

**REVIEW OF PUBLIC
SECTOR EQUALITY DUTY
SUBMISSION
19TH APRIL 2013**

BY

**GRAMPIAN REGIONAL EQUALITY COUNCIL,
ABERDEEN CITY COUNCIL AND
ABERDEENSHIRE COUNCIL**

Prepared by

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Introduction

The Grampian Regional Equality Council (GREC) is the lead equality organisation in the voluntary sector in North East Scotland for over 27 years. GREC was previously a Race Equality Council until November 2011. We offer casework, research and training on all the protected characteristics, Gypsy Traveller services, Interpreting and translation services, minority ethnic health link support and prejudice incident counselling for children and young people. Across Aberdeen, Aberdeenshire and Moray, we deliver a Promoting Respect project aimed at eliminating prejudice and discrimination through peer-led education in schools and an Advancing Equalities project working with communities to use the public sector equality duties to influence services and local decision-making.

GREC has played a leading role in contributing to the evidence which informs the equality outcomes for both Aberdeen City and Aberdeenshire Councils. We undertake activities such as:

- Advising and assisting in the implementation of the Councils' Equality Outcomes and in meeting the Public Sector Equality Duty for Scotland.
- Collating evidence from a variety of sources to inform corporate and service priorities for setting a series of published equality outcomes.
- Recording and monitoring prejudice incidents following consent and ensuring victims are provided with advice and support, and effective measures to address and prevent further incidents occurring.
- Support to integrate equality throughout Council services. and
- Championing Equality

Aberdeen City Council serves mainly an urban area. There were 103,370 households in Aberdeen City at the time of the 2011 Census with a population of 222,800 – just over 4% of Scotland's total population. At 50.6%, female residents, made up a slightly higher proportion of the population than males. Older people, i.e. those aged 65 and over, accounted for 32,400 of the city's population. That total is projected to rise to over 50,000 by 2035.

Aberdeenshire Council covers a large, mainly rural area in the North East of Scotland. From the 2011 census, Aberdeenshire's population is 253,000, an increase of 12%, which is the highest rate of increase in Scotland. Its size and spread of population makes the delivery of some public services difficult and can disadvantage people

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without easy access to transport or the internet.

Together, we are in a unique position to contribute to the UK PSED Review, based on a longstanding commitment to equality through partnership working.

For further information contact:

[REDACTED] (Grampian Regional Equality Council) [REDACTED]

[REDACTED] (Aberdeen City Council) [REDACTED]

[REDACTED] (Aberdeen City Council) [REDACTED]

[REDACTED] (Aberdeenshire Council) [REDACTED]

[REDACTED] (Aberdeenshire Council) [REDACTED]

[REDACTED] (Aberdeenshire Council) [REDACTED]

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| Question 1 | How well understood is the equality duty and guidance? |
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| Comments | |
| <ul style="list-style-type: none">• A significant gain from the new Public Sector Equality Duty (PSED) is that everyone is protected by the Act. Every person has one or more of the protected characteristics, so the Act protects all of us against unfair treatment.• The focus on 9 protected characteristics works well with promoting widespread agreement that eliminating discrimination and advancing equality benefit everyone in society.• Although the PSED is the right tool, it is part of a long-term approach to target resources where they are needed, efficient decision making using an evidence based approach and ensuring services respond to local needs and available budgets.• In line with guidance from the Equality and Human Rights Commission (EHRC), the work has been aligned as much as possible with the current work to develop Aberdeen and Aberdeenshire Councils' Single Outcome Agreement (which is required by agreement with COSLA and the Scottish Government). The PSED also provides the mechanism to translate into action the underlying principles of the Single Outcome Agreement (SOA) which include "target those most in need, reduce the isolation of minority communities and provide services accessible to all citizens in the ways which meet their needs". Within each council 5-year Business Plans, there are several outcomes with which the equality outcomes are aligned.• There are differences in the regulations between Scotland and the rest of the UK. The specific duties in Scotland have been introduced later than in England and as such the publication date for equality outcomes and mainstreaming reports have been set for 30th April 2013. It is therefore not possible to give greater evidence of the impact of the PSED.• Work still needs to be done on evidence gathering against the protected characteristics. The benefit of working closely with a voluntary sector organisation like GREC which specialises in engagement on equality issues means that opportunities through research and consultation events can be used to target particular equality groups e.g. the North East of Scotland Equalities Network (NESEN), which is supported by GREC or known community equality champions. There is of course a time factor in lifespan of a corporate plan and the annual review of service plans. The equality outcomes fit nicely into this process, however | |

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it will be 2017 before the next corporate plan is published by the next administration to be elected to run local authorities in Aberdeen and Aberdeenshire.

