

A 'Framework to Advance Equality and Rights 2012/17'

Policy and Strategy Committee

12 June 2012

Purpose of report

- 1 This report seeks approval for the Council's new 'Framework to Advance Equality and Rights 2012/17'. In addition, as part of the framework, approval is also sought for a new programme of equality and rights impact assessment.

Main report

- 2 The Council proposes that work to advance equality and rights is necessary for three main reasons:
 - Moral reasons – central to the public sector ethos is the need to ensure that individuals and groups in society who are most vulnerable to poverty, inequality, disadvantage and discrimination are supported, are safe and are provided with opportunities to have their quality of life and human rights enhanced.
 - Business reasons - removing the barriers which prohibit people achieving their full potential results in less cost to individuals, families, communities and public sector organisations. In addition, the most successful and sustainable cities and organisations are those which are able to attract and harness the skills, experience and knowledge of diverse communities and diverse employee groups.
 - Legal reasons – the Council is required to adhere to existing legal duties under rights based legislation and conventions, for example the Human Rights Act 1998, and comply with new legal duties described within the Equality Act 2010, specifically the revised public sector equality duty.
- 3 In light of the above, in December 2011 the Council embarked upon a period of consultation on a proposed new 'Framework to Advance Equality and Rights 2012/17'. This framework will replace the Council's 'Equality, Diversity and Human Rights Scheme 2009/12'.
- 4 Targeted consultation has taken place with key internal and external stakeholders, including community and voluntary sector groups, from December 2011 to May 2012 to inform the development of the framework. A number of themes emerged during this time:

- (i) Widespread support for the proposal to combine work to advance equality and rights, and work to address poverty and health inequality, within a single council framework.
- (ii) Improve quantitative and qualitative evidence gathering and analysis to inform the development of a clearer set of equality and rights outcomes. Outcomes should be linked to the Council's Strategic Plan and the Edinburgh Single Outcome Agreement.
- (iii) Devise a new approach to impact assessment that combines social impact assessment, human and children's rights impact assessment and equality impact assessment methodologies. Be more ambitious in the scale of impact assessment work across the Council.
- (iv) Better align work to advance equality and rights with the national public sector reform agenda and the strengthening of community planning arrangements.
- (v) Place more emphasis on mainstreaming equality and rights into a wider range of council policies, services and practices.
- (vi) Revise the existing employee diversity and equality targets and mainstream equality and wellbeing within organisational development programmes and the Council's People Plans.

5 In light of the above, a new 'Framework to Advance Equality and Rights 2012/17' has been developed. The framework comprises a number of different elements which will be developed and implemented on a phased basis throughout 2012/13, as indicated in the table below. An executive summary of the framework is attached at Appendix 1 for approval:

Framework Element	Implementation Date
Executive Summary	June 2012
Impact Assessment	June 2012
Procurement	October 2013
Employment	December 2013
Mainstreaming	January 2013
Outcomes and Evidence Base	April 2013
Progress Report	April 2013 (thereafter biennial)

6 Strategic responsibility for delivery of the framework sits with the Chief Executive's Corporate Management Team. Operational responsibility sits with the newly established Corporate Equality and Rights Management Team, chaired by the Council's Equality Manager. Additional support will be provided by the Director of Corporate Governance and a new Heads of Service Group, chaired by the Head of Organisational Development.

7 An interim progress report will be published in April 2013. This will identify whether or not the implementation timetable (described above) is on track, a list of key achievements and baseline mainstreaming, employment and outcome data. Thereafter, a biennial progress report will be published.

- 8 In addition to the executive summary of the framework, approval for an enhanced programme of equality and rights impact assessment is required at this time. A summary of this new approach is attached at appendix 2 for approval, and further details can be found at: www.edinburgh.gov.uk/equality.
- 9 It is important to note that as a result of the Equality Act 2010 Scottish specific duties, the Council is now under a legal obligation to undertake impact assessments of all proposed new or revised policy or practices. In addition, arrangements must be in place to undertake impact assessment of existing policies and practices.
- 10 This work will constitute a major five year corporate programme covering the lifetime of the framework. The programme will be coordinated by equality specialists across the Council and driven forward by directors and heads of service. The programme will ensure that all the Council's policies and practices improve their capacity and capability to deliver equality and rights outcomes.

