equalities Officer has advised that the process still has sufficient safeguards to ensure that everyone's voice is heard. The possible removal of one item of the entire consultation process has to balance the costs of the exercise against the benefits in terms of additional information/input received. In addition, the process of consultation will be made clear and be publicised at the outset.

Committee	Date	Title	Equality section
Communities Committee	26/02/2013	Antisocial Behaviour Service Customer Satisfaction Survey Results	All surveys are sent out with an additional "Equal Opportunities Monitoring Form" to be completed and returned to allow monitoring of individuals using the service. The survey has also been issued in 'Large Print' for partially sighted individuals. The consideration from the equalities perspective (as required by legislation). A revised equalities impact assessment is attached as APPENDIX 2 .
Communities Committee	23/04/2013	Homelessness Policy Review	The Equality Act 2010 supersedes all previous equalities legislation. An equality impact assessment has been undertaken. It has identified some impacts which can be addressed by mitigating steps incorporated into the policy.
Communities Committee	23/04/2013	Local Housing Strategy 2013 - 2018	It is a statutory requirement that equality issues should be addressed in the LHS. Data and evidence about the particular housing and support needs of equalities groups has been gathered as part of the Council's Housing Need and Demand Assessment. The LHS will set out how the Council intends to address these needs. Officers have prepared an LHS Equalities Impact Assessment. Equality group have been consulted as part of the preparation of the LHS.
Communities Committee	23/04/2013	The Affordable Housing Programme in Moray	The housing needs equalities groups are identified in the Local Housing Strategy (LHS). The SLP seeks to deliver the housing priorities contained in the LHS.
Communities Committee	23/04/2013	Home Energy Efficiency Programme for Scotland	The energy efficiency proposals set out in this report will be targeted to the homes of fuel poor and older person households.
Communities Committee	23/04/2013	Asbestos Water Tank Removals	The Equalities Officer has been consulted and has made the following comments. It should be ensured that all tenants understand the information given to them. Tenants with special needs or whose first language is not English will therefore be provided with information in appropriate formats. Article 8 of the human rights act might be engaged when a part of a tenant's house is to be sealed off and they lose access to some of their possessions. The offer of compensation and the overriding concern for public health are considered to be sufficient to offer mitigation and justification.

Committee	Date	Title	Equality section
Communities Committee	18/06/2013	Strategic Housing Investment Plan 2013-18	The housing needs of equalities groups are identified in the LHS. The SHIP seeks to deliver the housing priorities contained in the LHS.
Communities Committee	18/06/2013	Allocations Policy Review	An Equalities Impact Assessment will be undertaken as part of the consultation process.
Communities Committee	27/08/2013	Forthcoming Housing Bill	There may be equalities issues arising from the proposals in the consultation paper. The Scottish Government will be carrying out an Equality Impact Assessment on its proposals.
Communities Committee	27/08/2013	The Affordable Housing Programme in Moray	The housing needs of equalities groups are identified in the Local Housing Strategy (LHS). The SLP seeks to deliver the housing priorities contained in the LHS.
Communities Committee	27/08/2013	Moray Home Energy Efficiency Programme	The energy efficiency proposals set out in this report will be targeted to the homes of fuel poor and older person households.
Communities Committee	27/08/2013	Private Sector Housing Scheme of Assistance Customer Feedback 2012/13	The provision of grant aid supports the Council in fulfilling its statutory duty to provide grant assistance for disabled adaptation. The SofA has been the subject of an Equalities Impact Assessment.
Communities Committee	22/10/2013	The Affordable Housing Programme in Moray	The housing needs of equalities groups are identified in the Local Housing Strategy (LHS). The SLP seeks to deliver the housing priorities contained in the LHS.
Communities Committee	22/10/2013	Review of Tenant Participation Strategy 2013 - 2016	The overall purpose of the Tenant Participation Strategy is to actively encourage tenant participation, and provide a structure for involving tenants and service users. The Council acknowledges that there are hard to reach groups that are often under-represented in tenant participation, however with the implementation of the revised strategy it is anticipated that we will try and meet the needs of diverse communities. The strategy will put in place monitoring arrangements to evaluate the strategy in this regard.

