The Highland Council

Communities and Partnerships Committee 9 February 2017

Agenda Item	3
Report	CP
No	01/17

Equalities Outcomes Review

Report by the Acting Head of Policy

Summary

This report provides members with information on the review of the Council's equality outcomes in line with our specific equality duties. The outcomes also incorporate duties on the Education Authority and Licensing Board. Members are asked to consider and agree a new set of equality outcomes for 2017-2021.

1. Background

- 1.1 S149 of The Equality Act 2010 places a general duty on public sector bodies to give due regard in the exercise of its functions to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act.
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 1.3 The duty covers the protected characteristics defined in the Equality Act of: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, with regard to eliminating unlawful discrimination.
- 1.3 In addition, The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 introduced a set of specific equality duties in May 2012 to support the better performance of the general duty above by listed public bodies in Scotland; these include Local Authorities, Local Education Authorities and Licencing Boards. The duties include the following:
 - 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.
- 1.4 Under the specific duties, by the 30 April 2017, the Council, Education Authority and Licensing Board are required to:
 - Review their equality outcomes
 - Report on progress with current equality outcomes

- Publish a mainstreaming equality report (including employee information)
- Publish gender pay gap information
- Review their Equal Pay statement and report on occupational segregation
- Publish the above in an accessible manner
- 1.5 Since the requirement to publish equality outcomes came into effect in 2013, the Equality and Human Rights Commission has published a comprehensive review on progress towards greater equality and human rights protection in Britain. A Scottish edition, *Is Scotland Fairer?* has recommended the following key areas requiring improvements:
 - 1. Improve the evidence and the ability to assess how fair society is
 - 2. Raise standards and close attainment gaps in education
 - 3. Encourage fair recruitment, development and reward in employment
 - 4. Support improved living conditions in cohesive communities
 - 5. Encourage democratic participation and ensure access to justice
 - 6. Ensure that all people can access the health services they need
 - 7. Tackle targeted harassment and abuse of people who share particular protected characteristics

The improvement areas have been considered during this review.

2 Equality Outcomes

2.1 Equality outcomes are defined by the EHRC as results that focus on making improvements to the lives of people protected under the Equality Act.

The Commission also stresses what equality outcomes are not; they are not:

- Outputs
- Performing the other specific duties
- Making your services accessible
- About your services or functions

However, these are of importance and will either contribute to the actions supporting our equality outcomes or to how we mainstream equality.

- 2.2 Public bodies were required to first publish a set of equality outcomes by 30 April 2013, and every four years thereafter. They are also required to publish a progress report every two years.
- 2.3 Reasonable steps should be taken to involve people with protected characteristics in preparing outcomes, and consideration given to relevant evidence relating to protected characteristics. Where a set of outcomes does not cover all individual equality characteristics the reasons for this should be published

3 Reviewing Equality Outcomes

- 3.1 The Highland Council agreed its first set of equality outcomes in 2013 which contained 20 equality outcomes covering the Council and Education Service. During 2015 the Licensing Board's equality outcomes were also incorporated. The 20 outcomes were framed under three overarching outcomes:
 - People are, and feel, free to live their lives without harassment and discrimination, and can take part in community life,

- People benefit from public services in a fairer way and are able to have their say about them,
- Staff feel there is an organisational culture where everyone is treated with dignity and respect.
- 3.2 The review of the equality outcomes has taken account of regular progress reports to this committee against the set of outcomes and also papers on specific topics, for example:
 - National priorities, evidence and research
 - Local information, for example the annual Council Performance Survey, Employee Survey, Stonewall staff survey, school's Lifestyle Survey
 - Feedback from local equality groups through event such as a hate crime event in October 2016, consultations, complaints or concerns, focus groups, and informal meetings with members of this committee

Some specific activities included;

- A survey to ask for views of our current equality outcomes.
- Reflection on progress and EHRC appraisals
- Work with local partners to consider common aims

3.2.1 Public Engagement on Reviewing Equality Outcomes:

An electronic survey was carried out in November/December 2016 asking for views on the Council's equality outcomes. This was targeted at local equality groups and Community Councils but was promoted on the Council Intranet and Internet allowing for responses from staff and the general public. The survey received 200 responses. Overall:

- There was general agreement with the current 3 overarching equality outcomes.
- There was mostly agreement with the priority areas.