Financial

- 11 There are no direct financial implications arising from this report. However, securing sufficient officer resources required to deliver each element of the framework will be a critical success factor.

Equalities and Environmental Impact

- 12 The publication of this framework will enable the Council to meet a number of equality and rights legal duties, specifically the new public sector equality duty, and strengthen work to deliver equality, rights and social justice outcomes.

Recommendations

- 13 It is recommended that the Committee approve the 'Framework to Advance Equality and Rights 2012/17 – Executive Summary' and the new programme of equality and rights impact assessment.

Alastair Maclean
Director of Corporate Governance

Appendices	1. 'Framework to Advance Equality and Rights 2012/17 – Executive Summary' 2. Proposed programme of equality and rights impact assessment 2012/17.
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Wards affected	All.
Single Outcome Agreement	All.
Background Papers	The Council's 'Equality, Diversity and Human Rights Scheme 2006/09'.

A Framework to Advance Equality and Rights

Executive Summary

2012 – 2017

For an Edinburgh based on Fairness and Respect

FINAL DRAFT

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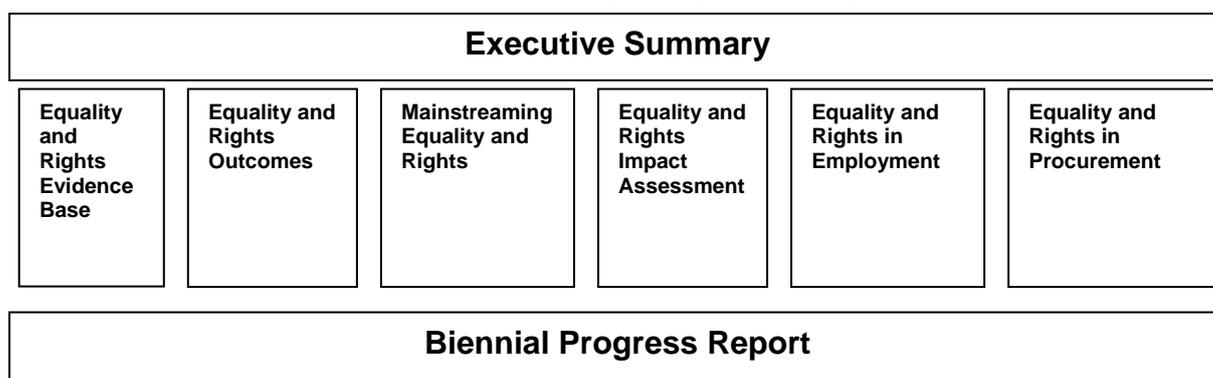
1. Introduction

1.1 The Council believes that a framework to describe how equality and rights can be advanced is necessary because of three main reasons:

- **The Moral Case** - Core to the public sector ethos is the need to ensure that individuals and groups in society who are most vulnerable to poverty, inequality, disadvantage and discrimination are supported, are safe and are provided with opportunities to have their quality of life and human rights enhanced.
- **The Business Case** – Inequality, poverty and the failure to uphold rights costs money. So, removing the barriers which prohibit people achieving their full potential, results in less cost to individuals, families, communities and public sector organisations. This is especially important given reductions in public funding and increasing demographic pressures on public services. Furthermore, the most successful and sustainable cities and organisations are those which are able to attract and harness the skills, experience and knowledge of diverse communities and diverse employee groups.
- **The Legal Case** - The Council is subject to a wide range of legal duties in respect of equality and rights. Failure to meet these duties will result in poor organisational practice, reputational damage amongst citizens and service users, potential legal challenges and resultant legal costs.

1.2 The framework consists of this executive summary, and six main elements, which will be developed and implemented on a phased basis during 2012/13. A biennial progress report will also comprise an element of this framework. The first progress report will be published in April 2013. A summary diagram of this framework is provided below.

A Framework to Advance Equality and Rights 2012/17



1.3 The implementation of this framework will enable the Council to better meet the challenges of public sector and community planning reform by (i) improving the diversity, skills, experience and knowledge of the **people** it employs, (ii) better defining **performance** with regard to its priority equality and rights outcomes and indicators, (iii) enabling a **preventative** approach through impact assessment and the mainstreaming of equality and rights across the organisation and (iv) improving **partnership** activity through joint approaches to evidence gathering and analysis, impact assessment, community involvement, procurement and outcome delivery.

