

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	22 April 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Equality, Diversity and Inclusion Policy
REPORT NUMBER	CORS/24/102
EXECUTIVE DIRECTOR	Andy MacDonald, Executive Director – Corporate Services
CHIEF OFFICER	Lindsay MacInnes, Interim Chief Officer – People and Citizen Services
REPORT AUTHOR	Sandie Scott, People Development Manager
TERMS OF REFERENCE	2.6

1. PURPOSE OF REPORT

- 1.1 To seek approval from the Committee for implementing the refreshed Equality, Diversity and Inclusion Policy, replacing the existing Diversity and Equality Policy.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 approves the implementation of the refreshed Equality, Diversity and Inclusion Policy;
- 2.2 instructs the Chief Officer - People and Citizen Services to ensure that the Policy document and all supporting process and guidance documents are easily accessible to all staff and managers and that managers are supported in the fair and consistent application of the policy and process through appropriate training;
- 2.3 instructs the Chief Officer - People and Citizen Services to publish the revised Equality, Diversity and Inclusion Policy on the Council's external website; and
- 2.4 instructs the Chief Officer - People and Citizen Services to update the mandatory Equality, Diversity and Inclusion training for employees to reflect the newly updated policy and guidance.

3. CURRENT SITUATION

3.1 Why do we need a policy?

- 3.1.1 An equality, diversity and inclusion policy sets out the organisation's commitment to promoting equality of opportunity and eliminating discrimination, harassment, and victimisation on the grounds of protected

characteristics, such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 3.1.2 An equality, diversity and inclusion policy can help the organisation to comply with relevant legislation, such as the Equality Act 2010 and the Public Sector Equality Duty, and to foster a positive and inclusive culture where everyone can contribute and thrive.
- 3.1.3 An equality, diversity and inclusion policy creates clarity for all employees and elected members on best-practice equality and inclusion initiatives.
- 3.1.4 An equality, diversity and inclusion policy highlights the Council's commitment to upholding the principles of equality, diversity and inclusion and ensures that due regard is given to the diverse needs of our citizens and communities in all Council activities.

3.2 Current Equality Outcomes and Statutory Duties

3.2.1 The Council has a [Public Sector Equality Duty](#) under the Equality Act 2010 which means that the Council must strive to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

3.2.2 Under the [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#), public sector organisations in Scotland must also:

- report on mainstreaming the equality duty.
- publish equality outcomes and report progress.
- assess and review the equality impact of policies and practices.
- gather, use and publish employee information.
- Use information on the characteristics of members or board members gathered by the Scottish Ministers.
- publish gender pay gap information.
- publish equal pay statements.
- consider award criteria and conditions in relation to public procurement.
- publish in a manner that is accessible.

3.2.3 The Council has ten Equality Outcomes that were set in 2021 and will be renewed and refreshed in 2025. These ten outcomes can be found [here](#). The outcomes set the Council's ambitions for equality, diversity and inclusion as a service provider and employer. Extensive consultation and engagement with community groups and employees is undertaken when renewing these outcomes.

3.3 The Existing Policy

- 3.3.1 The existing Diversity and Equality Policy was implemented in June 2012.
- 3.3.2 Since June 2012, our understanding of and approach to equality, diversity and inclusion has changed, as have the expectations of citizens. As such, there is a requirement to revise the policy to reflect changes in legislation and approach and additional improvements.
- 3.3.3 The existing policy has an internal, employment-related focus and does not encompass the breadth and depth of equality, diversity and inclusion work at Aberdeen City Council.
- 3.3.4 A refresh is required to ensure a holistic, joined up and transparent approach to equality, diversity and inclusion work that is published on our public website and well promoted through our internal communications channels to ensure employees are clear on their duties and responsibilities – and our citizens and communities know what to expect and what their rights are when engaging with Aberdeen City Council.

3.4 Legislative Changes

- 3.4.1 Since the policy was last written, 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 actively reduce inequalities of outcome caused by socio-economic disadvantage.
- 3.4.2 The Children and Young People (Scotland) Act 2014, Gender Representation on Public Board (Scotland) Act 2018, and Hate Crime and Public Order (Scotland) Act 2021 have taken effect since the last update on the Policy.
- 3.4.3 Additionally, the Equality Act 2010 (Amendment) Regulations 2023 came into place, introducing relevant provisions to the amended Act.
- 3.4.4 The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill incorporates the United Nations Convention on the Rights of the Child (UNCRC) into the law in Scotland. The Bill was approved on 07 December 2023 and became an Act on 16 January 2024. It is due to come into force in July 2024.
- 3.4.5 The Hate Crime and Public Order (Scotland) Act 2021 came into force on 1st April 2024. This legislation does not add additional duties onto the council as an organisation but may have implications for local authority employees. For example, employees should be aware that:
- They could be liable for an aggravated offence if they commit any criminal act that is motivated by malice and ill-will towards a person or a group of people based on their protected characteristic, either in the course of their work or outside of it.
 - They could also be liable for an aggravated offence if they participate in or associate with a group of people who commit any criminal act that is

motivated by malice and ill-will towards a person or a group of people based on their protected characteristic, either in the course of their work or outside of it.

