

ANGUS COUNCIL

ANGUS COUNCIL COMMITTEE – 26 MAY 2022

INFORMATION REPORT - EQUALITIES

**REPORT BY SHARON FAULKNER, DIRECTOR OF HR, OD, DIGITAL ENABLEMENT, IT
& BUSINESS SUPPORT**

ABSTRACT

This is a summary information report for noting by elected members, which raises awareness of the main points of the equalities legislation under the Public Sector Equality Duty, and of their responsibilities with particular regard to Equality Impact/Fairer Scotland Duty Assessments.

1. RECOMMENDATION

It is recommended that the Committee:

- (i) Note the contents of the Information Report - Equalities

2. ALIGNMENT TO THE COUNCIL PLAN

To maximise inclusion and reduce inequalities.

3. BACKGROUND

Legislation

- The Equality Act 2010 established a set of Public Sector Equality Duties (PSED), which include a General Duty for public bodies and requires them, in the exercise of their functions, to have 'due regard' (i.e. give due consideration) of the need to:
- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
- **foster good relations** between people who share a protected characteristic, and those who do not.

In order to meet the three parts of the General Duty (above), the Equality Act 2010 set out several Specific Duties for public bodies to adhere to. It is particularly important that elected members are aware of the requirement for public bodies to undertake Equality Impact Assessments, and Fairer Scotland Duty Assessments.

Equality Impact Assessments (EIAs) must be undertaken for all new and revised policies, reports, strategies, functions, reviews, budget savings, service reviews, procedures, practices, etc – in fact, all aspects of a local authority's work (with limited exceptions if not relevant to people). They must identify any impacts on people's protected characteristics, which are:

- Age
- Disability
- Gender reassignment
- Marital status
- Pregnancy/Maternity
- Race
- Religion

- Sex
- Sexual orientation

Fairer Scotland Duty (FSD) Assessments were enacted in 2018, and must be undertaken for all high-level strategies, taking cognisance of any socio-economic impact there might be, such as poverty. In Angus Council in 2021 we adopted an integrated EIA/FSD form here [EIA Form final v3.docx \(sharepoint.com\)](#)

This means that committee reports, service reviews and budget savings, in particular, which go before elected members, must be accompanied by an integrated EIA/FSD form (unless it is not relevant to people). Impacts may be positive or negative, but where there are negative impacts identified, the author must state any mitigating action which has been, or could be taken, to reduce the negative impact on people.

An EIA/FSD must also be undertaken at the beginning of, for example, writing a policy, and case law supports this. EIA/FSDs can apply to any or all of the following: members of the public, service users, employees and job applicants.

Included in committee reports is a section which requires the author to state if an EIA/FSD has been undertaken, and if it is available. All EIA/FSDs are public documents, and are published alongside the relevant committee report.

Elected members must be satisfied that they have taken cognisance of any equality or socio-economic impacts (where relevant), prior to any decision-making.

4. CURRENT POSITION

Although the requirement to undertake Equality Impact Assessments existed even before the Equality Act 2010, Covid 19 has significantly increased inequalities and negative socio-economic impacts on many protected characteristics. This should also be acknowledged in the EIA/FSD where relevant.

As stated, this is a summary information report for elected members to note important aspects of what they need to know about the Public Sector Equality Duty. There will be training on equalities/ EIA/FSD assessments, and Human Rights implications for the council as part of the elected members' induction in August 2022. There is also guidance available on the EIA/FSDs on SharePoint, and a short e-learning module on Always Learning.

Any questions in the interim can be directed to the Senior Practitioner - Equalities (contact details below).

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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