

Policy and Sustainability Committee

10.00am, Tuesday, 5 October 2021

Equality and Diversity Framework 2021-2025 – Further Information

Executive/routine Wards Council Commitments	Executive All
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1. Recommendations

- 1.1 That Committee approves the actions described in response to the concerns raised by the Edinburgh Access Panel and other groups at its April 2021 meeting.
- 1.2 That Committee notes the Council's response to the Scottish Government's questionnaire as part of the second stage of its review into the effectiveness of the Public Sector Equality Duty (PSED) in Scotland. The questionnaire provided public bodies with the opportunity to shape the way ahead. The deadline for submission fell outwith the Council's Committee timeframe and so was submitted with approval by the Executive Director of Corporate Services.

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Equality and Diversity Framework 2021-2025 – Further Information

2. Executive Summary

- 2.1. The new Equality and Diversity Framework 2021-2025 was considered by Policy and Sustainability in April 2021. This paper meets the Committee's requirement for an additional report to demonstrate how the concerns raised by the Edinburgh Access Panel and other groups about accessibility and citizen involvement in decision making would be addressed through a suitable action plan or existing work plans.
- 2.2. This paper provides further information on the Integrated Impact Assessment (IIA) process, summarises the Council's approach to consultation and engagement and describes how the effective use of these will address the issues raised.

3. Background

- 3.1. The new Equality and Diversity Framework 2021-2025 was considered by Policy and Sustainability in April 2021. Committee noted with concern the comments and statements made from Edinburgh Access Panel and other groups in relation to the *inclusive communities* and *accessing facilities and support* themes and consistent use and application of IIAs and agreed that an additional report within 3 cycles be provided to Committee demonstrating how these aspects would be addressed through a suitable action plan or existing work plans.
- 3.2. This report addresses the Committee's requirement for an additional report which outlines the processes in place to assess the impact of plans and strategies on accessibility through the IIA process, and to support citizen involvement in decision making.

4. Main report

Integrated Impact Assessments

- 4.1. The Council uses an Integrated Impact Assessment (IIA) to meet the requirements of the Equality Act 2010, human and children's rights conventions, Fairer Scotland Duty 2018 and the Climate Change (Scotland) Act 2009.
- 4.2. The IIA is an integral part of the Council's decision-making process, enabling it to identify and address any unintended consequences of its decisions. The scope of potential impacts includes equalities and diversity, human rights, the environment and the economy.
- 4.3. The process involves gathering relevant data and evidence about the needs and experiences of people with protected characteristics and those vulnerable to experiencing poverty and ill health in the context of the work being considered. Evidence from a wide range of sources may be used, including published research, data on service uptake and inclusive engagement.
- 4.4. The evidence is circulated in advance to the individuals who will take part in the scoping meeting. Attendees are generally Council officers, with colleagues from other agencies invited where appropriate.
- 4.5. At this meeting, the group considers the evidence and thinks critically about how the proposal will meet the needs of and impact on different groups of people including those with protected characteristics and impact on human rights, sustainability and the environment.
- 4.6. The group may consider that further evidence is needed before making recommendations, in which case, the IIA will be marked as interim, and further evidence commissioned. This might include further data and perspectives from key organisations representing the interests of groups who may be impacted by the proposal.

Supporting citizen involvement in decision making

- 4.7. The Equality and Rights Network (EaRN), funded by The City of Edinburgh Council and NHS Lothian, played a significant part in developing the Equality and Diversity Framework 2021-2025 through networking with their members to get feedback from as wide a range of stakeholders as possible, adapting its methods for lockdown and to ensure that hard to reach groups had as much opportunity as possible to contribute. In collaboration with partners across Lothian, the consultation was promoted more widely with specific groups such as the Gypsy and Traveller Forum and the Coalition of Independent Living.
- 4.8. Council officers will continue to approach the appropriate key stakeholder groups to seek their input and feedback on proposals which are relevant to them.