- 1.4 A central theme within the framework is that work to tackle poverty and health inequality should sit alongside work to tackle discrimination, harassment and victimisation, advance equality of opportunity and foster good community relations. As these are important issues, the framework argues that equality and rights constitute core business for the Council, and by placing them at the heart of everything the Council does, Edinburgh will become a city that is built on fairness and respect.
- 1.5 Of particular relevance to the Council, and the organisations they conduct partnership and contractual work with, is the Equality Act 2010 which came into force across the UK on 1 October 2010. Specifically, the Act introduced a revised public sector equality duty (PSED), and an expanded range of protected characteristics. These now include age, disability, faith / belief, gender identity, marriage / civil partnership, pregnancy / maternity, race, sex and sexual orientation.
- 1.6 The PSED is split into two parts (i) the general duties and (ii) the specific duties:
- The general duties are agreed at the UK Parliament and cover the whole of the UK. They require public authorities to pay due regard to the need to (i) **eliminate unlawful discrimination, harassment and victimisation** or other prohibited conduct, (ii) **advance equality of opportunity** by having due regard to (a) removing or minimising disadvantage, (b) meeting the needs of particular groups that are different from the needs of others, (c) encouraging participation in public life and (iii) **foster good relations** by tackling prejudice and promoting understanding. The Council has ensured that the general duties have been integrated into each element of this framework.
 - The specific duties are agreed at the Scottish Parliament and only apply to a certain number of listed public sector authorities in Scotland, including all local authorities. In summary they require a listed authority to (i) publish a set of **equality outcomes** based on community consultation and other evidence, (ii) **mainstream** equality into all relevant areas of organisational business, (iii) initiate policy review, by undertaking equality **impact assessment**, of current and proposed policies and services, (iv) deliver equality within **employment** (in particular monitor and report information on diversity within employment, gender pay gaps, equal pay and occupational segregation), (v) mainstream equality within **procurement** and (vi) **report on progress** every two years.
- 1.7 In addition to these most recent changes to equality legislation, the Council recognises that rights based legislation and conventions are of increasing relevance and importance to the public sector. This assessment is based on emerging legal precedents, increasing stakeholder interest in rights based work and wider public policy debates. Specifically, human rights and children's rights are of interest at this time. The Council sees rights based approaches as complementary to advancing equality and consequently, a rights based approach has been integrated throughout the framework.

Section 2 – Evidence Base

- 2.1 The Council utilises a wide range of evidence sources to inform the development of an equality and rights evidence base. Many of these sources are based on

consultation or engagement exercises with individuals or groups who share protected characteristics. This evidence base is used to inform outcome development (see Section 3), mainstreaming activity (see Section 4), impact assessment activity (see Section 5), employment (see Section 6) and approaches to procurement (see Section 7).

- 2.2 The evidence base includes qualitative and quantitative data gathered by the Council, its community planning partners and national organisations. Prominent examples include local and national data sets; local and national research; local public service access and satisfaction data; household / employee / service user surveys; citizen or service user complaints; results from internal quality assurance systems; results from specific community and service user consultation and engagement exercises; best value, social work, housing and education audit and inspection reports and third sector groups and networks.
- 2.3 It has been necessary given the breadth of this data to develop two databases to capture specific information on equality and rights. These are:
 - The **Edinburgh Equality Network - Community Interest Bank** – equality and rights qualitative data gathered from a wide range of individuals, communities of interest and organisations across the city using a range of innovative methods.
 - The **Equalities Data Bank** – equality and rights quantitative data gathered from a range of council services and national and local research sources. This data bank also includes information used in the Edinburgh Index which is based on the Scottish Index of Multiple Deprivation.
- 2.4 The Council intends to make significant improvements to the equality and rights evidence base over the lifetime of the framework. In particular, work to strengthen the breadth and quality of evidence in relation to the protected characteristics, human and children’s rights, socio economic issues and health inequality is critical. Improvements in this regard are described at Section 4.
- 2.5 More detailed information relating to these evidence sources can be found at www.edinburgh.gov.uk/equalities.

