

Fairer Scotland Duty



About this briefing note summary

The Fairer Scotland Duty came into force on 1 April 2018, enacting part 1 of the Equality Act 2010, in Scotland. It places a duty on certain public bodies in Scotland to consider how to reduce inequalities of outcome caused by socioeconomic disadvantage.

It means that, as an elected member, you have a role in ensuring that the decisions you take for your authority are informed by consideration of socio-economic disadvantage in your area and the inequalities of outcome experienced by those living in socio-economic disadvantage. Officers should be considering the Fairer Scotland Duty at the outset and all the way through the development of any strategic plans, budget savings etc. You, as a decision maker at the end of the process, should be paying due regard to the requirements of the duty when making those decisions.

This briefing note provides a summary of the key aspects of the duty and how local authorities might go about meeting the duty.

What is the issue?

Over a million Scots are living in poverty, including one in four children. Health inequalities and educational attainment gaps are far too wide but public bodies in Scotland can help to reduce poverty and inequalities of outcome.

Key trends¹ are that **poverty** in Scotland is **slowly rising**.

Income inequality is rising. The top 10% of the population in Scotland had 27% more income in 2015-18 than the bottom 40% combined, up 3% from previous estimates. Median income has reached its highest levels since reporting began.

¹ <https://www.gov.scot/publications/poverty-income-inequality-scotland-2014-17/>

Household income increased more for those with higher incomes. Many people have household incomes near the poverty threshold.

What is the Fairer Scotland Duty?

The Fairer Scotland Duty came into force on 1 April 2018 but does not cover decisions made before this date. It does not override other considerations – such as equality or best value.

It places a legal responsibility on particular public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socioeconomic disadvantage.

Interim Guidance for Public Bodies² on the Fairer Scotland Duty has been published on how public bodies can meet the duty.

Engagement is ongoing over the three-year implementation phase of the duty to determine if there should be additional strategic decisions in the guidance. This will allow time for public bodies to develop best practice and become fully compliant with the duty.

Public bodies covered by the duty

The Fairer Scotland duty applies to the public authorities listed in The Equality Act 2010 (Authorities subject to the Socio-economic Inequality Duty) (Scotland) Regulations 2018.³

The list of public authorities is more limited than those listed under the public sector equality duty.⁴ The list is restricted by the provisions set out in Part 1 of the Equality Act 2010.

Process

A five-stage process is set out in the Scottish Government Guidance to help public bodies meet the duty. It is similar to the steps used by public bodies when undertaking an Equality Impact Assessment.

What does this mean for elected members?

Elected members, when making decisions of a strategic nature will have to actively consider, at an appropriate level, what more they can do to reduce the inequalities of outcome, caused by socioeconomic disadvantage, in any strategic decision making or policy development context. This is particularly important when considering budget decisions.

You will most likely be aware of the key inequalities of outcome in your local area, and this may be set out in the Local Outcomes Improvement Plan, Locality Plans and/or Corporate Plans. Useful sources of information such as Strategic Needs Assessments will assist with this understanding.

2 <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/>

3 <http://www.legislation.gov.uk/sdsi/2018/978011038086/body>

4 https://www.equalityhumanrights.com/sites/default/files/redraft_of_psd_tech_guidance_-_v6sc.pdf

Key issues and questions for elected members to consider

1. Is this a strategic programme/proposal/decision or not?
2. If yes, has a Fairer Scotland Duty Assessment been carried out?
3. Does the report of the Fairer Scotland Duty Assessment identify any negative impacts on those experiencing socio-economic disadvantage and inequality of outcome?
4. If yes, can any changes to the strategic programme/proposal/decision be made to reduce this negative impact?
5. Does the report set out any mitigating actions to combat inequality of outcome?
6. Does the strategic programme/proposal/decision provide any opportunities to reduce or further reduce inequalities of outcome?