- 4.9. The four-year framework is intended to be flexible and adaptable to emerging priorities. Priority outcomes have been set for year one, with further engagement needed to agree priorities for subsequent years.
- 4.10. To reinforce the commitment to effective consultation, the Council has introduced a new Consultation Policy which strengthens the management and control of consultation activity, and action to show how views sought have influenced decisions.
- 4.11. The Consultation Policy was approved by Policy and Sustainability in April 2021, however given that the Council was still operating in accordance with the Government's Covid-19 strategic framework and associated restrictions, it was agreed in that report that the policy would come into effect on 1 August 2021. As part of this new approach, the Council has established an officer Consultation Advisory Panel which will review all high-assessed consultations evaluating them against good practice standards and supporting teams across the council to ensure a continuously improving and consistent council approach to consultation.
- 4.12. To implement the policy successfully, externally accredited training will be provided to colleagues to build competency in the delivery of consultation projects and prioritised for those best positioned to upskill other colleagues through a mentoring role. This type of training enables officers to rely on established and accepted standards which provide good and comprehensive skills.
- 4.13. One of the benefits of the policy is anticipated to be increased effectiveness in the use of the feedback gathered through consultations, including the potential impact of proposals on protected characteristic groups for use in the IIA process.

Continuous Improvement

- 4.14. Effective use of the IIA process will allow any disconnect between proposed actions and strategies and the stated objectives of the Equalities Framework to be identified and addressed, for example, through mitigating actions or changes to proposals. This can be supported through staff training, as noted above, as well as Elected Member scrutiny through the committee process.
- 4.15. The IIA process was considered in 2020 as part of an internal audit of the Council's Policy Management Framework. This process led to a number of actions being taken to raise awareness of the requirements among all policy developers, revising the policy template to improve clarity and improving links to guidance and sources of support.

Review of the effectiveness of the Public Sector Equality Duty (PSED) in Scotland

- 4.16. As part of the second stage of its review into the effectiveness of the Public Sector Equality Duty (PSED) in Scotland, the Scottish Government issued a questionnaire to public bodies, seeking views on a range of proposals for improvement.

- 4.17. The deadline for submission was outwith the Council's Committee timeframe and so was submitted with approval from the Executive Director of Corporate Services.
- 4.18. The Council's response is attached as an appendix to this report. The key principles which underpin the response are to align and streamline the range of requirements on public bodies; provide a national source of expert support, similar to that provided by the Improvement Service to support implementation of the Fairer Scotland Duty to help to build knowledge and share good practice; and the need to be mindful of the capacity and skills requirements of officers in public bodies.

5. Next Steps

- 5.1. As noted, the IIA provides a mechanism for identifying any adverse impacts of proposed measures, plans and strategies. Increased emphasis will be given in training to the need to ensure that the evidence gathered to support the scoping meeting is sufficient, that it includes the views of service users and citizens as appropriate, and that where further evidence is required, an interim IIA can be produced until such the additional evidence becomes available.
- 5.2. The IIA learning and development provided will also alert participants to the evidence which will be provided through the implementation of the Council's new Consultation Policy.

6. Financial Impact

- 6.1. The financial implications contained within this report related to the Corporate Learning and Development budget provision to support the roll out of the Council's Consultation Policy. The funds necessary to support the implementation of this approach have been identified and committed as part of the Human Resources Division's plan for the allocation of the Corporate Learning and Development Budget in 2021/22 and the following two financial years.

7. Stakeholder/Community Impact

- 7.1 The actions described in this report are designed to further ensure that the views and needs of residents are taken into account in the Council's decision-making process.

8. Background reading/external references

- 8.1. [Equality and Diversity Framework 2021-25](#)

9. Appendices

- 9.1. Appendix 1 - Review of the Operation of Public Sector Equality Duty (PSED) in Scotland – Response by the City of Edinburgh Council

**Review of the Operation of Public Sector Equality Duty (PSED) in Scotland –
Response from the City of Edinburgh Council**

Introduction:

As you may be aware, as per commitments by Scottish Ministers work has been progressing on the review of the effectiveness of the PSED regime in Scotland. Work to date has included intensive programme of engagement with equality stakeholders and duty bearers to understand which aspects of the PSED were working well, and where improvement was required. Whilst substantive work was reduced in order to respond to the pandemic thinking continued and following a meeting with Ministers the decision was taken to recommence the review via a two-stage process.