Some concerns were raised that rural inequality was not being fully addressed by public bodies. There were also some negative comments received about public bodies giving a focus to equality and minority groups in general.

Respondents were also asked to identify a key action that would help to advance equality in Highland. Some general observations addressed:

- Leadership and engendering a culture of positive promotion of equality, inclusion and integration throughout the Council,
- Employee and Member training, and understanding of responsibilities,
- Ensure support in this area of activity and have a robust way of ensuring provision,
- Promoting inclusion and integration n schools,
- Greater consultation with those that are hard to reach due to inequalities.

Some more specific suggestions included:

- Commitment to LGBT+ welfare especially in regards of transgender people
 for example gender neutral bathrooms in council buildings and promotion for other businesses and schools to do the same,
- Increase engagement with staff on equality.
- Eliminate the gender pay gap and tackling gender inequality,

- Action to encourage more diversity on e.g. Community Councils and other bodies,
- Equal Opportunities for disabled people.

3.2.2 Refection on progress and EHRC appraisals:

This was a primarily desk-based review and taking account of the equality working group views. It was apparent that the number of equality outcomes and the 2 tiered approach was overly complex. It was clear that some outcomes were difficult to measure in terms of progress, and that there was overlap between others.

As a result, it is proposed that the revised set of outcomes is shorter (10 outcomes) and some of the previous outcomes are incorporated as activities within the new set. It is recommended that the three overarching outcomes are retained as key equality aims for the three public bodies. Appendix 1 maps the changes between the current and proposed equality outcomes

3.2.3 Work with local partners to consider common aims:

A positive outcome of the review has been work with local partners to identify common aims to reflect in equality outcomes. The Council has worked particularly closely with NHS Highland and HIE to develop shared outcomes, albeit with very different outputs and activities. Police Scotland set equality outcomes nationally, however the above partners have worked closely with Highland and Islands Division to share an outcome around prejudice and hate crime. There is a shared recognition that no single organisation can make the positive differences required to advance equality for some groups of people.

4. Revised Set of Equality Outcomes

- 4.1 Building on and learning from previous work, the proposed revised set of equality outcomes is presented below. There is a reduction in the number of equality outcomes, with the intention of a more focused approach. Some, such as outcome 1 will address a number of key objectives, and an increased number are shared with partners. These are high level outcomes and largely reflect the improvement areas identified by the EHRC in 2.1. An expanded summary is attached in Appendix 2 and this details which protected characteristics are covered and which part of the PSED applies.
- 4.2 It is prosed to develop a detailed action plan for each outcome; the above survey will feed into the actions and further engagement with local equality groups will be undertaken over the coming months. The action plan will be presented to an appropriate committee following summer recess.

4.3 Proposed Equality Outcomes 2017 – 2021

- 1. Increase diversity in leadership and workforce participation: Aims to address poorer outcomes experienced by some groups. Activities covering internal workforce (Disability Confident, Women in Management, Stonewall), under-representation in leadership, and employability will contribute to this outcome.
- 2. Identified groups have improved experiences of accessing services and information: This outcome aims to improve the experiences of customers with protected characteristics, including disabled people and others with communication support needs. In the past, disabled people have reported that they are more likely to feel that the Council is not aware of people's needs. Activities include awareness raising and promoting principles of inclusive communication.
- 3. As a Community Planning Partnership, work towards addressing socio-economic disadvantage as set out in the Local Outcome Improvement Plan: This is a new outcome which recognises the focus on inequality within the new Community Planning Partnership arrangements. This links to Community Empowerment duties and the socio-economic duty in the Equality Act to be introduced in Scotland in 2017.
- 4. People better recognise and understand prejudice-based incidents and hate crimes and feel confident reporting them: Maintains a focus on partnership activities to tackle, and to encourage the reporting of, hate crime and prejudice based incidents including in schools. Includes awareness raising activities and work with third party reporting organisations and equality groups.
- 5. In Highland, all individuals are equally safe and respected, and women and girls live free from all forms of violence and abuse and the attitudes that help perpetuate it.