- They have a duty to report any incidents or allegations of aggravated offences that they witness or become aware of in the workplace, either by their colleagues, managers, customers, clients, partners, or any other third parties.
- They have a responsibility to uphold the values and policies of a local authority, which include promoting equality, diversity and inclusion, and preventing and tackling discrimination, harassment and hate crime.

3.4.6 This policy acknowledges takes account of this new legislation and aims to ensure that all people who face hate crimes based on their identity or perceived identity are recognised and supported by our services. The proposed upcoming changes to our mandatory training course on Equality & Diversity will also reflect these changes and ensure are employees are aware of their responsibilities.

3.5 Engagement with Stakeholders

3.5.1 To ensure that this policy suited the needs of our varied citizens and stakeholders, engagement activity and input was sought from:

External Stakeholders:

- Equality Participation Network (supported by Grampian Regional Equality Council)
- Tenants and Residents Group
- Parent Councils

Internal (employee) Stakeholders:

- Equality Ambassadors Network
- Employee Equality Network Groups (age, disability, LGBT+, race and sex)
- Public Sector Equalities Working Group
- Attendees at the Council's Black History Month event
- Employees through internal survey

3.5.2 The feedback from these groups has been instrumental in the development of the ethos of the policy. Key themes from the feedback included:

- A need to add more reference to wider corporate and service-specific legislation, documentation and processes, including those specific to education.
- A need to reduce the feeling of 'distance' between decision-makers such as senior Council officers and Elected Members, and diverse communities and citizens. This includes more visibility and accessibility, more direct and two-way communication and more "human" interaction.
- A need to focus on active listening and involving and consulting with diverse groups at the earliest possible opportunity when decisions may affect them or when planning services.
- A need to ensure that the voices of diverse communities are heard and that their lives and experiences are fully understood.

3.5.3 This feedback has been used to refresh the new policy.

3.5.4 Due to the nature of equality, diversity and inclusion, a number of teams across the Council are involved in this work. Therefore, different teams contributed to the creation of the policy including:

- People and Organisational Development, including Equalities
- Education
- Children’s Social Work
- Legal
- Customer Experience
- City Growth
- Governance

3.6 Equally Safe at Work Requirements

3.6.1 Aberdeen City Council has its Equally Safe at Work accreditation with Close the Gap and as part of this, there are requirements to include certain statements and information within the Equality, Diversity and Inclusion Policy. These are:

Equally Safe at Work requirement	How this is met in the policy
You should already have in place a policy which sets out your commitment to equality and diversity.	The policy itself meets this requirement.
Your equality policy should include a statement on the importance the Council places on equality and diversity, and how this will be put into practice. It should also set out the behaviour you expect of your staff; the kind of behaviour that is unacceptable; and what staff can expect of you as an employer. Your equality policy could also describe the type of working environment you want to create.	This is all encompassed in sections 1, 2, 3 and 5 of the policy.
The policy should also set out: • who is responsible for the policy; and • how you will monitor the policy and when you will review it.	The policy includes policy author and approval. Section 8 outlines how policy performance will be measured
You should have in place a clear policy commitment to identifying and addressing patterns of occupational segregation in the Council, including a recognition that women with multiple identities, such as BME women and disabled women, are particularly affected by occupational segregation. You should make clear in your policy the link between horizontal and	This is interwoven throughout the policy, see specifically sections 3.3, 5.5, 5.11 of the policy

vertical occupational segregation and your gender pay gap.	
This should include a definition of Violence Against Women (VAW), a statement of commitment to work towards preventing and ending VAW. You should make clear that the council has a culture of zero-tolerance policy on all forms of VAW, including domestic abuse, rape and sexual assault, stalking, sexual harassment and 'honour-based violence', and demonstrate a robust and transparent confidential reporting process.	This is interwoven throughout the policy, see specifically sections 5.11, 5.16 and 13.13 of the policy
This should include a description of sexism and examples of how it may manifest in the workplace. You should make clear what standards of behaviour are unacceptable and provide assurance to staff that reports will be taken seriously under your reporting process.	This is interwoven throughout the policy, see specifically sections 4.10, 4.11, 5.16 and 13.19 of the policy
You should include information on the link between women's labour market inequality, VAW and wider gender inequality.	This is addressed in section 5.11 of the policy
You should set out your responsibilities as an employer, and the responsibilities of individual employees in this area. This includes providing information on the Council's zero-tolerance approach to all forms of VAW, the reporting procedures you have in place, and how victim-survivors will be supported at work.	This is interwoven throughout the policy, see specifically sections 4.10, 4.11 and 5.16 in the policy
Your equality policy should include a statement which recognises that your employees' experiences of employment are shaped by their multiple identities, and that women and men are not homogenous groups in themselves.	This is addressed in section 5.5 of the policy
You should have a commitment to work towards an intersectional analysis of your employee data and progress an intersectional approach to equalities work.	This is addressed in section 5.20 of the policy

