

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	21 June 2017
REPORT TITLE	Equality Outcomes and Mainstreaming Report
REPORT NUMBER	CHI/17/054
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1. PURPOSE OF REPORT:-

This report sets out Aberdeen City Council's Equality Outcomes for 2017-21. A set of draft Outcomes plus the update on progress achieved at the end of Year two of Aberdeen City Council's Equality Outcomes for 2015-2017 were approved by Full Council on 15 March 2017. These were subsequently published by 30 April 2017 to meet our legislative requirements. Given the council elections in May 2017, the Scottish Government and the Scottish Equality and Human Rights Commission agreed an approach that within 4-6 weeks following the May local government elections, Equality Outcomes would return to the new councils for ratification.

2. RECOMMENDATION(S)

The Council is asked to:

- 2.1 Approve the new and revised Equality Outcomes for 2017-21 proposed within the 'Equality Outcomes and Mainstreaming Progress Report' which was approved at full Council on 15 March 2017. The Equality Outcomes are detailed in Appendix 1.
- 2.2 Approve the Easy read version of the Council's Equality Outcomes (Appendix 3).

3. BACKGROUND/ MAIN ISSUES

- 3.1 The public sector equality duty, which is set out in sections 149-157 and schedules 18 and 19 of the Equality Act, came into force on the 5th April 2011.
- 3.2 It replaces the previous public sector equality duties, the Race Equality Duty (2002), the Disability Equality Duty (2006) and the Gender Equality Duty (2007).
- 3.3 The specific duties were created by secondary legislation in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. The specific duties came into force on 27th May 2012.
- 3.4 The duties were implemented from 2013 and the first reports required under the legislation – on Equality Outcomes, Mainstreaming and Equal Pay were published on 30 April 2013.
- 3.5 Aberdeen City Council, like all listed authorities, developed and produced a set of Equality Outcomes in 2013, and reviewed them in 2015 and again in 2017, to enable us to better perform the general equality duty as did the Education and Children’s Service.
- 3.6 The Licensing Board is to follow later as it is following a different time line. The establishment of Health and Social Care Partnerships in April 2016 means that activity to mainstream equality through Adult Social Care Services will be reported separately and to different timelines.
- 3.7 The report to Full Council on 15 March 2017 (which was approved) advised on progress on actions, which will help meet our requirements under the specific duties, and it contained the Employee Information the Council has published. Both the Mainstreaming Progress Report and the Employee Information are available on the Council’s website at:
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=75324&slD=28838>
and;
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=75321&slD=28838>.
- 3.8 As a reminder the Specific Duties comprise:
 - report on mainstreaming equality;
 - publish equality outcomes and report on 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;
 - publish in a manner that is accessible.

- 3.9 A variety of community engagement mechanisms were used to develop the Equality Outcomes. At the end of each year of the Equality Outcomes cycle, from 2013, different community of interest forums and equality groups have been involved in reviewing progress. This has included surveys and focus group discussions.
- 3.10 Although there has been positive feedback with people stating that they have seen progress, key issues concerning the equality outcomes still remain to be resolved. During the review of the Equality Outcomes 2015-17 the majority have been mainstreamed into principles of operation, the Council approach, so that they are not lost or diluted. The Equalities Team then produced the Equality Outcomes for 2017-21, which includes two outcomes carried over from 2015-17. This new set of Equality Outcomes will give a clearer indication to all stakeholders and a sharper focus on key equality priorities. The new and revised Equality Outcomes for 2017-21 can be viewed on pages 19-22 of the 'Equality Outcomes and Mainstreaming Progress Report' and are also summarised as Appendix 1.
- 3.11 There were some questions raised by the elected members at the Council meeting of 15 March 2017 in relation to the Employee Information presented with the Equality Outcomes and Mainstreaming Progress Report, with these having been responded to in writing to all the elected members subsequent to the meeting. Please refer to Appendix 2 for details.

4. FINANCIAL IMPLICATIONS

- 4.1 Directors and Heads of Services are setting and delivering actions to meet the identified Equality Outcomes and will, therefore, identify resources to deliver on their actions within their Business Plans.
- 4.2 Following the completion of individual Equality and Human Rights Impact Assessments (EHRAs) there may be actions which will require resources to mitigate any potential negative impact on equality.

5. LEGAL IMPLICATIONS

- 5.1 Delivering on the published Equalities Outcomes will help public authorities comply with their legal duties under:
- Section 149 of the Equality Act 2010 (the public sector equality duty), and;
 - The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

6. OTHER IMPLICATIONS

- 6.1 Directors and Heads of Services need to have clearly identifiable actions and indicators within their business plans to evidence how they

are contributing to the Council's Equality Outcomes to simplify reporting for 2017-2021. The Equalities Team are currently involved in developing mechanisms to evidence performance relative to the Equality Outcomes that will inform and assist Directors and Heads of Service.

7. MANAGEMENT OF RISK

7.1 Financial

Failure to implement the Equality Outcomes may impact on compliance with the statutory duties contained in the Equality Act 2010 and interference/violation of the rights contained in the Human Rights Act 1998. Any legal challenges may expose the Council to financial implications.