Aberdeen City

Aberdeen City Council's approach to carrying out Equality and Human Rights Impact Assessments (EHRIA) has improved, with more assessments being undertaken and published. In addition we have developed an on-line training resource and increased briefings for staff and elected members. We have also commissioned a series of workshops for officers on the need for and when to complete and EHRIA.

In order to enhance our evidence, Aberdeen City Council entered into a partnership with Aberdeenshire and Moray Councils, Grampian Police, Grampian Fire and Rescue Service and the Robert Gordon University. Together, we designed and conducted an equality survey, with questions revolving around matters such as safety, accessibility and communication. The survey was available in both online and paper formats, and was open until 31st October 2012. The survey was widely promoted and received approximately 600 responses. Key issues arising from the evidence gathered and the research available included:

- Need for strong and effective leadership
- Occupational segregation within the city and within the council
- Perceived barriers to recruitment within the public sector among potential applicants
- Lack of affordable English courses for speakers of other languages
- Insufficient accommodation provision for Gypsy/ Travellers

Advancing equality of opportunity is at the top of the Council's strategic agenda with equality at the heart of corporate plans and policies. To make this happen our Corporate Management Team and their Senior Management Teams have been engaged in the process of developing and agreeing the Equality Outcomes. We have regularly invited elected members to briefing sessions on the changing Equalities legislation and on Equality and Human Rights Impact Assessment and we have had demonstrable leadership from our Chief Executive and Lord Provost.

We have developed an in house online training module on how to carry out an EHRIA, delivered briefings to elected members and to staff,

Evidence 1

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| | <p>supported report authors/policy makers in preparing an EHRIA and selected a provider to deliver face to face training on EHRIAs to staff. Currently we have published 501 EHRIAs on the council website.</p> <p>We ensure that all staff are aware as they carry out EHRIAs that the economic downturn and the public sector reductions mean there has been a cumulative impact of local authority budget savings on certain groups. There is a potential cumulative negative impact of reductions in local government services, economic stagnation, welfare reform and benefit changes, and the rising demand for services in the context of an ageing society. Our EHRIAs reflect the needs of the PSED and have to take account of all these factors</p> <p>We ensure that all training and staff development opportunities are available to all through the implementation of our new Performance, Review and Development scheme. We review and deliver training to all staff and incorporate the different equality groups and make use of events, such as IDAHO in May 2012 and a Stonewall session in March 2013 on equality outcomes to engage with staff and promote awareness of equality issues.</p> <p>The pre-existing Single Equality Schemes around race, gender and disability were not at the core of the decision-making process and appeared to be added on to confirm predetermined outcomes rather than provide evidence for better decisions. It was often difficult for some staff to understand it as being intrinsic to service delivery. The current outcomes based approach makes equalities more relevant for decision-making purposes. Feedback from managers engaged within the process demonstrates that Services can take ownership of outcomes and incorporate them into action plans. It is clear that actions to meet the needs of the PSED are complimentary to and support those that are included within services plans and are part of everything which the council does. The added advantages of the PSED are that the evidence base for decisions has improved and there are more opportunities to measure performance from a customer led perspective.</p> <p>The strength of equality outcomes lies in the ability to apply the outcomes to service planning and the corporate goals of public bodies. The advantage of the PSED is that it has promoted opportunities to meet with Senior Management Teams and to develop Equality Service Champions, individuals with an interest but also a strategic role in service planning and delivery. This has allowed perceptions to be</p> |
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| | <p>addressed and promote leadership in the buy-in to corporate actions to address the PSED. This is important due to the competing challenges on individuals' time to see the PSED as helping officers meet their other requirements instead of seeing equality outcomes as a bolt on exercise.</p> |
| | <p>Aberdeenshire</p> |
| | <p>We are building equalities into our organisational structures, adopting an inclusive approach to developing and delivering our equalities vision, strategies and plans, through approaches which are outlined below:-</p> <p>The Corporate Equalities Group (CEG) supports and promotes Corporate Equalities throughout Aberdeenshire Council.</p> <p>The CEG, in partnership with GREC and other relevant groups, will oversee the following strands of work.</p> <ul style="list-style-type: none">• The mainstreaming of the equalities agenda throughout Aberdeenshire Council.• Ensure compliance with equality legislation at all levels throughout each of the respective services.• Engage with service personnel and others acting as equality ambassadors within and outwith the organisation.• Support the development, implementation and monitoring of the corporate equalities action plans.• Ensure that council equality outcomes are achieved. <p>This group meets monthly and monitors the work that is done to take forward the equalities agenda across the Council including meeting the requirements of The Equality Act 2010. The CEG will be focusing on the delivery of the commitments set out in Aberdeen City Council's Mainstreaming and Equality Outcomes Report.</p> <p>Aberdeenshire uses the Equality Impact Assessment (EIA) process to ensure that we evidence how we are giving due regard to the three aims of the Public Sector Equality Duty. The process has also been revised to take account of all 9 protected characteristics. Specific guidance has been developed and updated for employees carrying out</p> |