 Maintains a focus on gender-based violence and the work of the Violence Against Women Partnership.

 Continued development and delivery of training and guidance, and refresh of the Violence Against Women strategy.
- 6. Children and young people will benefit from improved access to mental health services and support: In recognition that not all children and young people benefit from equitable access to mental health services. Activities include improving systems to improve health outcomes, including mental health and wellbeing, for LAC.
- 7. Staff and pupils have a greater awareness of how they can support equality through delivery of curriculum for excellence and wider school approaches following the principles of the Highland Practice Model and SHANNARI: Continues to build equality into work across schools and with education staff. Actions include the roll-out of a new equality and diversity policy across schools and development and delivery of associated training.
- 8. Increase the number of young people with protected characteristics leaving school moving into positive and sustained destinations: Supporting aims for Highland's young people to develop skills for work, and to achieve positive destinations. Includes activities aimed at reducing gender segregation and to increase the number of girls moving into science, technology, engineering or maths (STEM).
- 9. Reduce attainment and achievement gaps between pupils with protected characteristics:
 Supporting aims to improve pupil attainment and improve the performance of pupils, particularly those experiencing poverty and deprivation. Activities to reduce the number of children with Additional Support Needs who are not in school full time. Develop staff training around attachment, resilience, and child development.
- 10. We will meet the needs of children and Families who have experienced interrupted learning: Continues focus on the needs of Gypsy/Traveller and Roma Children, young carers, children with ASN and children from military families. Activity includes the use of Welcome Pack for Interrupted Learners.

5 Next steps

- 5.1 Once the proposed outcomes are agreed, work will continue to draw up details of action plans against each. This will involve consultation with local equality groups from late Spring onward and some outcomes may be refined in the process.
- 5.2 Progress reports across the equality outcomes will continue to be required under the specific equality duties every two years and will be reported to Committee. Progress will also be reported in the Council's annual performance report.
- 5.3 The cross—service equalities working group will continue to monitor progress with activities and provide support to colleagues. The remit of this group has recently been widened to cover the impact of rural and poverty implications of the Council's work.
- 5.4 We will continue to recognise the importance of working with our partners and local communities to promote and advance equality and to strengthen relations between and within communities.

6 Implications

- 6.1 <u>Financial implications</u>: There are no new financial implications arising from this report. Any new actions in the future would require to resources to be identified.
- 6.2 <u>Risk and Legal implications</u>: The Council, Education Authority and Licensing Board have a duty to comply with the Equality Act 2010; failure to comply has the potential to result in enforcement action, legal challenge or loss of reputation.
- 6.3 <u>Equalities implications</u>: The report proposes a new set of equality outcomes for the three listed bodies; the review of these outcomes is one element of our specific equality duties.
- 6.4 <u>Climate change implications</u>: There are no climate change implications arising from this report.
- 6.5 <u>Rural implications</u>: Equality activities covering Highland recognise that disadvantage faced by equality groups can be compounded by rurality.
- 6.6 <u>Gaelic implications</u>: There are no new Gaelic implications arising from this report. The final published reports will follow the Council's policy on Gaelic translation.

Recommendation:

Members are invited to consider the report and agree the proposed set of equality outcomes for 2017 – 2021.

Designation: Acting Head of Policy

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Background Papers:

Appendix 1 Mapping 2013-17 outcomes with new proposed outcomes

Appendix 2 Extended summaries of equality outcomes

EHRC background papers and guidance:

- Technical guidance on the Public Sector Equality Duty in Scotland (2013) https://www.equalityhumanrights.com/en/node/658
- Equality outcomes and the Public Sector Equality Duty (2013) https://www.equalityhumanrights.com/en/node/849
- Improving Equality outcomes (2015)
 https://www.equalityhumanrights.com/en/advice-and-guidance/improving-equality-outcomes
- Is Britain Fairer? (2015) https://www.equalityhumanrights.com/en/britain-fairer