Section 3 - Outcomes, Indicators and Actions

- 3.1 At the heart of this framework is a set of equality and rights outcomes (and indicators) which are linked to the Council’s priority outcomes, as defined in the Strategic Plan 2012/17, the Edinburgh Single Outcome Agreement and the Edinburgh Partnership’s ‘Framework to Tackle Inequality and Poverty’.
- 3.2 A set of actions, aligned to each outcome, are also included in this element of the framework. These actions relate to a number of services, strategies, policies, plans and projects being delivered by the Council, often in conjunction with community planning partners and funded third parties.
- 3.3 The full set of outcomes, indicators and actions will be arranged according to the three general duties (see paragraph 1.6) and the protected characteristic (see paragraph 1.5). Socio economic and health inequality outcomes are also

identified. Progress will be reported as part of the biennial progress report (see Section 9).

3.4 In addition, the set of outcomes is also aligned to [UK Equality Measurement Framework](#) (EMF). The EMF has ten dimensions (or capabilities) which are described below:

1. Capability for life.
2. Capability for health.
3. Capability for physical security.
4. Capability for legal security.
5. Capability for education and learning.
6. Capability for standard of living.
7. Capability for productive and valued activities.
8. Capability for individual, family and social life.
9. Capability for identity, expression and self-respect.
10. Capability for participation, influence and voice.

3.5 The UK Equalities Review 2005, led by the Equality and Human Rights Commission (EHRC), is commonly regarded as the most comprehensive review of inequality and equality in the UK. It used the EMF as a tool by which to gather and analyse evidence, and to identify national gaps in equality data and outcomes. The Scottish Human Rights Commission, and an increasing number of public bodies across the UK, also utilise the EMF as the basis of their equality and rights work. In addition, the EHRC's UK wide triennial report 'How Fair is Britain?', which describes the extent of equality and rights in the UK, is also underpinned by the EMF.

3.6 The Council has utilised the EMF since 2006 as the basis of developing equality outcomes and it was one of the first Councils in Scotland and the UK to adopt this approach. Continuing to use the EMF will afford the Council more opportunities to compare equality and rights evidence and analysis, and benchmark progress on delivering outcomes against other similar public bodies.

3.7 The full set of equality and rights outcomes, indicators and actions can be found at: www.edinburgh.gov.uk/equalities.

Section 4 – Mainstreaming

4.1 The Council defines mainstreaming as:

“A long-term strategy to ensure that an equality and rights perspective (specifically the PSED) becomes an integral part of decision making and action across all areas of governance, management, policy making and service delivery. Mainstreaming equality and rights is a valuable and effective strategy as it seeks to make explicit issues which have often remained at the margins of public policy. It is an approach that emphasises that equality and rights are central elements of all relevant Council activity, built in at the earliest opportunity and not bolted on as an after thought. Mainstreaming equality and rights also enables decisions about policies and services to be ‘right first time’, and thus unnecessary and often costly changes and remedies can be avoided.”

- 4.2 In summary, the Council's approach to mainstreaming equality and rights (i) identifies all of the Council's main relevant areas of business, (ii) sets mainstreaming objectives that indicate what will be done to integrate equality and rights as core elements of this business, (iii) clarifies who will take responsibility for implementation with specific reference to the leaders in the organisation (e.g. elected members, chief officials and senior managers) and (iv) provides an ongoing assessment about whether or not the mainstreaming objective has been met, partially met or not met.
- 4.3 The full details of this approach are described within the Council's 'Mainstreaming Equality and Rights Plan 2012 /17' which can be found at www.edinburgh.gov.uk/equalities.

5. Impact Assessment

- 5.1 The Council will embark upon a five year corporate programme of equality and rights impact assessment (ERIA) over the lifetime of the framework. The programme will comprise of ongoing ERAs of all relevant existing policies and services (subject to regular review and similar to the existing approach to risk registers). The programme will also capture any proposed changes to policies or services. This extensive programme will ensure that ERA is seen as a key management responsibility, alongside service delivery and improvement, employee communications and management, budget monitoring and customer relations management.
- 5.2 The Council believes that the ERA programme will lead to the following benefits:
- Legal duties are met.
 - Unlawful policy and practice is eliminated.
 - Policies and services are better able to deliver equality and rights outcomes.
 - The views of a wider range of people and community groups inform policy and service development.
 - Services are more accessible to equality groups.
 - Actions are taken to mitigate negative impacts and enhance the positive impacts of policy and service review.
- 5.3 The results of ERA should inform decisions taken by senior management teams and decisions taken by elected members. In this regard, reference should be made to the key results of ERA within all relevant senior management team and council committee reports. In addition to these reports, it may also be necessary to provide further information about ERA analysis and recommendations to members and senior officers to assist them in their decision making. The results of ERA will also be published within appropriate timescales on the Council's website.
- 5.4 Lead responsibility for ensuring ERA activity takes place sits with the divisional heads of service for each respective council service area. This responsibility includes the need to ensure that (i) a divisional list is maintained of ongoing and planned ERA activity and published ERA records, (ii) ERA is integral to