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| | <p>Equality Impact Assessments.</p> <p>Committee reports have been updated to take account of equalities issues. We are working to ensure that we are consciously considering equalities from the start to the finish of work activities, and building in reviews where appropriate.</p> <p>We have recently launched our brand new equalities pages on our staff intranet. These provide comprehensive guidance to staff on all equalities matters. We are committed to keeping this resource up to date to support staff when dealing with equalities issues.</p> <p>We are currently arranging for Equalities to be an issue that is considered by staff at their regular team briefings.</p> <p>To support our equalities work we need to ensure staff, elected members, and those sitting on Licensing Boards are aware of our equality duties, but also how they affect service delivery and staff management. Aberdeenshire employees and elected members have attended briefings to learn about the new equalities legislation and how it will affect them in their roles.</p> <p>As at April 2013 we have run 10 three hour briefing sessions for our Councillors so they have a good understanding of the Public Sector Equality Duty. To date 78% of Councillors have attended these briefings and further briefings are scheduled</p> <p>As at April 2013 we have run 10 three hour briefing sessions for Report Writers, Service Champions, Service Managers, Area Managers, Committee and Monitoring Officers, and Heads of Service in order that they have a good understanding of the Public Sector Equality Duty.</p> <p>Work is ongoing with our Learning and Development Team to turn our face to face briefings into a comprehensive E-Learning tool.</p> <p>We will continue to review and refresh:-</p> <ul style="list-style-type: none">• Equalities information provided through our Corporate Induction• Briefings for staff and councillors on the Public Sector Equality Duty.• Our Equality and Diversity pages on our Intranet and Aberdeenshire Council website |
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| | <ul style="list-style-type: none">• Equality Impact Assessment training to employees and elected members• Equalities content for customer service training to employees. |
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| Question 2 | What are the costs and benefits of the equality duty? |
| Comments | |
| <ul style="list-style-type: none">• A significant benefit of the PSED is that officers are now thinking about what needs to be done to better perform the PSED. It has more political weight and is easier to relate to service delivery. It helps to address some of the issues raised by the Stephen Lawrence Inquiry about Institutional, Organisational and Individual Discrimination.• Whereas the previous focus on 3 protected characteristics, promoted a view that individual rights were being promoted at the expense of the rights of others. The new PSED comes from a position that everyone has at least 6 of the protected characteristics, with the exception of disability, gender reassignment and pregnancy and maternity. It adds to the sense of integration and fostering good relations. Equality is for everyone and not just for migrants and refugees.• Large and complex organisations can link outcomes to service delivery. The officers who need to know about the duties and guidance do know about it. Staff in general are building their awareness of the duties as it relates to their service over time.• Specialist equality officers are direct costs; the costs of mainstreaming equalities on a day to day basis are indirect and would not be separately identified within a project budget. This is also a sign of mainstreaming taking place.• The new legislation is the impetus for equalities being moved to the forefront of decision-making. Without the legislative imperative, there would be little incentive to change delivery to reflect this policy; improve the diversity of engagement on removing the gaps between local authorities delivery to a more responsive, efficient service that addresses local need.• The pre-existing Single Equality Schemes around race, gender and disability were not at the core of the decision-making process and appeared to be added on to confirm predetermined outcomes rather than provide evidence for better decisions.• Many public bodies have already included most of the protected characteristics within EqIA in anticipation of the legislation. However prior to the establishment of the Public Sector Equality Duty, there was a lack of clarity and consistency of mainstreaming and activities such as Equality Impact Assessments (EqIAs). | |

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- It is important that the duty is designed, implemented and supported in such a way that it has the greatest possible impact on the outcomes of public policy, services and employment. The duty should be stretching for public bodies; the purpose of it is to challenge public bodies to improve outcomes and that will not always be easy for them.
- It is important therefore to distinguish between the (modest) costs that may necessarily be associated with achieving the benefits of the duty and the notion of 'burdens', which implies something onerous but lacking in value. Evidence that the duty has led to public bodies doing things they might not otherwise have done should only be seen as a problem if those new/additional activities do not result, directly or indirectly, in beneficial (particularly preventative) change.
- The Equality Duty enables public bodies to target their service provision more accurately. Commercial organisations routinely and repeatedly survey and assess the needs of the market in order to ensure that their goods or services meet the demands of their customers. The PSED provides a systematic way for public authorities to perform a similar function.
- The PSED at work strengthens community engagement. It has the advantage of making staff aware of issues and how they relate to responsibilities of corporate management teams and elected members.