Appendix 1: Mapping equality outcomes 2013-17 against proposed revised equality outcomes 2017-2021

High level outcome 1: People are, and feel, free to live their lives without harassment and discrimination, and can take part in community life – this becomes an aim

	becomes an aim		
	Intermediate outcomes 2013 - 2017	Proposed revised equality outcomes 2017-21 with changes	
1	People feel involved and are able to participate in public life and influence decision making	Incorporate with new outcome 1 Increase diversity in leadership and workforce participation	
2	Highland continues to be viewed as a welcoming place to live and there is positive support for an equal society	Remove, but include measure on whether Highland is a welcoming place in revised outcome 4 People better recognise prejudice-based incidents and hate crimes and feel confident reporting them	
3	 a) Long term impact of Violence Against Women (VAW) on women and children is reduced Women affected by VAW receive services which meet their needs Children and Young People affected by VAW receive services which meet their needs b) Violence Against Women is Reduced Perpetrators are tackled about their behaviour Reduced acceptance of VAW 	Revised new outcome 5 In Highland, all individuals are equally safe and respected, and women and girls live free from all forms of violence and abuse and the attitudes that perpetuate it.	
4	 a) The population of Highland have an increased understanding of hate incidents and of their impact on individuals and communities. b) People feel more confident in reporting hate incidents that they have experienced or witnessed. c) People who report hate incidents feel satisfied with the response received from public agencies d) Individuals within protected groups feel safe and secure within their local community. 	Revised new outcome 4 People better recognise prejudice-based incidents and hate crimes and feel confident reporting them	
5	Pupils and school staff have a greater understanding of prejudice based bullying and its impact.	Incorporate with revised new outcome 4 People better recognise prejudice-based incidents and hate crimes and feel confident reporting them	
6	Pupils and school staff feel more confident in reporting prejudice based bullying incidents that they have experienced or witnessed	Incorporate with revised new outcome 4 People better recognise prejudice-based incidents and hate crimes and feel confident reporting them	

High level outcome 2: People benefit from public services in a fairer way and are able to have their say about them – *this becomes an aim*

7	We will improve customer satisfaction rates,	Incorporate with new outcome 2
	in particular from disabled people.	Identified groups have improved experiences of accessing services and information
8	Employability:	Incorporate with new outcome 1
	Widen participation in the labour market across all client groups and across all Highland geographies: To enable those who are currently removed from the labour market, to	Increase diversity in leadership and workforce participation
	 move towards and into sustained work. Improve equality of access to the labour market for all client groups, including disabled people. Ensure that young people can enter the labour market with aspiration, skills and experience: 	
	 Ensure that our young people and looked after children progress to further/higher education, training or employment. Partners address significant inequalities in Highland through a coherent and individualised approach to post school transition for young people experiencing significant barriers to employment. 	
9	Improvements to the life chances and experiences of Gypsy/Travellers living in Highland	Remove – but incorporate with new outcome 2 and, include in mainstream work eg reports to committee Identified groups have improved experiences of accessing services and information
10	Disabled people, older/younger people and women experience have improved access to public transport (through the provision of more accessible information on transport and better information about accessible services).	Remove - but incorporate with new outcome 2 Identified groups have improved experiences of accessing services and information
11	Increase the number of young people leaving school moving into positive and sustained destinations	Revised outcome 8 Increase the number of young people with protected characteristics leaving school moving into positive and sustained destinations
12	Reduce gender segregation in positive and sustained destinations for young people leaving school.	Incorporate with outcome 8 Increase the number of young people with protected characteristics leaving school moving into positive and sustained destinations

