



REPORT TO: COMMUNITIES COMMITTEE ON 27 AUGUST 2013

SUBJECT: PROGRESS REPORT ON EQUAL OPPORTUNITIES

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 The Communities Committee is asked to consider and note the progress made in meeting the Public Sector Equality Duties and to approve the recommendations in 2 (ii) and (iii) which assist in further promoting equal opportunities within the Moray Council.
- 1.2 This report is submitted to Committee in terms of Section H12 of the Council's Administrative Scheme relating to the policies and practices of the Council in relation to its arrangements for promoting, fostering and maintaining equal opportunities.

2. RECOMMENDATION

2.1 It is recommended that the Communities Committee:-

- (i) consider and note the update on progress against the Moray Council's Public Sector Equality Duties.**
- (ii) approve extending an invitation to local faith groups to join the Moray Equalities Forum in order to ensure a better representation of all groups protected under the Equalities Act 2010.**
- (iii) approve that the equal opportunities officer liaises with Legal and Democratic Services to ensure that further training is to be made available to elected members and managers within the Moray Council on how to balance equality considerations arising from equality impact assessments against other priorities.**

3. BACKGROUND

- 3.1 The Equality Act 2010 came into force in October 2010 and places a general duty on public authorities to have "due regard" to the need to eliminate discrimination, promote equality of opportunity and to foster good relations between groups protected under the Act.
- 3.2 On 27 May 2012 the Scottish Parliament's regulations outlining the specific public sector equality duties came into force. The regulations detail what

public authorities should do to meet the general duties. The full text of the Regulations can be found in **Appendix I**.

3.3 The specific duties are to

- Publish equality outcomes, based on evidence and involvement of equality groups. Previously, public authorities had to publish equality schemes with actions rather than outcomes. Outcome will be given a legal definition if the proposed regulations are accepted.
- Report on 'mainstreaming' – action to embed equality into day to day systems and practices. As part of the mainstreaming report the Moray Council needs to
 - Gather and publish employment data and use these to promote equality of opportunity.
 - Publish an equal pay statement
 - Publish gender pay gap information
- Assess the impact on equality of policies and practices, informed by evidence and involvement of affected groups. The evidence needs to also be demonstrated when an activity is deemed to have no or low impact.
- Consider to include award criteria and conditions in relation to public procurement that will help meeting the general duty.
- Report all the information in an accessible format.

3.4 The Report on Equality Outcomes and a mainstreaming report were published on the Moray Council's website on 30 April 2013, in accordance with the equality duties. A plain English summary of the equality outcomes was also published on that date on the Moray Council's website. The reports are attached in **Appendix II**

3.5 The Equality and Human Rights Commission (EHRC) has audited compliance across Scotland with the duties and published its initial findings on 24 June 2013. The report can be found in **Appendix III**. The information will provide the baselines from which the equality performance of all of the Scottish public sector will be judged in the future. It found that

- (i) As of 10 June 2013, 4 in 5 public authorities complied in the first instance.
- (ii) In this initial analysis, all of the major public bodies - Local Authorities, the Police, NHS and Further & Higher Education institutions - have published.
- (iii) 17% published late, published in draft form, or did not publish the full set of information required
- (iv) Only 9 (out of 259) public authorities failed completely to publish anything. The Commission's legal team will be taking this further.
- (v) Authorities that were found not compliant or not fully compliant in the first instance have been contacted by the EHRC. The Moray Council has been found to be fully compliant.