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| Evidence 2 | <p>Aberdeen City</p> |
| | <p>Aberdeen City Council have worked in partnership with Grampian Police, Grampian Regional Equality Council, Aberdeenshire Council and others on the Prejudice Incidence Partnership to amend the Racist Incidence Form in light of the Offences (Aggravation by Prejudice) (Scotland) Act 2009 and the Equality Act 2010. Within Aberdeen City Council, training is provided to staff in Social Care and Wellbeing and we have carried out training with front-line staff in the Housing service and schools to increase awareness of the new form.</p> <p>We have a very active partnership in terms of the Grampian Gypsy/Traveller Inter-agency Group since Gypsy/Travellers travel across the boundaries of the three neighbouring local authorities and a consistent approach is needed to provide appropriate services.</p> <p>In Aberdeen City, prior to the Specific Scottish Equalities Duties coming into force the Licencing Board made the general equality duty part of its procedures by following best practice to use impact assessments in the exercise of its functions. In a report in June 2011 the Board also emphasised its commitment to ensure it had due regard to the general equality duty during the intervening period between the expiry of the earlier equality (disability, gender, and race) duties and the introduction of the specific duties.</p> <p>This Board's Statement of Licensing Policy is currently under review pending re-publication in November 2013 and will be considered by the Board with a full Equalities and Human Rights Impact Assessment before implementation. Equality impact assessment has been made integral to the development and consideration of the Board's policies and reports. The practical functions of the Board, for example accessibility of publications and meetings, will be monitored and promoted through actions linked to the equality outcomes.</p> <p>The promotion of diversity and equality is an important aspiration of our implementation of Curriculum for Excellence. Through all aspects of planned learning, our aim is to support schools and centres in promoting equality and diversity. Through the following four contexts for learning, our schools and services are taking account of different needs and different points of views and are celebrating different cultures and backgrounds:</p> <ul style="list-style-type: none"> • All schools have a policy on anti-bullying which is reviewed regularly and impacts positively on the ethos of the school. |

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- A number of primary schools have gained UNICEF accreditation under the Rights Respecting Schools award which is helping pupils develop understanding of their own and other people's rights and giving them confidence to understand how their actions impact on other people.
- Our English as an Additional Language Service has a positive impact on a large number of bi-lingual pupils. It works within an intercultural and inclusive framework in partnership with the pupil's school, family and wider community to promote integration and ensure pupils reach their full potential across the nursery, primary and secondary curriculum.

Conducting EHRIA consultation focusses the mind on equalities instead of one strand. E.g. the Aberdeen Council Play Policy. An EHRIA was carried out in parallel with consultation activity to build the policy. In addition to the including schools, play groups, nurseries, carers and children, the EHRIA generated a report which covered the protected characteristics of Age, Disability, race and included impacts on those living in regeneration areas. This may not have happened without the EqIA as a tool to focus thoughts on impacts and equality implications. It was also used to inform the decision to allow or prevent the Scottish Defence League to march and rally in Aberdeen. This identified the impacts and assisted in providing an evidence based decision.

This approach was particularly useful in preparing the Equality outcomes. This process began in June 2011 working with partners to develop and implement questionnaires and focus groups to gather views from individuals and community representatives. There were 600 respondents to the questionnaires. In partnership with GREC, a further consultation event was held to check that views had been represented correctly and discuss ways of evidencing progress. An EHRIA was also carried out on the Equality outcome Report. These activities are part of good governance and community engagement. In themselves they act as opportunities to evidence bringing together communities, advancing equality of opportunity, promoting participation in public life and giving individuals a voice in decisions that affect them.

The Council has a well developed range of consultation approaches based on partnership working and the National Standards for Community Engagement. e.g. the Aberdeen Citizen's Panel "City Voice" has around 1000 members, and membership is monitored to try and ensure a good representation of people with protected characteristics.