A stage one report, setting out the learning from the engagement programme, reflection of equality mainstreaming over COVID-19 pandemic and key improvement proposals was [published on 24 March 2021](#).

Stage two – this stage – will now involve a programme of further engagement and consultation to progress the areas of focus identified in the stage one report. This questionnaire is a key part of this process and will provide an opportunity for you as duty bearers to shape the way ahead. We would therefore invite you to consider the proposals and questions that follow and to provide your answers by Friday 20th August.

Thank you for your support to the review.

IMPROVEMENT PROPOSAL 1	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Making better use of evidence and data	<p>Links across many of the regulations including:</p> <ul style="list-style-type: none"> - Regulation 5 – assessing and reviewing policy and practices; - Regulation 6 – gather and use employee information. <p>Key part of mainstreaming strategy and a Scottish Government equality outcome.</p>	<p>The Scottish Government in conjunction with key stakeholders are in the process of establishing an Equality Data Improvement Programme (EDIP) which will be designed to improve and strengthen data on the protected equality characteristics collected and utilised across the public sector. This programme will run for the next 18 months, to late 2022. We intend to use the Equality Data Improvement Programme to drive and co-ordinate improvement in this area.</p>

Questions:

- 1.1 In your view, which elements of the proposed programme are most important for driving improvement?
- 1.2 Are you aware of other public sector equality networks that this programme could link with?
- 1.3 Are there any additional actions, outwith the EDIP, that you believe would improve the quality of and use of evidence and data?

Answers:

- 1.1 We recognise the challenges outlined in the stage one report around the collection and effective use of equality data, arising at least in part, from uncertainty about the purpose of asking, and what the data are used for (this applies to those asking for the information and those being asked). Compelling evidence of effective use of analysis to bring about improvement is therefore crucial.
- 1.2 There are several elements of the proposed programme which are important:
 - First phase: the consideration of both quantitative and qualitative evidence – both are crucial; inclusion of intersectionality; understanding the barriers to equality data collection, and, related to these barriers, the development of case studies which will illustrate the effective use of equality data to inform policy change.

- Second phase: widening the scope to include socioeconomic disadvantage and human rights, in addition to the nine protected characteristics. While this is described as an option, it would be valuable to consider these as part of the same data collection/use process. This could help to address some of the challenges described in later questions.
- A useful starting point for this group would be to streamline data collection sets so that all public sector organisations mirror the Scottish Census questions

1.3 The Scottish Councils Equalities Network (SCEN) and Society of Personnel Directors in Scotland (SPDS) Equalities Sub-Group would be valuable resources.

1.4 For this and other topics in this survey, we suggest that a resource and support similar to The Improvement Service’s Fairer Scotland Duty resources and knowledge hub, providing a “go to” person and peer networking.

IMPROVEMENT PROPOSAL 2	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Strengthening participatory policy making: hearing lived experience	<p>Links across many of the regulations including:</p> <ul style="list-style-type: none"> - Regulation 4 – publish equality outcomes and report progress; - Regulation 5 – assessing and reviewing policy and practices. <p>Key part of mainstreaming strategy and a Scottish Government equality outcome.</p>	<p>Regulation 4 (setting equality outcomes) states that listed bodies “must take reasonable steps to involve persons who share a relevant protected characteristic and any person who appears to the authority to represent the interests of those persons.” Regulation 5 (assessing and reviewing policies and practices) states: “In making the assessment, a listed authority must consider relevant evidence relating to persons who share a relevant protected characteristic (including any received from those persons)”.</p>

Questions:

2.1 How can the SSD regime be used to strengthen participatory policy making and ensure lived experience is central within the policy making process?