- 3.6 Due to the workload of the Equality Impact Assessments on the savings proposals, the implementation of the Moray Council's equality outcomes will commence in August following meetings with the Moray Equalities Forum (MEF) on 29 August 2013 and the Equality and Diversity Corporate Advisory Forum (EDCAF) on 30 August 2013.
- 3.7 Equality Impact Assessments are becoming a well established element of all the Moray Council's decisions. New guidance on committee reports was developed by the equal opportunities officer and Legal and Democratic Services in August 2012. Scrutiny by Legal and Democratic Services has ensured that all committee reports now address equality issues where appropriate.
- 3.8 In addition to monitoring all committee reports on their potential equality impacts, an initial screening was carried out on 35 savings proposals submitted to Full Council on 13 February 2013. At that meeting the decision on 3 proposals was deferred pending a more thorough impact assessment. The impact assessments on the proposals regarding public toilets and public transport were submitted to Full Council on 3 July 2013 and duly considered as part of the decision making process.
- 3.9 The proposed closure of 7 libraries and 1 mobile libraries was deferred to allow a public consultation with users of the affected libraries in order to gauge the impacts and to inform the Moray Council on possible mitigating actions. The analysis of the 1760 responses will be submitted to the Council in September 2013.
- 3.10 As a result of the activities referred to in paragraphs 3.7 and 3.8, equality impact assessments have gained a high profile within the Moray Council in all its service delivery, policies, activities and decision making. In order to assist in further developing the public sector equality duties within the council it is proposed that further training is made available to elected members and managers within the Moray Council. The training will focus on how to balance equality considerations arising from equality impact assessments against other priorities.
- 3.11 Another benefit from the process of assessing equality impacts, and particularly those related to the savings proposals has been the extension of the link between the Moray Council and community organisations representing groups protected under the Equality Act 2010. At present, membership of the Moray Equalities Forum represents people with physical, sensory, learning disabilities and mental health issues, elderly people, LGBT, the Muslim community, Moray Women's Aid, Polish and Chinese community. The consultation on the proposed library closures has resulted in links being established between representatives of the Moray Lesbian, Gay, Bisexual and Transgender (LGBT) community and the Moray Equalities Forum. This will be valuable to the implementation of the equality outcomes as well as future consultations.

- 3.12 A recent communication to local authorities by the Evangelical Alliance has suggested that there is scope for better working relations between local authorities and faith groups. At present, there is an underrepresentation of various faith groups within the Moray Equalities Forum. In order to ensure a more complete representation of all groups protected under the Equality Act 2010, it is proposed that the Equal Opportunities Officer will contact faith groups and invite them to join the forum.
- 3.13 The Moray Council's internal advisory body on equal opportunities, the Equality and Diversity Corporate Advisory Forum, has representatives of all the Moray Council's departments and meetings are regularly attended by the Convener and the Chair of the Communities Committee.
- 3.14 The Moray Council's guidance for writing a business case for procurement now includes guidance on ensuring that results from equality impact assessments are considered. Procurement training has been adapted to reflect the regulations on the Public Sector Equality Duties.

4 SUMMARY OF IMPLICATIONS

(a) Council / Community Planning Priorities

The public consultation on library closures, the equality outcomes and the mainstreaming report demonstrate the Moray Council's commitment to community engagement and evidence-based decision making.

(b) Policy and Legal

The equality outcomes, the mainstreaming report and the equality impact assessments and inclusion of equality considerations in procurement assist the Moray Council in meeting its duties under the Equality Act 2010 as specified in the Equality Act 2010 (Specific Duties) (Scotland) Regulations which came into force on 27 May 2012.

(c) Financial implications

There are no financial implications arising from this report.

(d) Risk Implications

There has been a delay in the implementation of the equality outcomes as a result of work involved in assessing the impacts of the savings proposals. In order to ensure compliance with the equality duties the equal opportunities officer will begin the implementation in August 2013 and report to the Communities Committee quarterly on its progress.

(e) Staffing Implications

The public sector equality duties have the potential of impacting on staff. Every effort is made to ensure that the principles of proportionality and relevance are applied to equality issues.

(f) Property

There are no issues arising from this report.

(g) Equalities

The report demonstrates a commitment on the part of the Moray Council to promote equal opportunities beyond its public sector equality duties.

(h) Consultations

There has been no consultation on this report.

5. CONCLUSION

- 5.1 The Communities Committee is asked to consider and note the update on progress against on the Moray Council's Public Sector Equality Duties and to approve the recommendations in 2(i) and (ii) which assist in further promoting equal opportunities within the Moray Council**

Author of Report: Equal Opportunities Officer
Background Papers: With Author
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