7.2 An impact assessment has been completed regarding the Equality Outcomes identifying actions to minimise risk. Awareness of the risk regarding non-compliance has been delivered at Strategic and Operational levels utilising awareness raising sessions, a recent conference and individual interviews with staff contacting the Equalities Team who are well placed to minimise risk in this area.

7.3 It is considered that the current and proposed developments internally mitigate any negative risk to a Low level.

7.4 Employee

Failure to implement the Equality Outcomes may impact on employee relations, particularly those members of staff who have a protected characteristic that is protected by the Equality Act 2010 General Duty (s.149). Examples include gender equality, disability access etc.

7.5 The impact assessment regarding Equality Outcomes has identified that implementation of the Equality Outcomes will have a positive effect on employee relations. Consequently failure to do so may prove detrimental to these relations.

7.6 It is considered that implementation of the Equality Outcomes will mitigate any negative risk to a Low level.

7.7 Customer/ Citizen

Customer/citizen service is a central role of the Council. Mainstreaming of equalities is an essential objective to ensure the Council comply with the statutory duties contained in the Equality Act 2010 and respect the rights contained in the Human Rights Act 1998. Failure to comply will have a detrimental effect on the reputation of the Council with a risk of legal challenges in extreme cases.

7.8 The impact assessment regarding Equality Outcomes has identified that implementation of the Equality Outcomes will have a positive effect in ensuring the Council complies with these statutory duties.

- 7.9 It is considered that implementation of the Equality Outcomes will mitigate any negative risk to a Low level.
- 7.10 **Environmental**
Not applicable
- 7.11 **Technological**
Not applicable
- 7.12 **Legal**
As detailed under Financial hazards above, failure to implement the Equality Outcomes may impact on compliance with the statutory duties contained in the Equality Act 2010 and interference/violation of the rights contained in the Human Rights Act 1998. Any legal challenges whether successful or not may expose the Council to legal remedies and cause reputational damage.
- 7.13 The impact assessment regarding Equality Outcomes has identified that implementation of the Equality Outcomes will have a positive effect in mitigating the risk regarding legal hazards.
- 7.14 It is considered that implementation of the Equality Outcomes will mitigate any negative risk to a Low level.
- 7.15 **Reputational**
Failure to mainstream equality, or comply with the law, risks loss of reputation and damage to the legitimacy of the Council.
- 7.14 The impact assessment regarding Equality Outcomes has identified that implementation of the Equality Outcomes will have a positive effect in mitigating loss of reputation and when implemented add positively to the reputation of the Council.
- 7.15 It is considered that the current and proposed developments internally mitigate any negative risk to a Low level.

8. IMPACT SECTION

8.1 Economy

The Equality Outcomes aim to improve participation in learning, training and employment opportunities, to make services accessible to all and encourage and support people to reach their full potential.

8.2 People

The Equality Outcomes aim to improve customer service which advances equality and addresses people's different needs, providing an environment which takes into account the different requirements of various communities. Communities should be more engaged, informed and safe in an accessible, welcoming city.

8.3 All employees will enjoy a working environment where equality and diversity are celebrated and where we build and embed a better human rights culture across the organisation. Staff working across the Council to help the organisation deliver its Equality Outcomes will receive relevant awareness raising training and support. Being aware and informed will enable staff to be confident and committed to providing a service which will meet people's different needs.

8.4 **Place**

The Equality Outcomes are aligned to fit with and support the Outcomes identified within the Local Outcome Improvement Plan, which has the following driver:

8.5 **PEOPLE ARE RESILIENT, INCLUDED AND SUPPORTED WHEN IN NEED**

All people in Aberdeen are entitled to live within our community in a manner in which they feel safe and protected from harm, supported when necessary and fully included in the life of the city. All citizens are equally entitled to enjoy these aspirations, and it is recognised that people may, at times become vulnerable. People sometimes need others to support their achievement of a full, active, and safe citizenship.

8.6 Ensuring that Aberdeen is a place where everyone feels safe, supported and included is important to the wellbeing of people and communities, as well as the overall reputation of the city.

8.7 The Equality Outcomes align with Aberdeen City Council's strategic priorities since these:

- Seek to develop a sense of community in Aberdeen based on principles of openness, fairness, reciprocity and responsibility;
- Encourage and support citizens to participate in the development, design and decision making of services to promote civic pride, active citizenship and resilience;

This report is highly relevant in assisting the Council to meet its General Equality Duty.

8.8 An Equality and Human Right Impact Assessment has been carried out on these proposals;

- The Impact Assessment indicates that the progress on the Equality Outcomes will contribute positively to all three parts of the General Equality Duty, to:
 1. Eliminate discrimination;
 2. Advance equality of opportunity, and;
 3. Foster good relations.

8.9 Technology

The Equality Outcomes will be promoted through increased use of social media and web presence. This will improve public awareness of services through the use of digital communication with internal and external partners as well as customers. However, it is acknowledged that there is a need for hard copy print for those who are excluded from digital technology.

9. BACKGROUND PAPERS

- The Equality Outcomes and Mainstreaming Report 2017-21 and appendices for Aberdeen City Council dated 15 March 2017

10. APPENDICES (if applicable)

Appendix 1 – Proposed Equality Outcomes 2017-21

Appendix 2 – 15th March 2017 Council – Employee Information Questions and Answers

Appendix 3 – Easy read version of the Council's Equality Outcomes

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