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| | <p>Equality questions were included in a City Voice questionnaire in 2009 to help establish a baseline picture and similar questions have been posed in the latest edition in March 2013, so that we can measure improvement.</p> <p>The new PSED has a significantly higher level of buy in from senior managers and increases the understanding of equalities issues to deliver a more efficient and targeted service. Evidence is that senior managers now ask equality officers when they are making key decisions on the opportunities potential to meet the PSED. The next step is mainstreaming the service action plans and how this will feed into the business planning process as a result of ongoing work. The PSED adds to the efficiency of work which is already required and as such there is no additional cost in terms of staff time.</p> |
| | <p>Aberdeenshire</p> <p><i>The Corporate Equalities Team</i> is made up of five officers who progress the actions of the Corporate Equalities Group (CEG), facilitating the development of the equalities vision, strategies and plans, supporting the corporate approach to equalities, complementing the work of services, monitoring and reporting on progress.</p> <p>Sixty Service Champions have been nominated across the Council, Education Authority and Licensing Boards. Their role is to support the mainstreaming of equalities by assisting staff when completing Equality Impact Assessments and responding to day to day queries regarding equalities matters. They will also assist with passing updates to their services about equality legislation and relevant issues, as relayed through the Corporate Equalities Team. They will also encourage discussions on equality matters when they attend meetings.</p> <p>A Sheltered Housing service review surveyed and consulted with tenants (mainly older people) regarding new service delivery. This resulted in cleaning services being provided in-house rather than tendered. A Sheltered Housing Tenants' Forum is being set up to represent specifically the views of sheltered housing tenants. There is an annual budget to provide equipment and adaptations, to enable (older) people to remain in their homes.</p> <p>The Housing Service records all incidents of anti-social behaviour nature. This information is used to populate Prejudice Incident Report Forms and monitor incidents of Hate Crime.</p> |

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There is a range of work ongoing to meet the needs of a variety of groups with protected characteristics, including those from ethnic minorities, Gypsies Travellers etc. Aberdeenshire has a service level agreement with Grampian Regional Equality Council (GREC) for the provision of liaison services with the Gypsy Traveller community through a Gypsy Traveller Liaison Worker (GTLW). The GTLW helps identify the needs of Gypsy Travellers and works closely with council services in addressing these needs and in dealing with issues arising from unauthorised encampments.

The role of Environmental Health in relation to Gypsy Travellers is essentially one of enforcement from a public health perspective and also considering support for Gypsy Travellers, along with other services such as Housing. At present, one Environmental Health Officer is involved in this on a part time basis. EH also contribute £1,000 towards the cost of the Gypsy Traveller Liaison Worker from Grampian Regional Equality Council (GREC). The Committee Report relating to the Gypsy Traveller Code of Conduct, action plan and accommodation will require a needs assessment.

Property and Planning are working with Disabled Go to get some of our properties and non-Council buildings/facilities surveyed with a view to providing a clearer picture of access issues. It provides people with a fuller picture of what they can expect before they arrive at the various properties. Funding has been obtained for the next 4 - 5 years along with private sector sponsorship which will enable us to take this forward in partnership to enhance the information available.

Property Service employees are trained to carry out access audits which enable a list of remedial works to be compiled. Funding has been allocated to a programme of remedial works in the capital plan, which is now 90% complete. The remaining 10% will be completed as the office accommodation realisation programme is rolled out.

The Equality Act compliance is embedded into the "Footways" programme within the maintenance programme. There is a rolling programme which was agreed with certain disability groups and is concentrating on town centre improvements such as dropped kerbs and tactile pavements

The 3 Aberdeenshire Access Panels work across the area to try and remove the barriers to the full social inclusion of people affected by disability. The Scottish Disability Equality Forum acts as an umbrella