13	Fulfil the potential achievements of pupils with ASN.	Incorporate with outcome 8 Increase the number of young people with protected characteristics leaving school moving into positive and sustained destinations
14	Reduce attainment and achievement gaps between boys and girls.	Incorporate with revised outcome 9 Reduce attainment and achievement gaps between pupils with protected characteristics
15	Staff and pupils have a greater awareness of how they can support equality through delivery of curriculum for excellence and wider school approaches following the principles of the Highland Practice Model and SHANNARI.	Keep – now outcome 7 Staff and pupils have a greater awareness of how they can support equality through delivery of curriculum for excellence and wider school approaches following the principles of the Highland Practice Model and SHANNARI.
16	We will meet the needs of children and Families who have experienced interrupted learning. This includes Gypsy/Traveller and Roma Children, and young carers. Children with ASN	Keep now outcome 10 We will meet the needs of children and Families who have experienced interrupted learning. This includes Gypsy/Traveller and Roma Children, and young carers.
17	Increased attainment for children and young people from deprived areas.	Incorporate with revised outcome 9 Reduce attainment and achievement gaps between pupils with protected characteristics

High level outcome 3: Staff feel there is an organisational culture where everyone is treated with dignity and respect – *becomes an aim*

18	Increase the proportion of staff who feel they are treated fairly, both in terms of employment and development opportunities, and more generally, feelings of fair treatment in the workplace, (as measured through the Employee Survey).	Incorporate all in new outcome 1 Increase diversity in leadership and workforce participation
19	Reduce the gender pay gap where actions appropriate to an employer can be identified.	
20	Eliminate barriers to recruitment and development that contribute to pay inequalities.	

Appendix 2: Extended summary of revised equality outcomes 2017-2021

1. Increase diversity in leadership and workforce participation

Revised outcome to address the poorer outcomes and opportunities experienced by some groups. This can include objectives covering internal workforce, representation on boards, and employability

- This will benefit all protected characteristics but with particular focus on Disability, age, gender, LGBT employees
- Applies to Highland Council, Education Authority and Licensing Board.
- A shared outcome with NHSH and HIE
- PSED: eliminate discrimination; advance equality; foster good relations

Examples of key actions are likely to include:

HC workforce:

- o Implement commitment to Disability Confident
- o Continue with Women in Management activities
- o Work with Stonewall Diversity Champions programme
- o Encourage increased return of equality monitoring forms
- o Promotion of equality and diversity courses

Employability:

 Client centred service to support young people and adults not in work to progress towards and into sustained employment

Leadership

o With partners, hold event to increase gender diversity on public boards

2. Identified groups have improved experiences of accessing services and information

This outcome aims to improve the experiences of customers with protected characteristics, including disabled people and others with communication support needs. In the past, disabled people have reported that they are more likely to feel that the Council is not aware of people's needs. Activities include awareness raising and promoting principles of inclusive communication.

- This will benefit all protected characteristics but with particular focus on Disability, age, race and ethnicity (including Gypsy/Travellers)
- Applies to Highland Council, Education Authority and Licensing Board. A joint outcome with NHSH.
- PSED: eliminate discrimination; advance equality; foster good relations

Examples of key actions are likely to include:

- Publish British Sign Language (BSL) plan by October 2018
- Continue to provide communication support to people who are D/deaf or hard of hearing
- Provide Communication Support to service users where needed
- Maintain the Council's commitment to house families under the Syrian resettlement Programme
- Licensing Board to consider the introduction of wheelchair accessible taxi policy

3. As a Community Planning Partnership, work towards addressing socio-economic disadvantage as set out in the Local Outcome Improvement plan.

This is a new outcome which recognises the focus on inequality within the new Community Planning Partnership arrangements. This links to Community Empowerment duties and socioeconomic duty in the Equality act to be introduced in Scotland.

- This would link to disadvantage faced by people linked to protected characteristics, in particular, disability, age, gender and ethnicity
- Proposed outcome would apply to Highland Council and the Education Authority. A joint outcome with HIE and NHSH, with potential to be adopted by wider Partnership (s)

Examples of key actions are likely to include:

o Tbc

4. People better recognise and understand prejudice-based incidents and hate crimes and feel confident reporting them.

This is an amended outcome which focuses on the partnership activities to tackle hate crime and incidents, and promotes the Hate Free highland campaign.