service and policy delivery and improvement, (iii) regular monitoring and quality assurance of ERIA activity takes place within their respective divisional management teams, (iv) ERIA is informed by evidence, including relevant information gathered from citizens and service users, and exhibits good quality analysis, (v) ERIA recommendations are SMART and systems are established to implement recommendations, (vi) ERIA records are published in a timely manner and (vii) ERIA informs relevant decision making arrangements with officers and members.

- 5.5 Oversight of this divisional ERIA activity sits with respective service area senior management teams chaired by the respective service area directors. Specialist advice and support will be provided by the equality lead officers within each service area.
- 5.6 Lead responsibility for training staff in ERIA methodology, coordinating ERIA activity across the Council and with community planning partners, monitoring cumulative impacts and improving quality assurance systems sits with the Organisational Development Division within Corporate Governance.
- 5.7 The Council has developed an 'ERIA Guidance Document' and an 'ERIA Record' (which will act as the published result of ERIA activity). Further details can be obtained from www.edinburgh.gov.uk/equalities

6. Employment

- 6.1 The Council is subject to a number of employment legal duties as a result of equality and rights legislation. Of particular importance are those duties described within the Equality Act 2010. These are described below alongside a description of how the Council will meet the respective duty.
- **Eliminating unlawful discrimination, harassment and victimisation in employment** – the Council will, through the development of its organisational development and human resource policies and practices, ensure the workplace is an environment where fairness and respect are promoted.
 - **Gather and use employment information** – the Council will gather and utilise information that describes the composition of employees by relevant protected characteristic with regard to total employee body, recruitment, development and retention.
 - **Publish gender pay gap information** – the Council will gather and utilise statistics relating to the percentage difference between men's average hourly pay (excluding overtime) and women's average hourly pay (excluding overtime) by total employee body.
 - **Publish statements on equal pay** – the Council will publish an equal pay statement and gather and utilise information on occupational segregation with regard to women and men, persons who are disabled and those who are not and persons who fall into a minority racial group and those who do not, by specific grades and by specific occupations.
- 6.2 Work to assess and advance wellbeing amongst the Council's employee group is also a priority outcome within this framework. This work is linked to equality

and rights legal duties, health and safety obligations and 'Investors in People' accreditation.

- 6.3 The Council will publish all of this equality, rights and wellbeing employment information as part of the biennial progress report (first report due in April 2013) and link any consequent action into respective service area People Plans (which describe improvements in workforce recruitment, management and development). Further information can be found at www.edinburgh.gov.uk/equalities