Committee	Date	Title	Equality section
Communities Committee	22/10/2013	Review of Energy Advice in Moray	The provision of energy advice services helps support older, disabled and low income households address fuel poverty.
Communities Committee	22/10/2013	Antisocial Behaviour Service Customer Satisfaction Survey Results	All surveys are sent out with an additional Equal Opportunities Monitoring Forum to be completed and returned along with the survey to allow monitoring of individuals using the service. The survey has also been issued in - Large Print' for partially sighted individuals.
Communities Committee	17/12/2013	Allocations Policy Review	An Equalities Impact Assessment is provided in Appendix III
Communities Committee	17/12/2013	Public Sector Equality Duties, Compliance Report	Compliance with the public sector equality duties will assist in meeting the general equality duty of having due regard to the need to:- -Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010. - Foster good relations. Promote equality of Opportunity.
Children and Young People's Services	27/02/2013	Further Embedding Integration in Children's Services	The proposed arrangements are designed to bring leadership focus and direction to local service planning in order to improve outcome for children, young people and their carers. Specifically, the proposed partnership will include a focus on services which target the most vulnerable and disadvantaged children who require an integrated approach from more than one agency.
Children and Young People's Services	27/02/2013	Amendment to the Approved Kinship Care Scheme	The recommended changes enable appropriate response to the needs of specific families in exceptional circumstances as argued in section 3.10 to 3.12.
Children and Young People's Services	27/02/2013	Curators ad Litem and Reporting Officers	The recommended flexibility to fee structure will enable appropriate response in specific cases such as those indicated in section 3.8.
Children and Young People's Services	27/02/2013	Early Years Change Fund	The proposals are aimed at delivering an evidence-based service to vulnerable children in Moray. The proposals include monitoring and feedback mechanisms which will facilitate effective support where it is needed most. The proposals will promote equality of opportunity in relation to pregnancy and maternity.

Committee	Date	Title	Equality section
Children and Young People's Services	27/02/2013	Establishing a Children & Young People's Partnership	The proposed arrangements are designed to bring leadership focus and direction to local service planning in order to improve outcome for children, young people and their carers. Specifically, the proposed partnership will include a focus on services which target the most vulnerable and disadvantaged children who require an integrated approach from more than one agency.
Children and Young People's Services	27/02/2013	Forres House Out of School Club	Impacts have been identified pertaining to the decision Committee makes: Option a) No impacts Option b) Potential loss of one provision of affordable childcare and staff Option c) Staff impact: full consultation required with staff, as per Change Management Policy.
Children and Young People's Services	27/02/2013	Out of Area Placements and Additional Resource Packages	Out of area placement and additional resource packages are accessed by any young person on the basis of assessment of risks and needs.
Children and Young People's Services	24/04/2013	Integrated Children's Services Service Plan 2013-14	Managers consider equalities issues for staff and service users when addressing current service delivery arrangements and future requirements.
Children and Young People's Services	24/04/2013	Self - Directed Support - Implementation in Children's Services	The fairness and equitability of local authority decisions will be open to legal challenge. We will need to ensure that decisions are not made on a discriminatory basis. This will require us to provide such support as is necessary to ensure that no groups are disadvantaged by reason of age, gender, race, language or disability.
Children and Young People's Services	24/04/2013	Education & Social Care Capital Budgets 2012/13 & 2013/14	Any equalities issues connected with the development of the replacement Elgin High School will be addressed through the consultation and design phases of the project.
Children and Young People's Services	24/04/2013	Schools and Curriculum Development Service Plan 2013-14	Managers consider equalities issues for staff and service users when addressing current service delivery arrangements and future requirements.