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| | <p>body for the Access Panels. They arrange for, and advise on, improved access for disabled people to the built environment throughout Aberdeenshire and provide an information service for disabled people everywhere. The Council provides support to these groups through the provision of a part-time employee to help with communications, information provision and facilitating meetings.</p> <p>Aberdeenshire Community Transport Initiative (ACTI) grants provide funding of up to 75% of project costs for the provision of community based rural passenger transport such as community buses, dial-a-trip services and voluntary car schemes. ACTI currently provides grant funding to seven local groups. The budget for 2012/13 is £363,000 per annum. These groups provide services to help address issues associated with rural isolation that affects less mobile groups such as the very young, older people and disabled people.</p> <p>There are other initiatives within the Local Transport Strategy which attempt to deal with cross-cutting accessibility issues that affect a number of groups. They include the low floor bus initiative which aimed to operate low floor buses on all town services in Aberdeenshire by 2010. This has been achieved. This makes it easier to get on and off buses for older people, disabled people as well as people with prams etc.</p> <p>The Stonewall Diversity Champions programme is Britain's good practice employers' forum on sexual orientation. Work is ongoing with Stonewall to make our workplace the best it can be for everyone</p> <p>The Education, Learning & Leisure Service (ELL) provides education across the predominantly rural area of Aberdeenshire. There are 17 academies, 151 primary schools, 4 special schools and 84 nurseries. In addition there are over 40 enhanced provision sites.</p> <p>In 2012 there were 34,063 pupils in Aberdeenshire primary and secondary schools, a slight increase from the 2011 figure of 33,990. The number of children registered in local authority and partnership pre-school education in 2012 was 4492. 19% of the population of Aberdeenshire is aged under 16. This compares to 17% nationally.</p> <p>The Education, Learning and Leisure Service provides a wide range of services which make a positive difference to our vulnerable learners, service users, families and communities. As a result of a range of self-evaluation activities, and external scrutiny from bodies such as</p> |
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| | <p>Education Scotland and the Care Commission, we know we are continuing to make good progress in improving performance across a range of measures, including attainment and achievement.</p> <p>Our key strengths include:</p> <ul style="list-style-type: none">• improved outcomes for learners with a diverse range of needs, including high levels of attainment in Scottish Qualification Assessment examinations;• sustained good progress with implementation of Curriculum for Excellence;• high levels of positive leaver destinations;• positive impact of targeted community based projects;• positive inspections of schools and learning communities. |
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| Question 3 | How organisations are managing legal risk and ensuring compliance with the equality duty? |
| Comments | |
| <ul style="list-style-type: none">• The PSED means that Public Bodies can be confident in decisions with reduced probability of a legal case. The Equality Duty was introduced to put the onus on public bodies to get it right first time, instead of leaving it to individuals to try and get redress after discrimination has happened. This proactive/preventative approach should help public bodies to make the best use of their resources at a time when money is tight.• In contrast to the retrospective, complaints-driven approach of the anti-discrimination legislation, the proactive, problem-solving approach fostered by a responsibility to promote equality has obvious appeal.• In particular the Equality Act 2010 section 149 (5): having due regard for fostering good relations - requires action to tackle prejudice and promote understanding. This makes clear to Public Bodies that they have responsibilities to challenge prejudices and can be confident of taking appropriate and proportionate action. This is particularly pertinent to the Gypsy Traveller issue and part of the rationale behind the site visit to Aberdeen by the Equal Opportunities Committee of the Scottish Parliament on the subject.• The equality duty is based on the idea that public bodies and those providing public services should have 'due regard' to equality considerations. This concept of 'due regard' has proportionality built into it. It will also depend on how relevant the decision/policy is to equality and how significant an impact it is likely to have on discrimination, equality of opportunity and good relations.• The obligation to assess the equality impact and to use this consideration to inform decision making is what matters and this is unchanged. Public bodies have some discretion about how they do this but they must exercise this discretion consistently with case law. Where a decision is highly relevant to equality, the degree and nature of consideration that is needed to meet the due regard standard is high. Such consideration must be clearly visible to those with an interest in the decision/policy, including individuals and community organisations with an interest.• The Government's decision not to make it possible for the EHRC to publish a Statutory Code of Practice Equality Duty is regrettable. All public authorities need support and guidance in implementing the duty and the lack of authoritative guidance from the EHRC actually creates burdens for public authorities as they try to implement the PSED. A Code can save time if it is authoritative; it is preferable to | |

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a proliferation of guidance from a variety of sources.

- Mainstreaming the Equality Act has a number of benefits including:
 - Equality becomes part of the structures, behaviours and culture of our work
 - We know and can demonstrate how, in carrying out our functions, we are promoting equality.
 - Mainstreaming equality contributes to continuous improvement and better performance.
 - EqIA s can help Public Bodies to eliminate discrimination, victimisation and harassment in all they do.

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| Evidence 3 | Aberdeen City |
| | <p>The Council uses an Equality and Human Rights Impact Assessment (EHRIA) tool to ensure that our policies, practices and procedures or funding decisions that could affect people with protected characteristics undergo an EHRIA before decisions are taken. All new or revised policies are screened for relevance to the three aims of the general equality duty. Existing policies will be screened as they are reviewed, or if a change in the law or case law suggests this.</p> <p>Within Aberdeen city, the process now includes that elected members will have sight of and consider an EHRIA in order to show due regard to the PSED. This means that problems can be anticipated and there should be no need for expensive legal cases.</p> <p>The current gender pay gap for all Aberdeen City Council employees is - 0.9%. This is a negative figure as, on average, female employees are paid at a marginally higher hourly rate than male employees across the council. The current gender pay gap for Education employees in this Council is 4.29%.</p> <p>We ensure that suppliers subscribe to good practice in equality and diversity and have up-dated our joint procurement Strategy (with Aberdeenshire Council) to reflect the Equality Act 2010 requirements.</p> |
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| | <p>In addition to close involvement and representation from its legal staff through the CEG, Aberdeenshire Council keep up to date with best practice to action its responsibilities using partnership structures and co-working to address its legal responsibilities. This involves a commitment to engagement and representation.</p> <p><i>Aberdeenshire Council is a member of the Scottish Councils' Equality Network, a Network of Equality Officers from Scottish Local Authorities working closely with The Convention of Scottish Local Authorities (COSLA), the Scottish Government and the Equality and Human Rights Commission (EHRC). The Network is an excellent hub for information sharing, professional support and often acts as a voice on Equalities matters in Scotland.</i></p> <p>Police Scotland and NHS Grampian officer representatives attend <i>Policy</i></p> |

