

Equality and Inclusion: an Introduction for Elected Members

Introduction

Scotland is not an equal society. Many inequalities may seem obvious — poverty, deprivation and underemployment affect many people, reducing people's life span and limiting their opportunities. However, the impact of other inequalities can remain partially hidden or underexplored. For example, disabled people can be excluded from work or civic life because of inaccessible or lack of local transport, and access to social care for people from ethnic minority populations can be hampered by stereotypes that care and support is provided within their communities.

Put simply, people have different experiences of society and life in their local area. The decisions your council takes will have an impact on this. As a community leader, you may wish to take time to understand the realities faced by people in the area you represent by listening to, and learning about their experiences and what makes a difference to them. Taking part in equality and diversity events and training will increase your knowledge too.

Watch this short video and reflect on how council services could impact on the lives of disabled people?

The Social Model of Disability





Public Sector Equality Duty

The Equality Act was introduced in 2010 to help make Britain a fairer society. The Act places particular duties on public authorities (and other bodies when exercising public functions) to reflect the pivotal role they can play in dismantling inequality and driving up positive outcomes for all.

The public sector equality duty (referred to as the general equality duty) came into force on 5 April 2011 and covers seven of the nine 'protected characteristics' created by the Equality Act. These are:

- ▶ age
- ▶ disability
- ▶ gender reassignment
- ▶ race
- ▶ religion or belief
- ▶ sex and sexual orientation.

Local authorities and other bodies subject to the general duty are required to demonstrate 'due regard' to the need to:

- ▶ eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act
- ▶ advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it
- ▶ foster good relations between persons who share a relevant protected characteristic and those who do not share it.

To assist public bodies, such as local authorities to meet the general duty, further Scottish specific duties came into force on 27 May 2012 and require listed authorities to carry out the following activities:

- ▶ report on mainstreaming the equality duty
- ▶ publish equality outcomes and report progress
- ▶ assess and review policies and practices
- ▶ gather and use employee information
- ▶ publish gender pay gap information

- ▶ publish statements on equal pay
- ▶ consider award criteria and conditions in relation to public procurement.

The Scottish Government is currently reviewing these duties and a [consultation](#) closed in April 2022.

Further to that, 'The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in Scotland in April 2018, and a separate [briefing on this duty](#) is available on the Improvement Service website.

All local authorities and education authorities are covered by the general and specific duties.

Local authorities need to embed the equality duties in their day to day work. The duties will provide the council with a better understanding of its service users' needs and its workforce, which should lead to better decision-making and, ultimately, to genuine culture change and effective equality outcomes, which improve lives. The duties also promote transparency in decision-making and should lead to a reduction in discriminatory actions and any resulting legal claims.

The duties will support local authorities as they work towards local outcomes within [Local Outcomes Improvement Plans](#) (LOIPs) as well as many of the national outcomes in the [National Performance Framework](#) (NPF).

The public sector duties represent a positive opportunity for elected members to use robust evidence to ensure that decisions made improve people's lives.

What does this mean for carrying out your roles and responsibilities?

As an elected member, you have an important responsibility for championing equality within the council and ensuring that equality considerations are included in the decision-making and governance of the council to meet statutory responsibilities. This could include championing co-production, in which people are involved in the creation of policies and services, and ensuring the processes for co-production are inclusive.

Your role in leading, supporting, defending and advocating for the people and communities you represent means it is important that you have a solid grasp of how equality feeds into the day to day workings of the council. Understanding the equality duty will leave you better placed to respond to enquiries from local people and to signpost effectively when more detailed knowledge is required.

The specific duties are tools that will help you to identify the difference that the council will make to the lives of the people it serves. The specific duties for mainstreaming, equality impact assessment and outcomes will be most relevant to your role as an elected member and are set out below.

Mainstreaming

You should consider whether equality is mainstreamed effectively in the council's policies and practices. Mainstreaming equality means integrating the general equality into the day-to-day working of an organisation so that every decision is informed by the need to minimise discrimination, promote the best possible inclusion and to reflect on how the aim could increase or decrease unfairness in the community. It is for each individual organisation themselves to determine how best to mainstream equality in its day-to-day functions.