2.2 Are these current requirements sufficient to ensure evidence of lived experience is taken into account in developing equality outcomes and/or impact assessments?

2.3 If not, what additional steps could achieve this intention?

Answers:

2.1 We recognise and already respond to the need for policy makers and practitioners to engage with those groups of people that the policies are intended to support, as evidenced by the work of the Edinburgh Poverty Commission and their successor group, End Poverty Edinburgh. Policy and decision makers may have little or no experience or understanding of the experiences and challenges faced by the people they are designing strategies for. The solutions may, therefore, be ineffective, at best.

The SSD regime provides the opportunity to become a tool for promoting and validating people's lived experience to inform better policy. As above, this could be done by building in opportunities to identify good practice and shared learning. It is crucial that the involvement of people is authentic and meaningful. Opportunities for public sectors to share and reflect honestly on their process – and supportive scrutiny – may be helpful here.

2.2 and 2.3 The requirements are clear, and there is broad acknowledgment that while there are limitations with the current system, there are also opportunities too, including the NACWG recommendations, Social Renewal Advisory Board, and the 2020 Programme for Government.

As noted above, and in the stage one report, the development of outcomes through effective and meaningful involvement needs to be supported through learning and development opportunities.

IMPROVEMENT PROPOSAL 3	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Improving the links between equality and human rights frameworks	Key aspect of equality and human rights mainstreaming strategy	The Scottish Government recognises the strong links between current equality and human rights frameworks and is committed to building a more integrated approach towards embedding equality and human rights in policy and delivering for the people of Scotland. While this is outwith the scope of the SSD regime, we will be using the equality and human rights mainstreaming strategy to drive improvement in this area.

Questions:

- 3.1** We would welcome your views on how the links between equality and human rights frameworks can be better understood across the public sector in order to support public bodies to better integrate equality and human rights into their business.
- 3.2** We would welcome your view on how the intended new statutory framework for human rights can align with and fully support delivery of the public sector equality duty?

Answers:

3.1 and 3.2

Understanding and the operationalising of these frameworks would be improved by simplifying and consolidating the frameworks as much as possible for use by public bodies (and others) i.e. for operational and strategic purposes.

We recognise that equalities and human rights are distinct in their origins and in legislation, and the need for these distinctions to be retained.

However, for people/roles within public sectors who need to understand and engage with these agendas so that they can become mainstreamed (i.e. so that it becomes everyone's job to consider equalities and human rights), it would be helpful to consolidate them into a single framework for operational and strategic purposes.

For example, The City of Edinburgh Council Integrated Impact Assessment (IIA, shared with NHS Lothian, East, Mid and West Lothian) includes protected characteristic groups, groups of people vulnerable to falling into poverty, equality and human rights, economic and environmental impacts. The IIA forms a crucial part of policy making, and the integrated process ensures that all of these aspects are considered together.

Effectiveness in practice could be improved through training, knowledge exchange etc, but the principle of a single process is worth considering.

IMPROVEMENT PROPOSAL 4	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Strengthening leadership and resourcing	Key aspect of equality and human rights mainstreaming strategy	The Scottish Government recognises the importance to strengthen leadership and adequate resourcing on equality across the public sector. While no regulatory changes are envisaged for this improvement proposal, we would welcome views on how this could be better achieved.

Questions:

- 4.1 Do you agree with the position that this is best achieved through routes other than regulatory change?
- 4.2 If so, then what do you feel is needed?

Answers:

4.1 We agree that strengthening leadership does not require regulatory change and that a clearer alignment of equality and human rights and streamlined frameworks to support mainstreaming (as above for Q3) would be helpful. Strong leadership needs to be supported by processes which are as clear and straightforward as possible, with an emphasis on meaningful change and culture rather than compliance.

4.2 Resourcing is needed: staff within the organisation with the expert skills, capability and capacity to support colleagues to mainstream both human rights and equalities.

As noted earlier, a resource modelled on the Improvement Service's support for the Fairer Scotland Duty would also be valuable.