3.7 Key Changes and Additions in the New Policy

- 3.7.1 The new policy simplifies the language and terminology, making it more inclusive and aligned with Aberdeen City Council's Equality Outcomes and our progressive equality, diversity and inclusion ambitions.

- 3.7.2 The policy has been written to ensure that there is inclusion of equality, diversity and inclusion work from across the whole organisation and that the organisation meets its requirements as a service provider and employer.
- 3.7.3 The policy factors in changes to legislation, additional requirements as a result of accreditations, pledges, internal documentation and commitments.
- 3.7.4 The policy factors in lessons learned from legal reviews and budget-setting and consultation processes.
- 3.7.5 There is an enhanced focus within the policy on visibility, engagement, consultation and co-creation with communities on service design and on decisions which affect them.
- 3.7.6 The policy highlights the work and support available on our new and improved Integrated Impact Assessments.

3.8 Measuring Policy Performance

- 3.8.1 Measures to determine the effectiveness of the policy will include compliance with the public sector general and specific equality duties and the progress made towards the Council's Equality Outcomes.
- 3.8.2 A variety of employee-related equality data is gathered as part of the specific equality duties. This data is used to demonstrate progress made with performing the general equality duty under the Equality Act (2010). The Council will work towards an intersectional analysis of this data.
- 3.8.3 Consultation and engagement with employees, trade unions and citizens will provide an indication of whether the organisation is meeting its equality, diversity and inclusion objectives in relation to employment. Any complaints received in relation to equality, diversity and inclusion from employees or citizens will also be monitored.
- 3.8.4 Performance information will be included in the Council's statutory Equality Outcomes Mainstreaming Progress Report produced every two years as part of its Public Sector Equality Duties, which is also submitted to Committee. The report will include details in respect of employees and citizens and give an indication of how the organisation is progressing towards meeting the general and specific equality duties, including the Council's Equality Outcomes.

3.9 Next Steps

- 3.9.1 This policy will be published internally and externally along with relevant promotional material.
- 3.9.2 An easy-read summary and BSL version will also be made available internally and externally.
- 3.9.3 The Council's mandatory training on equality, diversity and inclusion is due for a refresh and will be reviewed in line with the new policy.

- 3.9.4 The Council's next Equality Mainstreaming report is due to Anti-Poverty and Inequality Committee in March 2025. This will include details of work done to date and information that is relevant to the performance of this policy.
- 3.9.5 Regular progress updates are provided to Staff Governance Committee on employment-related equality, diversity and inclusion work. This will include an update prior to the 2025 Mainstreaming Report with the employment-related content.
- 3.9.6 In addition to the above, as part of our statutory duties, a new British Sign Language Plan (2024 -2030) will come into effect on 6th May 2024. The Council's second Gaelic Language Plan (2023-2028) will also be presented to the Bòrd na Gàidhlig in October 2025. Service Updates covering both of these statutory obligations will be presented.

4. FINANCIAL IMPLICATIONS

- 4.1.1 Financial risks should be mitigated by the policy, as it will help ensure that claims against the Council of unlawful discrimination, harassment or victimisation by employees, citizens, or others, do not occur, saving on potential costs of that type.