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and Resources Gypsy Traveller Sub group when there are relevant agenda items, such as discussion of the equalities legislation or our corporate equalities policy position on Gypsy Travellers.

Gypsy Traveller Inter-agency Group is a Grampian-wide officer group comprising the three local authorities (Aberdeen, Aberdeenshire and Moray), Police Scotland, NHS Grampian and Grampian Regional Equality Council (GREC). The Group seeks to pursue a joint approach to responding to Gypsy/Traveller issues within the Grampian area.

The group meets quarterly in Inverurie to consider cross boundary Gypsy Traveller issues including implementation of a Grampian wide Gypsy Traveller Action Plan.

The Gypsy Traveller Officer Working Group (GTOWG) comprises Council officers and the Gypsy Traveller Liaison Worker from Grampian Regional Equality Council (GREC), representatives from Police Scotland

GTOWG meets quarterly or as required, and reports to the Gypsy Traveller Sub Committee.

The Ethnic Minority Forum (EMF) is an Aberdeen City & Aberdeenshire-wide Forum; membership includes the two local authorities, other key Community Planning Partners, the British Red Cross, Grampian Regional Equality Council, Aberdeen International Centre, Multi ethnic Aberdeen Limited (MeAL), other community groups and individuals. The EMF provides a key link between local service providers and the local minority ethnic communities including Eastern European migrants. The Forum seeks to take forward issues of interest and concern to the local minority ethnic communities as well as acting as a sounding board on relevant plans and policy issues. The Forum seeks to organise two public events every year and the EMF Steering Group meets every eight weeks plus some ad-hoc meetings to consider specific issues or to plan special events.

The Minority Ethnic Working Group is made up of officers from the Housing and Social Work Service, the Corporate Equalities Team (the Equalities Officer), the Ethnic Minority Housing Worker (based at Tenants First Housing Association). The Group oversees implementation of the Ethnic Minorities Housing Action Plan and related issues.

Grampian Regional Equality Council (GREC) promotes and champions equality and diversity in the North East of Scotland, and its mission is to

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| | <p>work with others to ensure that everyone is valued for who they are and is able to contribute with encouragement, and without fear of discrimination or unfair treatment. Aberdeenshire Council works in partnership with GREC on equality issues and promoting awareness.</p> <p><i>Peterhead Inclusion Forum</i> seeks to deal with issues affecting good relations between migrants and the local people in and around Peterhead. Peterhead Inclusion Forum works closely with primary schools and churches in the Peterhead area and the local Community Learning and Development network to provide support to disadvantaged and vulnerable children and parents in Peterhead.</p> <p><i>Integrate Aberdeenshire Forum</i> is a Community Planning Partnership Forum which seeks to promote community cohesion and integration of newcomers into Aberdeenshire. The Forum oversees the Prejudice Incidents Reporting process in Aberdeenshire. For about a year, the Integrate Aberdeenshire Forum and Aberdeen Prejudice Partnership held joint meetings. The two groups have now merged into the Integrate Grampian Partnership.</p> <p>Aberdeenshire Council also have recently updated their <i>Prejudice Incident Reporting Form</i> to reflect all nine protected characteristics. This form is used to record and monitor any prejudice incident relating to any of the protected characteristics. A prejudice incident can include both criminal and non-criminal content. Both must be reported, recorded and investigated with equal commitment. The information can be shared with other local bodies by agreement of the individuals involved. The prejudice incident could take place at work, school, in the street, in the shops, in a pub, or in fact anywhere within Aberdeenshire.</p> <p>The Gender Pay Gap for Aberdeenshire Council is expressed in terms of the hourly pay gap. For all employees the hourly pay gap is 5.13%, for Teachers only it is 3.88% and Non Teachers is 12.23%</p> <p>The introduction of a Living Wage supplement has been approved by Councillors and has now been introduced. This will help the lowest paid workers in our employment. More females are in posts that will attract the Living Wage supplement.</p> |
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| Question 4 | What changes, if any, would ensure better equality outcomes (e.g. Legislative, administrative and/or enforcement changes)? |
| Comments | |
| <ul style="list-style-type: none">• In some ways the Equality Act 2010 and the PSED were a missed opportunity to introduce Plain English into the equalities agenda, which can be quite complicated and often use conflicting use of definitions. For example the phrase protected characteristics is one that does take some time for the general public to understand and engage with, and use of the word gender to mean masculine, female and presentation of either are often confused with the Sex characteristic. While legally necessary, simple jargon free language would have assisted engagement work.• The use of clear language cannot be underestimated in giving weight to particular view points within protected characteristics. There are sometimes disagreements within groups with shared protected characteristics as to which terms are more valid. One example is Gender Recognition, whereby the letter of the law expressly applies to Transsexual, whereas the spirit of the law has been extended to be inclusive of Transgender and Gender Identity. There is a need for clarity.• The GREC position is that we shall use and promote the use of ethnic category descriptors which are meaningful and fit for purpose: which are precise, accurate, and better reflect the identity and service needs of all communities. We shall continue to discourage the use of colour based ethnic classifications and to monitor equality/inequality and to inform and improve on current policies using the results from our own research and data collection.• There is also a need for clarity on the use of the term "hate crime" as opposed to "prejudice incidents" which may not result in a crime being committed.• The current PSED requirements need to be steadily built upon to establish a smarter way of thinking.• Aberdeen City and Aberdeenshire Councils have made significant progress in actioning the PSED. However for this to continue, the PSED should continue in its current form to ensure:-<ul style="list-style-type: none">○ Continue positive and visible leadership from elected and management leaders that focuses on goals and outcomes that will advance equality of | |