Committee	Date	Title	Equality section
Children and Young People's Services	19/06/2013	Thematic Review - The Attainment and Achievements of Looked After Children	The proposed actions will assist the Moray Council in meeting its public sector equality duty of having due regard to the need to promote equality of opportunity for children with additional support needs.
Children and Young People's Services	19/06/2013	Community Sports Hub Officer for Moray	An equalities impact assessment has been completed for this report (appendix 1).
Children and Young People's Services	19/06/2013	Walk, Jog, Run (Athletics) Co-Ordinator for Moray	An equalities impact assessment has been completed for this report (appendix 1).
Children and Young People's Services	28/08/2013	Modern Languages Update	The main Equalities implication is to ensure that we provide appropriate levels of courses for all learners. The introduction of a Modern Languages Strategy will assist in the public sector equality duty of fostering good relations between groups who share a protected characteristic (race) and those who do not.
Children and Young People's Services	28/08/2013	Admission to Primary Schools	An equality impact assessment was carried out as part of the development of the policy. No impact has been identified
Children and Young People's Services	28/08/2013	Relationships, Sexual Health and Parenthood Education Guidelines	There is a need to strike a balance between promoting equal respect for same sex relationships as for heterosexual relations on the one hand and respecting religious sensitivity of teachers on the other. A similar balance needs to be struck in relation to gender reassignment. Promoting equal respect for same sex relationships as for heterosexual relationships and promoting respect for individuals struggling with issues around gender dysphoria is a legitimate aim. Expecting teachers to teach in accordance with the curriculum and Scottish law is a proportionate means of achieving this aim.
Children and Young People's Services	28/08/2013	Library Learning Centres: Partnership Delivery	The provision will meet the requirements of Equality Legislation and enhanced accessibility.

Committee	Date	Title	Equality section
Children and Young People's Services	28/08/2013	Annual Social Work Training Plan 2013-14	<p>An equality impact assessment was carried out in consultation with the Equal Opportunities Officer. The training plan will assist in meeting all the general public sector equality duties in relation to the protected characteristics of age, disability, pregnancy and maternity and sex. The need to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010 is promoted through the various modules on adult support and protection and child protection.</p> <p>The training plan promotes equality of opportunity through training on self directed support, telehealth care, involving carers and service users in training, citizen leadership, and parenting assessment skills/ supporting parents.</p> <p>The need to foster good relations between people who share a protected characteristic and those who do not is promoted through training and awareness raising of various conditions such as autism, mental health, dementia, adults with incapacity, epilepsy and diabetes.</p> <p>Training on protection of vulnerable adults is expected to have a positive impact on all protected characteristics which can leave individuals vulnerable to bullying and harassment. These include sex, disability, age (elderly), race, religion, sexual orientation and gender reassignment.</p>
Children and Young People's Services	28/08/2013	Out of Area Placements and Additional Resource Packages	Out of area placements and additional resource packages are accessed by any young person on the basis of assessment of risks and needs
Children and Young People's Services	18/12/2013	Expansion of Entitlement to Funded Pre School Education Places from August 2014	The proposals make a positive contribution to consider the need to eliminate discrimination and promote equality of opportunity. The protected characteristics are age (pre-school) and sex. As regards the latter, despite improvements over the last years, childcare is still predominantly left to women and affects their opportunities for employment.
Children and Young People's Services	18/12/2013	Moray Autism Strategy 2014-2024	The proposed strategy is designed to improve support to people with autism, thereby improving their outcomes. This will include those who are most vulnerable and disadvantaged because of their condition. Following Consultation with people with autism and their families, the strategy has been written in a way that is accessible to as wide a range of people as possible

Committee	Date	Title	Equality section
Children and Young People's Services	18/12/2013	Update on Integrated Children's Services Restructure	The proposed arrangements are designed to improve local service planning in order to improve outcomes for children, young people and their carers.
Economic Development and Infrastructure Services	05/03/2013	Proposed Traffic Signals and Waiting Restrictions, Rothes	The Equal Opportunities Officer has been consulted and the following positive impacts were identified: Disabled, elderly, young pedestrians, young mothers and people with buggies will all find it easier to cross the road in the centre of Rothes. The waiting restrictions around junctions will keep crossing points clear of parked cars and therefore make it safer for pedestrians.
Economic Development and Infrastructure Services	05/03/2013	Waste Management - Waste Strategy Update	This has been addressed through previous investigation and Committee reports
Economic Development and Infrastructure Services	05/03/2013	Street Lighting - Energy Reduction Strategy	As a general rule, the introduction of white light is an improved night time environment from older monochromatic sources. Any equality issues are likely to be in relation to specific sites and will be dealt with at that stage.
Economic Development and Infrastructure Services	30/04/2013	Proposed Traffic Regulation Order - Station Road, Keith	The proposals will assist in promoting equality of opportunity for accessing public transport facilities safely for people with mobility and/or sensory impairments, elderly people and residents with young children.
Economic Development and Infrastructure Services	25/06/2013	Direct Services - Service Plan 2013/2014	Managers consider equalities issues for staff and service users when assessing current services delivery arrangements and future arrangements.

