
FINANCIAL PLAN FROM 2022/23 – INTEGRATED IMPACT ASSESSMENTS

Report By Director People, Performance & Change

SCOTTISH BORDERS COUNCIL

22nd February 2022

1 PURPOSE AND SUMMARY

1.1 This report seeks to provide assurance to members that any potential equality impacts of the proposals contained within the Council's Financial Plan from 2022/23 have been identified and will be managed accordingly.

1.2 The Council has a legal obligation under 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) as part of the decision making process is the method of ensuring "due regard" is paid to the effect of the relevant policy or practice on the Council's obligations under the Public Sector Equality Duty.

1.4 The Council also has an obligation under the Fairer Scotland Duty to consider how socio- economic inequalities can be reduced through strategic decisions that it makes.

1.5 The Council accordingly subjects prospective policies and practices to assessment through an Integrated Impact Assessment (IIA). This addresses potential impacts, both positive and negative, on the Council's duties under the Equalities and Fairer Scotland legislation.

- 1.6 Initial Integrated Impact Assessments on the 2022/23 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.

Some of the revenue proposals have been carried forward from previous years and so have already been subject to an impact assessment. Where that is the case they have been re-assessed where appropriate. The small number which have not been re-assessed may be as the detailed proposals develop.

The capital proposals have all been carried forward from previous years and have not been re-assessed.

- 1.7 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.

These 40 proposals may potentially impact in a positive or negative way on one or more of the Protected Characteristics or Socio- Economic Factors 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 40 Initial Integrated Impact Assessments undertaken in respect of the 2022/23 Financial Plan proposals as detailed in Appendix 1;**
- b) **agrees that officers undertake further and ongoing Impact Assessment work, as necessary, in respect of these proposals with specific reference to the equality or socio- economic groups on whom there may be a possible impact:**
 - (i) **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 or socio- economic groups, actions to maximise this impact should be identified and implemented as part of the project planning and delivery of each proposal or project;**
 - (ii) **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 or socio- economic group, actions to mitigate and alleviate this impact should be 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 nine protected characteristics detailed within the Equality Act are:

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

- 3.4 The Council is also subject to the Fairer Scotland Duty. The duty also derives from the Equality Act 2010 and requires the Council to have due regard to how it can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

- 3.5 "Socio- economic disadvantage" is defined as follows:

- Low and/ or No Wealth/ Income
- Material Deprivation
- Area Deprivation
- Socio – economic background

4 OVERVIEW OF INTEGRATED IMPACT ASSESSMENT PROCESS

- 4.1 In addition to the Council's legal obligations, an Integrated Impact Assessment (IIA) 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 IIA involves

systematically assessing the potential (or actual) effects of policies on people in respect of the protected characteristics listed in the Equality Act 2010 and the socio-economic factors covered by the Fairer Scotland Duty. These are detailed above in paragraphs 3.2 and 3.5 respectively.

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

- Looked After or Accommodated Children and Young People
- Carers.
- Homelessness
- Addictions and Substance use
- People involved with the Criminal Justice system.

Rural proofing, acting sustainably and carbon management assessments are also undertaken as part of any Policy change decision.

4.3 If the IIA 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.

Similarly, due regard should be had to the reduction of any negative impacts on the socio- economic groups.

4.4 On reporting equalities and socio- economic impacts to Council it is not enough to state that an IIA has been carried out. The Council must be made aware of what the impacts are and how these can be addressed, and must use these findings within their decision making processes. Copies of each of the Initial Integrated Impact Assessments are available electronically.

5 INITIAL IMPACT ASSESSMENT FOR BUDGET PROPOSALS

5.1 As an integral part of the 2022/23 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 Senior Leadership Team and Members. This seeks to ensure that any potential impacts 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 and impact on socio- economic groups, 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*);
- Whether the proposal is strategic, and therefore any impact on the Fairer Scotland duty falls to be considered;

- 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 Integrated Impact Assessments have been undertaken in respect of 40 key component Revenue Financial Plan savings proposals. Certain proposals have been identified as clearly operational in nature and accordingly do not require an Integrated Impact assessment. Other proposals were contained in previous Financial Plans and have already been the subject of assessment. As detailed in paragraph 1.6, those proposals have been re-assessed where appropriate and all will be subject to continued monitoring.
- 5.4 Those proposals which have been assessed may potentially impact on one or more of the Equality Characteristic Groups or Socio – Economic 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 have been made available electronically. The proposals will continue to be assessed and managed through evidence gathering and mitigation and alleviation in accordance with the IIA process. There will be particular focus on those proposals in which a potential negative impact has been identified.
- 6.2 If at any point when undertaking further Integrated Impact Assessments, evidence suggests there may be discrimination against a protected characteristic or socio- economic 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 a number of 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 as detailed below. For the purposes of brevity this has not been repeated in any individual IIA.
- 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 take into account staff turnover and 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, 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 provide guidance and procedures that when consistently applied, ensure fairness in application.

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

- 6.7 Similarly, when changes mean that an employee's role alters, whether because of a change in duties, the way the work is undertaken, or a change in location, HR policies and procedures will be used to mitigate the effects of the change and to allow the employee to adapt to a new way of working. This includes the provision of appropriate training, where appropriate, the application of the Council's Disturbance Policy, consideration of requests for flexible working arrangements and if an employee has a disability the application of such adjustments as are reasonable to allow them to undertake their role.

7 IMPLICATIONS

7.1 Financial

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

7.2 Risk and Mitigations

- (a) Rigorously following the Council's agreed process for Integrated Impact Assessment should ensure that any potential impact, positive or negative, of any proposal, on any equality or socio- economic group, is identified in a timely manner. As such this approach ensures that the Council is taking steps to fulfil its duties under the Equality Act 2010; does not inadvertently implement proposals that would directly or indirectly discriminate against any protected group. This serves to mitigate against: negative impacts to individuals, reputational damage, negative perceptions of credibility and transparency, increases in the number of complaints and potential legal claims.

- (b) Where a potential negative 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. As the management of risk has a focus on pursuing opportunities as well as reducing threats this report details that when positive impacts in relation to protected equality or socio-economic groups are identified, efforts will be made to maximise and capitalise upon these during the planning and implementation stages of any given proposal.
- (c) As detailed in the main body of the report, in addition to the IIA process, HR policies and procedures support the equalities requirements, further mitigating the risk of non-compliance and the possibility that the Council fails in its duty to abide by relevant sections of the Equality Act 2010.

7.3 **Equalities**

The Integrated Impact Assessment process detailed in this report will assist equality outcomes for service users, Council employees and the Borders community. 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 Director Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Clerk to the Council and Corporate Communications have been consulted and their comments have been incorporated into this report.

Approved by

Clair Hepburn
Director People, Performance & Change

Author

Name	Designation and Contact Number
Iain Davidson	Employee Relations Manager 01835 825221

Background Papers: Copies of each of the 40 Initial Integrated Impact Assessments have been made available electronically.

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.

Contact us at: Iain Davidson, Employee Relations Manager, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

Telephone – 01835 825221.

E-mail – idauidson@scotborders.gov.uk