IMPROVEMENT PROPOSAL 5	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Reducing bureaucracy	Links across many of the regulations, but mainly relevant including: <ul style="list-style-type: none"> - Regulation 3 - report progress on mainstreaming the equality duty; - Regulation 4 - publish equality outcomes and report progress. 	The Scottish Government is keen to consider ways in which to enhance the regime in ways that lessen burden, and support public authorities to get the best possible value out of their engagement with the regime in a way that prioritises delivering meaningful outcomes and impacts rather than processes.

Questions:

5.1 What do you feel drives the feeling of the bureaucracy of the SSD regime?

5.2 What would be the best method of reducing the bureaucracy of the regime while ensuring the regime still prioritises meaningful outcomes and impacts?

Answers:

5.1 The feeling of bureaucracy is related to both the scale of the challenge in *making a difference* (i.e. meeting the requirements) as well as being able to *demonstrate* the change – as the stage one report stated, “the regime drives collation, not improvement”. Without effective mainstreaming, where people recognise their role in equalities and human rights, people will see this agenda is part of a process rather than a way of working and thinking this is exacerbated by having equalities and human rights as separate agendas.

5.2

- Clarity and consistency of requirements (e.g. developing and reporting outcomes) with examples and case studies where possible.
- Clear and aligned requirements for human rights and equalities, and resources to support an integrated approach.
- A robust evidence base to help (locally and nationally) to understand what the priorities for action are, what works in bringing about improvement and what difference is being made.
- Resources and capacity to support staff training, helping people to see the relevance to their roles.
- Support at national level – a “go to” for materials, advice, knowledge exchange.
- Flexibility of reporting requirements to allow public bodies to align their strategic planning and reporting to incorporate equalities and human rights

IMPROVEMENT PROPOSAL 6	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Increasing clarity re: coverage, proportionality, and process	Relevant across most regulations.	One of the aims of the Scottish Government's review of the operation of the PSED is to increase the clarity of the SSD regime, particularly around coverage, proportionality and process.
<p>Questions:</p> <p>6.1 How could the clarity of the regime be improved?</p> <p>6.2 How could the proportionality of the regime be regime be improved?</p>		
<p>Answers:</p> <p>6.1 and 6.2 This is covered in 5.2 above</p>		
<p>Questions:</p> <p>6.3 How can smaller listed authorities be supported to meet the duties under the SSDs?</p> <p>6.4 How could the process for adding new bodies to the Regulations be improved?</p> <p>6.5 Would consolidating all previous sets of regulations into one new set improve the clarity of the regime?</p>		
<p>Answers:</p> <p>6.3 Smaller local authorities could be supported through the introduction of a dedicated national resource (as described above) – this would also benefit larger authorities who are under different but also challenging resource pressures.</p> <p>6.4 The process could be improved by ensuring that any new bodies identified have: clarity of purpose, strongly aligned frameworks, simplified processes and flexible reporting requirements and a well-resourced “go to” for support</p> <p>6.5 Yes - consolidating, simplifying and aligning regulations and requirements would be invaluable.</p>		

IMPROVEMENT PROPOSAL 7	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Improving support and capacity building & improving the understanding of and approach to mainstreaming	Relevant across most regulations	The Scottish Government is keen to work with stakeholders improve support and capacity building under the PSED regime, including improving the understanding of and approach to mainstreaming.
<p>Questions:</p> <p>7.1 How could the guidance (and access to guidance) on SSD compliance be improved? What would you like to see in any new or revised guidance?</p> <p>7.2 In addition to written guidance what approaches would you consider effective to develop the skills, knowledge and practice of duty bearers?</p> <p>7.3 How can revised guidance be best developed to ensure that it fully meets the needs of all parties?</p>		
<p>Answers:</p> <p>7.1 It would be helpful for guidance to include examples of best practice; for optional templates to be provided; briefing notes on guidance for users and elected members and to have the full set of documents available on the “go to” support body’s website (see 1.3 above) – or another well publicised site.</p> <p>7.2 Webinars; training and tutorial videos which can be used on local learning platforms; dedicated and appropriately skilled support officers (which has resource implications for both capacity and training requirements).</p> <p>7.3 This could be done through workshops with groups such as the Scottish Council Equality Network input.</p>		