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opportunity and will consider the benefits of taking equality into account.

- Decision making that takes robust but proportionate account of the likely impact of a decision on the three aims of the PSED
- Action should continue to be taken to facilitate the capacity of organisations to implement the PSED effectively. This capacity would usually need to include staff understanding and awareness, updated information to aid consideration of equality issues, policy and decision making processes that enable equality implications to be considered before decisions are made.
- Equality Outcomes should continue to be intrinsic to business plans. These should reflect priorities that are based on evidence and community engagement.
- Good quality guidance that focuses on the sorts of things that public bodies need to do to fulfil their equality duties.
- Active engagement with the service users, residents and employees, particularly those from those with protected characteristics. This is likely to lead to better (e)quality, more appropriate decision making and greater preventative spend.
- Collecting information is not an end in itself but must inform action. Although there are challenges involved in identifying some evidence (such as on the cumulative impact of a series of fiscal and spending decisions) much of the information that public bodies need should be routinely available to public bodies that understand and are in touch with their communities.
- Openness and transparency, including clear and publicly available information about progress a Public Body is making towards the 3 aims PSED.
- The EHRC could be better at publicising cases which form part of its enforcement role, both to raise the profile of this responsibility and encourage others to change practices to avoid the same enforcement. Whether the low number of reported enforcement orders is a result of better practice, fewer resources or a more partnership approach in Scotland, is unclear. Enforcement action and outcomes need to be more transparent.

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| Evidence 4 | Aberdeen City |
| | <p>It is essential for front-line staff and service provision to be equipped to meet the needs of groups with protected characteristics. Particular examples are increased participation in public life by Gypsy Travellers and young people, and access to women only swimming sessions with female life guards and attendants</p> <p>Since the equalities profile of our citizens and the equalities agenda currently has a city wide focus, there is an opportunity to develop more local interconnections and identify local equality champions – there is untapped human potential with a wealth of local knowledge and skills.</p> <p>We need to build on the theme that the equalities agenda is intrinsic to “Improving Customer Services” so that it is seen as fundamental to the core business of the council and not perceived as an add-on.</p> <p>Current advice received from the EHRC can be rather abstract. This is perhaps due to the current stage of implementation of the PSED. The 2015 Review by the EHRC would be a useful opportunity to produce and promote a good practice guide which would benefit decision-making and inspire good practice.</p> |
| | Aberdeenshire |
| | <p>At an operational level the Council recognises its duties under both the Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. In EU threshold procurements the Council has due regard to the equality duty when setting the award criteria for the purpose of evaluating the most economically advantageous tenders. The Council also stipulates contractual obligations on service providers to comply with the Equality Act 2010 and to have due regard to the equality duty in circumstances where it is proportionate to the subject matter of the contract.</p> <p>We await further guidance from the EHRC to support our policy development and inform our practices and procedures. We understand this guidance will be forthcoming later this year.</p> |