- This will benefit all protected characteristics
- Applies to Highland Council, Education Authority and Licensing Board. A joint outcome with NHSH and partnership work with Police Scotland.
- PSED: eliminate discrimination; advance equality; foster good relations

Examples of key actions are likely to include:

- Review and refresh local third party reporting arrangements
- Investigate partners taking part in the 'Keep Safe' initiative
- Continue to raise awareness and encourage reporting
- Police Scotland to continue to survey experiences of hate crime victims
- Schools agree a process for reporting bullying incidents that is meaningful

5. In Highland, all individuals are equally safe and respected, and women and girls live free from all forms of violence and abuse and the attitudes that help perpetuate it.

An amended outcome which focuses on gender-based violence and the work of the Violence Against Women partnership.

- This applies mainly to the protected characteristic of sex but also gender reassignment, race, disability and age.
- This applies to Council; Education, Licensing Board. This outcome is shared with NHSH, and Police Scotland is a key partner in this work.
- PSED: eliminate discrimination; advance equality; foster good relations

Examples of key actions are likely to include;

- Clear guidelines to support staff experiencing gender-based violence and tackle perpetrators
- Refresh priorities and measures for VAW
- Continue delivering the VAW training programme
- Evidence the impact of VAW training

6. Children and young people will benefit from improved access to mental health services and support

A new outcome which addresses the unequal access to mental health support for some children and young people.

- This will focus on disability (mental health and learning disability) and Looked After Children
- Applies to Highland Council and Education Authority. This is a shared outcome with NHSH.
- PSED: eliminate discrimination; advance equality

Examples of key actions are likely to include:

- The implementation of a joint Tier 2 (Highland Council) and Tier 3 (NHS Highland) Mental Health project focusing on providing consultation and advice to residential units in Highland, to support the mental health and wellbeing of Looked After and Accommodated young people.
- The roll out of the Scottish Mental Health First Aid for Young People programme to all schools in Highland, provided by the Highland Council Primary Mental Health Worker Service.
- The creation of a joint pathway between Highland Council and NHS Highland, focusing on the assessment and support for children and young people with learning disabilities and mental health issues.

7. Staff and pupils have a greater awareness of how they can support equality through delivery of curriculum for excellence and wider school approaches following the principles of the Highland Practice Model and SHANNARI.

This outcome continues and supports work to build equality into work across schools and with education staff.

- This will benefit across all protected characteristics.
- Applies to the Education Authority
- PSED: eliminate discrimination; advance equality; foster good relations

Examples of key actions are likely to include:

- Audit of School Policies. Develop a template to evaluate the Equalities Policies in schools
- Equalities included in the SIP of every school.
- Staff Training developed, promoted and rolled out

8. Increase the number of young people with protected characteristics leaving school moving into positive and sustained destinations.

An amended outcome with a focus on the transition of young people moving on from Education and gender segregation.

- This will have a particular focus on disability and sex
- Applies to the Education Authority
- PSED: eliminate discrimination; advance equality

Examples of key actions are likely to include:

- Review and relaunch Transitions Procedures;
- Activities to reduce gender segregation in positive and sustained destinations for young people leaving school.
- Activities to increase the number of girls moving into training or employment in science, technology, engineering or maths (STEM).
- o Develop a resource bank of materials on gender stereotyping for schools on GLOW

9. Reduce attainment and achievement gaps between pupils with protected characteristics Supporting aims to improve pupil attainment and improve the performance of pupils, particularly those experiencing poverty and deprivation.

- This will have a particular focus on disability, ASN and gender
- Applies to the Education Authority
- PSED: advance equality

Examples of key actions are likely to include:

- Monitor the use of Developmental Overviews
- Develop staff training around attachment, resilience, and child development
- Further develop individualised support to maximise number of children with ASN who are able to sustain full-time school attendance.
- Activities to reduce the number of children with ASN who are not in school full time

10. We will meet the needs of children and families who have experienced interrupted learning.

This outcome continues and will focus on the needs of Gypsy/Traveller and Roma Children, young carers, children with ASN and children from military families.

- This will benefit the protected characteristics of disability, ethnicity, as well as young carers and children from military families.
- Applies to Education Authority
- PSED: eliminate discrimination; advance equality; foster good relations

Examples of key actions are likely to include:

- Annual Review of work undertaken by Co-ordinator for Interrupted Learners
- Use of Welcome Pack for Interrupted Learners