IMPROVEMENT PROPOSAL 8	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Improving the cohesiveness of the regime	Relevant across most regulations	The SSD regime should be seen as a suite of interconnected duties which collectively help public authorities to better perform the PSED.
<p>Question:</p> <p>8.1 Can this be improved through mechanisms such as guidance or other means, or do the regulations need strengthened in this respect?</p>		
<p>Answer:</p> <p>8.1 We believe that with revised guidance, a “go to” expert resource and sufficient capacity within the organisation, improvement will be possible.</p>		

IMPROVEMENT PROPOSAL 9	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Consider new approaches to outcome setting, including the setting of shared outcomes	Regulation 4 - publish equality outcomes and report progress.	n/a
<p>Question:</p> <p>9.1 Do you support the principle of shared outcomes? In your view, how they would be set and implemented; and how could an improved regulatory regime support this?</p>		
<p>Answer:</p> <p>9.1 Nationally defined outcomes may be relevant (this would need to be tested e.g. through consultation and engagement) and if so, they should be embedded within or aligned to the national performance outcomes.</p> <p>The Scottish Government could play a valuable role, as conveyed by the EHRC, in sharing evidence of priority inequalities to be tackled through outcomes in specific sectors and working collaboratively to shape them. However, the need for ongoing, locally determined outcomes is clear – local factors and circumstances are likely to differ across Scotland.</p> <p>At both national and local level, guidance and approaches need to be forward-looking, improvement-focused and evidence-based elements of the duties need to be emphasised. We believe that this can be achieved through clear guidance and support through a national-level comprehensive support as outlined earlier. Similarly, a regulatory regime which supports collaboration, learning and sharing of best practice across all public bodies would be helpful.</p>		

IMPROVEMENT PROPOSAL 10	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Support the gathering, use and reporting of a wider range of employee data	<p>Regulation 6 – Duty to gather and use employee information</p> <p>Regulation 7 – Duty to publish gender pay gap information</p> <p>Regulation 8 – Duty to publish statements on equal pay etc.</p> <p>New regulations also required.</p>	In their manifesto, the SNP committed to expanding “the specific duties that require a listed public authority to publish gender pay gap information to disability and ethnicity reporting and ensure these are included within equal pay statements.

Questions:

- 10.1** Could the regulation on “gathering and using” employee information be strengthened?
- 10.2** Is there anything we have learned from practice and compliance with the existing regulation on gender pay gap reporting that we can apply to proposed new duties on ethnicity and disability pay gap reporting?
- 10.3** How can we ensure that pay gap reporting is carried out in a consistent way across the public sector, so that different methods are not used and reports are easier to compare?

Answers:

- 10.1** We do not believe that this regulation needs to be strengthened – the requirement is clear. We already publish the gender pay gap and through our programme to strengthen and increase the collection of employee protected characteristic data, have this year published some data on by disability and ethnicity. There is further work to be done, but we believe that we are on track.
- 10.2** Colleagues can question the relevance of certain characteristics to the job that they do (e.g. religion, sexual orientation) and so ongoing efforts and case studies which illustrate how data were used to bring about tangible change would be helpful. It will be important for colleagues to understand that it will take time to change e.g. gender balance in management.
- Including the reporting in the Local Government Benchmarking Framework would be a helpful way of bringing consistency in categorisation and definition where this has been problematic (e.g. gender/sex).
 - The formula needs to be clear and consistently applied e.g. whether overtime, working time payments are included.

- Data protection requirements are relevant here in small authorities and training/resources could helpfully cover that. There can also be challenges to the validity of statistics in small organisations. These challenges could be effectively addressed inclusion in the LGBF.

