
FINANCIAL PLAN FROM 2019/20 - EQUALITY IMPACT ASSESSMENTS

Report By Service Director HR & Communications

SCOTTISH BORDERS COUNCIL

28 February 2019

1 PURPOSE AND SUMMARY

1.1 This report seeks to provide assurance to members that any potential equality impacts of the proposals brought forward within the Council's Financial Plan from 2019/20 have been identified and will be managed accordingly.

1.2 The Council has a legal obligation in terms of the Equality Act 2010, when exercising functions, to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This is known as the Public Sector Equality Duty.

1.3 Carrying out and considering the findings of an Equality Impact Assessment (EIA) provides evidence that as part of the decision making process there has been "due regard" to the effect of the relevant policy or practice on the Council's obligations under the Public Sector Equality.

1.4 Initial Equality Impact Assessments on the 2019/20 Financial Plan proposals have been undertaken as an integral part of the revenue and capital budget planning processes in order to fully inform decisions proposed by officers and approved by members.

1.5 While some of the assessed proposals indicate no impact, it is recommended that any potential impact continues to be monitored, given the nature of the proposals.

1.6 These 90 proposals may potentially impact in a positive or negative way on one or more of the Protected Characteristics and any potential negative impact would require ongoing management through their implementation stage, in terms of mitigating and alleviating these impacts. Any positive

impacts identified at this stage should be maximised during the planning and implementation stage of the proposals.

2 RECOMMENDATIONS

2.1 It is recommended that Council

- a) notes the summary outcomes of the 90 Initial Equality Impact Assessments undertaken in respect of the 2019/20 Financial Plan proposals;**
- b) agrees to undertake further and ongoing Equality Impact work in respect of these proposals with specific reference to the equality groups on whom there may be possible negative impact;**
- c) agrees that where there is an identified relevance to the Council's statutory duty and there is a possible positive impact on one or more equality characteristic group, actions to maximise this impact are identified and implemented as part of the project planning and delivery of each proposal or project;**
- d) agrees that where there is an identified relevance to the Council's statutory duty and where there is a possible negative impact on one or more equality characteristic group, actions to mitigate and alleviate this impact are identified and implemented as part of the project planning and delivery of each proposal or project.**

3 BACKGROUND

- 3.1 The Council has a legal obligation in terms of the Equality Act 2010, when exercising functions, to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This is known as the Public Sector Equality Duty.

- 3.2 The relevant protected characteristics for these purposes are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation

- 3.3 The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 requires that all changes to Council policy or practice are Impact Assessed for relevance to each part of the Public Sector Equality Duty under the Act.

4 OVERVIEW OF EQUALITY IMPACT ASSESSMENT PROCESS

- 4.1 In addition to the Council's legal obligation, an Equality Impact Assessment (EIA) is a tool to help the Council make sure its policies, services and functions are fit for purpose by meeting the needs of its community, service users and staff. Carrying out an EIA involves systematically assessing the potential (or actual) effects of policies on people in respect of the what are known in the Equality Act 2010 as protected characteristics listed in the Equality Act 2010

These are:

- Age,
- Disability
- Gender
- Marital status
- Pregnancy and Maternity
- Race groups,
- People with religious or other beliefs,
- Sexual orientation,

- 4.2 In addition the Council also undertakes an assessment of potential impact on people with the following characteristics:
- Carers,
 - Poverty,

- Employees

A rural proofing assessment is also undertaken as part of any Policy change decision.

- 4.3 If the EIA shows there is discrimination against a protected group, then the proposal should go no further until the discrimination has been alleviated, mitigated or justified; alternatively if there is a negative but non-discriminatory impact on such a group, efforts should be made to minimise any detrimental impact and to maximise any beneficial impact.
- 4.4 On reporting equalities impacts to Council it is not enough to state that an EIA has been carried out. The Council must be made aware of what the equalities impacts are and how these can be addressed, and must use these findings within their decision making processes. Copies of each of the Initial EIA Assessments are available in the Members' Library.