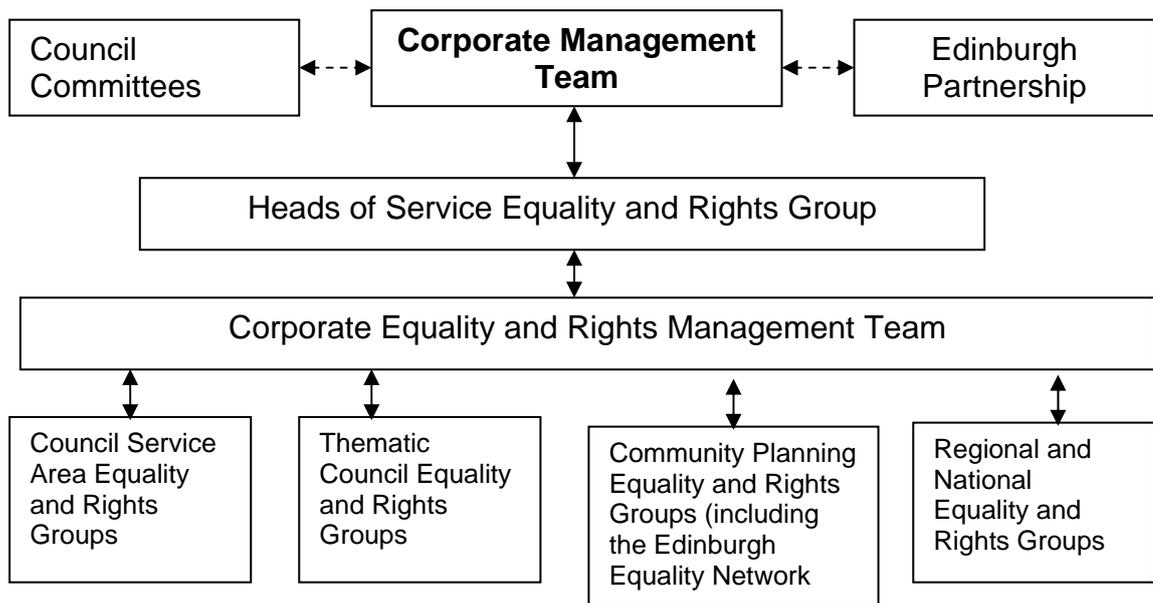
7. Procurement

- 7.1 The Council has a wide range of approaches and methods by which it procures, commissions and funds the delivery of goods and services with external or arms length organisations. Most prominent amongst these include (i) health and social care services commissioning (ii) housing and homelessness services commissioning, (iii) children and family services commissioning, (iv) procurement projects in Corporate Governance, (v) arms length enterprise companies and organisations and (vi) grant aid.
- 7.2 Lead responsibility for ensuring that equality and rights are mainstreamed into these different procurement routes will sit with the senior responsible officer for each procurement, commissioning or grant aid activity. Support will be provided by equality lead officers who will place a specific focus on ensuring equality and rights considerations are mainstreamed into (i) all relevant pre qualification questionnaires, tenders or other systems to identify potential delivery partners, (ii) all relevant contracts and grant aid agreements and (iii) all relevant contract, grant aid or company monitoring, evaluation and compliance systems.
- 7.3 The Council has developed a new 'Equality and Rights Procurement Plan 2012/17' which can be found at www.edinburgh.gov.uk/equalities.

8. Governance

- 8.1 Strategic responsibility for the development, delivery and evaluation of this framework sits with the Chief Executive's Corporate Management Team. The Director of Corporate Governance and the Head of Organisational Development are members of this team and jointly hold the lead on the equality and rights portfolio.
- 8.2 Operational responsibility for the development, delivery and evaluation of this framework sits with the Heads of Service Equality and Rights Group, in conjunction with the Corporate Equality and Rights Management Team.
- 8.3 The Heads of Service Equality and Rights Group is chaired by the Head of Organisational Development and is made up of senior representatives from each council service area (Corporate Governance, Services for Communities, Health and Social Care, Children and Families and City Development). The Council's Equality Manager attends this group. The group meets quarterly to conduct assessments of progress against all key commitments described in the framework.

- 8.4 The Corporate Equality and Rights Management Team is made up of equality lead officers from across the Council and it is chaired by the Council's Equality Manager. This team meets monthly and is tasked with overseeing operational matters and providing specialist support, advice and guidance to council officers and elected members to enable this framework to be implemented.
- 8.5 A number of groups, networks and partnerships, covering a wide range of equality and rights issues, feed into the Corporate Equality and Rights Management Team. This team also has links to local community planning partner agencies and national organisations of significance.
- 8.6 The diagram below outlines a summary of the governance arrangements:



9. Reporting and Review

- 9.1 The Council will publish a biennial 'Equality and Rights Progress Report', starting in April 2013, in line with the Equality Act 2010 legislative requirements. This report will describe the progress achieved as a result of the implementation and delivery of all elements of the framework, with a specific focus on outcome delivery.
- 9.2 Interim reviews of the framework may take place at anytime during the lifetime of the framework. Approval for any consequent changes will be requested from the relevant council committee.
- 9.3 A full review of the framework will take place during late 2016 and early 2017, with a view to publishing a new framework as of spring 2017.

10. Further Information

- 10.1 For further information on this framework please contact Nick Croft (Council's Equalities Manager: nick.croft@edinburgh.gov.uk) or Nicola Byiers (Senior Consultant: nicola.byiers@edinburgh.gov.uk).

Proposed programme of equality and rights impact assessment - 2012/17.