Committee	Date	Title	Equality section
Economic Development and Infrastructure Services	25/06/2013	Road Safety and Cycling, Walking & Safer Streets Capital Budget 2013/2014	The schemes in this report are designed to either improve accessibility or to improve road safety. Mobility impaired users are considered in each scheme and measures taken to minimise the impact of the scheme on those users, with consultation as required.
Economic Development and Infrastructure Services	03/09/2013	Proposed Traffic Signals and Waiting Restrictions, Rothes	The Equal Opportunities Officer has been consulted and the following positive impacts were identified: Disability, elderly, young pedestrians, young mothers and people with buggies will all find it easier to cross the road in the centre of Rothes. The waiting restrictions around junctions will keep crossing points clear of parked cars and therefore make it safer for pedestrians.
Economic Development and Infrastructure Services	29/10/2013	Proposed Traffic Regulation Order - Various Street, Elgin	The proposals will assist in promoting equality of opportunity and access for people with mobility and/or sensory impairments, elderly people and residents with young children.
Licensing Committee	06/03/2013	Forming a Policy Sub Group	In all thing it does, including formulating and reviewing policies, the Committee must have regard to the need to eliminate discrimination and promote equalities.

Committee	Date	Title	Equality section
Licensing Committee	06/03/2013	Digital Publishing (Public Information Notices) and Late Hours Catering Licences	<p>An Equalities Impact Assessment was completed by the Improvement Service prior to the meeting of the Council's Policy and Resources Committee on 30 October 2012 and this informed the Committee's decision to extend the use of the PINs portal for public notices. In regards the eight "protected characteristics" under the Equality Act 2010 ("the 2010 Act") the use of the portal to publish notices is likely to have the following affect:</p> <p><u>Age</u> - It is recognised that older people have less access to the Internet for a variety of reasons. While some notices will still be published in the printed press where there is a legal requirement to do so, the impact on the elderly should be mitigated. By publicising and using the internet portal now the impact of removing these notices from the local press when the Council is permitted to will be reduced. Before any decision to remove local press adverts for regulated notices is taken a full Equalities Impact Assessment will be required on the approaches to be taken to mitigate the impact on vulnerable groups.</p> <p><u>Disability</u> – The portal is compliant under the 2010 Act and this has been verified by an independent 3rd party. The ability to increase text size, change colours, use PC audibility packages, remove the need to travel to buy newspapers positively improves the access for disability groups over just using the local press, although it is recognised that it does not eliminate them. Information in PDF format can improve access for people with a visual impairment, provided the document is a Word document converted to PDF or a scanned document using the Optical Character Recognition (OCR) feature.</p> <p><u>Gender</u> – None, digital media does not have a bias to one gender or the other. Most reports indicate a fairly equal use of the Internet by both genders. Sexual Orientation, Religion and Belief, Gender Reassignment, Pregnancy and Maternity – None.</p> <p><u>Race</u> – The use of google translations enables the notices to be read by non-English-speaking members of the community and positively improves the access for this group over the local press. In regards the 3 general duties under the 2010 Act, the use of the portal to publish notices has the following affect:-</p> <p><u>Eliminate discrimination</u> – The use of the portal positively reduces the discrimination effect of using news print as a wider group of the community has the ability to access and read the information provided.</p> <p><u>Advance Equality</u> – The use of digital media minimises disadvantage to some of the groups above by providing a more flexible and accessible information method.</p> <p><u>Foster good relations</u> – The use of the portal as a media has no influence, one way or the other, on tackling prejudice or promoting understanding.</p>

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