Good practice example

Aberdeenshire Council - Local Voices – Lived Experience Forum

The Lived Experience Forum was formed in 2019 and comprises 20 parents and 40 school age children from across Aberdeenshire. All are from households with an annual income of less than £15,000. The families are from a range of different backgrounds including the travelling community, lone parents, households with an adult or child who has a disability, those that have experienced domestic violence and those with English as an additional language (EAL). A small percentage of the parents in the forum are not in work, training or volunteering.

The views from the forum have challenged the way that Council services are delivered, contributed to continuous improvement practice and the development of training and awareness tools. A Poverty Engagement Worker has been appointed to work with, and support, families to participate in the forum. One member said “..the worker has been the most supportive person. She has listened and advised, contacted agencies and appropriate charities on my behalf.”

During the pandemic local voices have been used as a sounding board and the voice of reason for services that were being redesigned quickly and the forum has provided an opportunity for families to express their worries, views and experiences relevant to them. They asked for direct payment to be given to families who were entitled to free school meals. This was put in place within two weeks of lockdown ensuring 100% of uptake of this entitlement.

Equality Impact Assessment

Watch this short (under 1 minute) video and reflect on the importance of considering equality implications when making decisions.



In exercising your duties as an elected member, you will have to make many decisions which shape the practice and policies of the council. You have to ensure that the relevant equality implications are considered in decision making processes within the council. You will also have to ensure that you have sufficient information to satisfy the legal requirement to pay ‘due regard’ to equality.

There is an onus on elected members to ensure that equality impact assessments are sufficiently robust and given appropriate weighting in decision-making processes.

This is not a 'box ticking' exercise, and merely noting that an equality impact assessment has been conducted is not enough. You will have to be able to show how you, as a councillor, gave "due regard" to equality when you made a decision. Having council officers carry out an impact assessment, though necessary, is not the end of the duty. Elected members are obliged to consider equality implications and act on the findings of the impact assessments.

Policies and practices should therefore be assessed for impact across the three parts of the public sector duty (eliminate unlawful treatment, advance equality of opportunity and foster good relations). Consideration should be given to each of the 'protected characteristics' when you consider impact in this way.

This is not simply about ensuring that the council does not discriminate. Equality impact assessing also helps the council to identify ways in which equality could be advanced for those who are in most need, and also asks the council to consider the broader "good relations" impacts of a new policy — for example, a new housing allocations policy.

Financial proposals relevant to equality – such as those likely to result in closures of services or the means in which a service is provided, are likely to have equality impacts and should be assessed.

Equality Outcomes

Equality outcomes are results intended to achieve specific and identifiable improvements in people's life chances. An equality outcome is the result an organisation aims to achieve in order to further one or more of the needs of the general equality duty.



Prompts for policy development and scrutiny

The following prompts will help you when making and scrutinising decisions about new policies or approaches to service delivery and employment, or amendments or changes to existing policies:

- ▶ What is the intended aim of the policy?
- ▶ Who has been involved in shaping the policy or project? Has it been co-produced with people it will affect?
- ▶ Does the policy proposal take every opportunity to eliminate discrimination? Have opportunities been considered which could advance equality of opportunity or good community relations?
- ▶ Could the policy impact differently on different groups in the community — for example, people with mobility problems, people from the Pakistani community, or women?
- ▶ Have you been given sufficient information to make this assessment of differential impact?
- ▶ If there is a negative or disproportionate impact on one section of the community?
- ▶ Are you satisfied that the proposed mitigation is enough?
- ▶ Are there other ways that the council could achieve the same aim without differential impacts?
- ▶ Are the proposals for monitoring the policy sufficient to ensure that elected members will know in future if the policy is impacting differently on different groups?

Please use the prompts above when making and scrutinising decisions, as well as any reflections you have had from reading and watching the content in this guide.

If you have any questions about the equalities work in your council, you should speak to an equalities officer. If you are unsure who to speak to, ask your members/ democratic services to point you in the direction of the most appropriate officer.

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