5 INITIAL IMPACT ASSESSMENT FOR BUDGET PROPOSALS

- 5.1 As an integral part of the 2019/20 Financial Planning process initial impact analyses on proposals brought forward to members have been undertaken in order to inform the planning and decision making of Corporate Management Team and Members. This seeks to ensure that any potential equalities impact form part of the evaluation criteria when considering budget proposals alongside financial benefit, potential impact on performance and outcomes, deliverability and the views of stakeholders.
- 5.2 For each of the Financial Planning proposals a relevant officer undertook an initial evaluation of equality impact, considering the following factors:
- Whether the proposal has any relevance to the duties of the Council under the Equality Act 2010 (*in terms of eliminating discrimination, victimisation and harassment, promoting equal opportunities and fostering good relations*);
 - Which groups of people may be positively or negatively impacted should the proposal be adopted;
 - Where a possible negative impact is identified, what this impact, in summary terms may be and how it may be mitigated against.
- 5.3 Initial Equality Impact Assessments have been undertaken in respect of 49 key component Revenue Financial Plan savings proposals and 41 Capital Plan proposals. Certain proposals have been identified as clearly operational in nature and accordingly do not require an Equality Impact assessment.
- 5.4 Those proposals which have been assessed may potentially impact on one or more of the Equality Characteristic Groups in a positive or negative way. Any potential negative impact would require ongoing management through each proposal's implementation stage, in terms of mitigating and alleviating these impacts. Any positive impact identified should be maximised during the planning and implementation stage of the proposals.
- 5.5 While some of the assessed proposals indicate no impact, it is recommended that any potential impact continues to be monitored, given the nature of the proposals.

6 NEXT STEPS

- 6.1 The outcomes of the Initial Impact Assessments are summarised in Appendix 1 and the full Initial Assessment templates are available in hard copy form in the Members' Library. The proposals will continue to be assessed and managed through evidence gathering and mitigation and alleviation in accordance with the EIA process. There will be particular focus on the proposals in which a potential negative impact has been identified.
- 6.2 If at any point when undertaking further Equality Impact Assessments, evidence suggests there may be discrimination against a protected characteristic group, then the proposal will go no further until the discrimination has been alleviated, mitigated or justified. Alternatively if there is a negative but non-discriminatory impact on such a group, efforts will be made to minimise any detrimental impact and to maximise any beneficial impact.
- 6.3 In many cases, relevance to the Council's Equality duty is attributable to potential impact (positive or negative) on employees. Whilst it has been identified that there will be a reduction in numbers of staff in certain areas, steps will be taken to minimise the impact of this on current members of staff.
- 6.4 Key to this is the 'People Planning' process, the aim of which is to support managers to consider their current workforce make-up, think about where their services will be in the coming years and plan ahead to manage changes effectively.
- 6.5 To manage changes/ reductions effectively in impacted areas the Council will consider various options, including Deployment, Redeployment, and Flexible Retirement. It is anticipated that these efforts will reduce the need for staff members to leave the employment of the Council.
- 6.6 Deployment and Redeployment opportunities are sought across the Council and SB Cares, which should increase retention. Relevant HR tools and Policies promote good practice by prominently stating that employees will be treated fairly and that the Council is committed to ensuring that discrimination, victimisation and harassment does not occur. Additionally, HR Policies provides guidance and procedures that when consistently applied ensure fairness in application.

All of these aspects demonstrate SBC's commitment to eliminating discrimination, advancing equality of opportunity and fostering good relations.

7 IMPLICATIONS

7.1 Financial

There are no additional financial implications associated with this report, its content referring specifically to the Equality Impacts of the Council's Financial Plan proposals.

7.2 **Risk and Mitigations**

- (a) Rigorously following the Council's agreed process for Equality Impact Assessment should ensure that any potential impact, positive or negative, of any proposal, on any equality group, is identified in a timely manner.
- (b) Where a potential negative equality impact is identified, a clear plan for mitigation, alleviation and/or justification will be put in place in order to address this impact. Where any impact prevails, this will be reported back to members to inform ongoing decision-making over the delivery of the required savings within the Financial Plan.

7.3 **Equalities**

The Equality Impact Assessment process detailed in this report will assist equality outcomes for service users, Council employees and the Borders population. Any issues regarding Council staff will be addressed through Trades Unions and Staff Consultation processes.

7.4 **Acting Sustainably**

There are no economic, social or environmental effects arising directly from this report.

7.5 **Carbon Management**

There are no effects on carbon emissions.

7.6 **Rural Proofing**

There are no implications that would compromise the Council's rural proofing policy.

7.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes required to either the Scheme of Administration or the Scheme of Delegation.

8 CONSULTATION

- 8.1 The Monitoring and Reporting Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Financial Officer and the Clerk to the Council have been consulted and their comments have been incorporated into the report.

Approved by

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Author

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Background Papers: Copies of each of the 90 Initial EIA Assessments have been made available in the Members' Library.

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Finance can also give information on other language translations as well as providing additional copies.

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