5. LEGAL IMPLICATIONS

- 5.1.1 The policy will help ensure that the Council meets legislative requirements in relation to equality, diversity and inclusion, including its responsibilities in respect of the public sector equality duties under the Equality Act (2010). This will reduce the risk of any statutory non-compliance and challenges, for example, decisions being judicially reviewed.
- 5.1.2 This policy mitigates against the risk that the Council does not meet the needs of its diverse employees and citizens and mitigates against making any inequalities worse or contributing to inequalities in the City.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 The policy and its provisions for integrated impact assessments may contribute towards protecting and improving the environment, with studies showing that people in more equal societies tend to consume less, produce less waste, and emit less carbon on average. If there is equality for employees, citizens and communities, this may help to ensure that individuals have more resources, support, and information to make changes in their lives to contribute to combatting the climate and nature crisis.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Risk of not meeting needs of diverse employees and citizens.	This policy mitigates against any risk that the Council does not meet the needs of its diverse employees and citizens and mitigates against making any inequalities worse or contributing to inequalities in the City.	L	Yes
Compliance	Risk of not meeting legislative obligations.	The policy will help ensure that the Council meets legislative requirements in relation to equality, diversity and inclusion.	L	Yes
Operational	<p>Risk of not retaining diverse employees and losing skills and benefits they bring.</p> <p>Risk of time and people resource being spent on legal processes or judicial reviews.</p>	<p>This policy mitigates against any risk that the Council does not meet the needs of its diverse employees and citizens and mitigates against making any inequalities worse or contributing to inequalities in the City.</p> <p>This policy also ensures that the Council is seen as an employer of choice.</p>	L	Yes
Financial	Risk of non-compliance with legislation including cases of	Financial risks should be mitigated by the policy, as it will help ensure that claims against the Council of unlawful	L	Yes

	discrimination, harassment or victimisation. This brings risk of financial penalties.	discrimination, harassment or victimisation by employees, citizens, or others, do not occur, saving on potential costs of that type.		
Reputational	Risk of being seen as not inclusive or discriminatory. Risk of not being seen as an employer of choice.	This policy mitigates against any risk that the Council does not meet the needs of its diverse employees and citizens and mitigates against making any inequalities worse or contributing to inequalities in the City. This policy also ensures that the Council is seen as an employer of choice.	L	Yes
Environment / Climate	Risk of negative environmental / climate impacts.	The policy may indirectly contribute towards protecting and improving the environment, with studies showing that people in more equal societies tend to consume less, produce less waste, and emit less carbon on average.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2024-25</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The Equality, Diversity and Inclusion policy will support the below statements: <ul style="list-style-type: none"> • Work to ensure that every school community provides a safe and respectful environment for young people and staff. • Seek to make Aberdeen a UNICEF Child Friendly City. • Ensure the Council follows best practice as a corporate parent to get the best outcomes for

	<p>looked after young people, those in kinship care and those with additional support needs such as autism, developmental disorders or mental health problems.</p> <ul style="list-style-type: none"> • With a view to ensuring safe pedestrianised areas in our city, we will effectively engage with the Disability Equity Partnership, public transport providers, city centre businesses and others over the future of central Union Street and Broad Street, to ensure that they are accessible to people with disabilities and limited mobility and commit to maintaining bus and taxi access to Central Union Street until that is achieved. • Support greater personalisation of care and consider whether it would be possible to implement policies to maintain quality of life of disabled citizens in our community and support the health and well-being of carers by providing support and respite. • Recognise that citizens and communities – rather than the City Council - are best placed to say what services they require and how these are provided and seek to give greater control over appropriate services and facilities to local communities. • Consult citizens, community councils and other partners on the work of the City Council, including carrying out a public engagement and consultation as part of the annual budget setting process.
Local Outcome Improvement Plan	
<p>Prosperous Economy Stretch Outcomes</p>	<p>The Equality, Diversity and Inclusion Policy supports the below stretch outcomes:</p> <ul style="list-style-type: none"> • No one will suffer due to poverty by 2026 • 400 unemployed Aberdeen City residents supported into Fair Work by 2026
<p>Prosperous People Stretch Outcomes</p>	<p>The Equality, Diversity and Inclusion Policy supports the below stretch outcomes:</p> <ul style="list-style-type: none"> • 95% of all children will reach their expected developmental milestones by their 27-30 month review by 2026 • 90% of children and young people report they feel listened to all of the time by 2026. • By meeting the health and emotional wellbeing needs of our care experienced children and young people they will have the

	<p>same levels of attainment in education and positive destinations as their peers by 2026.</p> <ul style="list-style-type: none"> • 95% of children living in our priority neighbourhoods (Quintiles 1 & 2) will sustain a positive destination upon leaving school by 2026. • 100% of our children with Additional Support Needs/disabilities will experience a positive destination. • Healthy life expectancy (time lived in good health) is five years longer by 2026
Regional and City Strategies	<p>The Equality, Diversity and Inclusion Policy will support the delivery of:</p> <ul style="list-style-type: none"> • Workforce Plan • Children's Services Plan

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	New Integrated Impact Assessment has been completed
Data Protection Impact Assessment	Not required
Other	N/A

10. BACKGROUND PAPERS

10.1 [Equality Outcomes and Mainstreaming Progress Report, Anti-Poverty and Inequality Committee, 8th March 2023, CUS/23/051](#)

10.2 [Equality Outcomes and Mainstreaming Progress Report, 2021-2023](#)

11. APPENDICES

11.1 Appendix 1 is a copy of the Equality, Diversity and Inclusion Policy.

12. REPORT AUTHOR CONTACT DETAILS

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