IMPROVEMENT PROPOSAL 11	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
More effectively leverage purchasing power in procurement processes	Regulation 9 - Duty to consider award criteria and conditions in relation to public procurement	n/a

Question:

11.1 How could Regulation 9 be better aligned with the procurement process to advance equality at every stage of the procurement process, including the use of award criteria and tender specifications, to encourage employers to focus on increasing opportunities for people with one or more of the protected characteristics?

Answer:

- Significant further elaboration of this legislation from a procurement perspective may not be necessary – it does need to be fleshed out but this may be more appropriate for Scottish Procurement Policy Notes ([SPPN's](#)) to avoid any legislative conflicts.
- The referenced regulations are out of date.
- “Due regard” for the award criteria: in practice the award criteria are quite far down the line of the process – the element of Equalities could be expanded to tying in with Route to Market & Specification Development as well as award criteria.
- The Reasoning for decision making in these areas could be recorded in both the strategy and the award report (para 83 of 2015 regulations).
- The tone is around what the authority can do to consider the Equality Duty rather than on what the authority can do to influence/facilitate better returns from the supply market which will be responsible for achieving the outcomes.
- Section 3 – further elaboration on “proportionate” and “not be related to” would be helpful although again this is more an area for SPPNs.
- It may be helpful to consider whether the approach is to be the same for Services/Works/Supply

IMPROVEMENT PROPOSAL 12	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Enhance the accessibility of PSED related publications, and consider the scope of the SSDs to advance progress on inclusive communication more generally	New regulation required and also relevant to Regulation 10 - Duty to publish in a manner that is accessible, etc.	In their manifesto, the SNP committed to using the SSD regime to “place a duty on those public bodies that communicate with the public to ensure they have accessible, inclusive communications” and developing “national guidance for public bodies on inclusive communication”.

Questions:

12.1 What would you like to see this duty achieve?

12.2 What support is required for public bodies to improve practice on inclusive communication

12.3 What are the barriers to improving inclusive communication within the public sector?

Answers:

12.1 Clear and accessible communications are central to the equalities and human rights agendas. Among the benefits are increased engagement from groups to develop outcomes, priorities and to reflect on progress and challenges.

12.2

- Awareness raising (of the scope and purpose) and training are needed throughout organisations, as well as targeted training.
- The support needed/helpful would include updated guidance on how to produce accessible documents, training, webinars, tutorial videos which can be used on Council learning platforms; best practice examples.
- Translation services and BSL would also be required and clarity around reasonable adjustments (this is already a general duty) for community languages

12.3 The main barriers are:

- Potentially an embedded and mainstreamed awareness of requirements and support to develop the skills needed to support improvements.
- Staff capacity (time to undertake any training necessary and changing current ways of working).
- Potentially a lack of scrutiny of this aspect of the duties

IMPROVEMENT PROPOSAL 13	RELEVANT TO WHICH REGULATION(S) AND/OR WORK STRAND	INFORMATION
Explore how best to use the duties relating to Scottish Ministers	<p>Regulation 6A - Use of member information</p> <p>Regulation 11 - Duty to consider other matters</p> <p>Regulation 12 - Duty of the Scottish Ministers to publish proposals to enable better performance</p>	n/a
<p>Question: 13.1 How could the duties under regulations 6A, 11 and 12 be strengthened and/or improved?</p>		
<p>Answer:</p> <p>13.1 Regarding Regulation 6A, there is a risk that the protected characteristics of board members could unintentionally be disclosed due to the small numbers of people who sit on such boards.</p> <p>As noted in the stage one report, there can be a disconnect between the gathering of data and the setting of outcomes, which in itself can create unintended consequences that go against the spirit of the legislation. Accordingly, greater consideration of the purpose of gathering the data of board members, what benefits it brings to an understanding of equalities and what can be done to ensure that this information is not disclosed.</p> <p>The purpose or intention of Regulation 11 is not clear, given it is an unspecified clause in the legislation.</p> <p>For Regulation 12, for there to be value in obliging Scottish Ministers to publish proposals for activity to enable a listed authority to better perform the equality duty at regular intervals, there needs to be the opportunity for these authorities to engage collaboratively in the cycle of developing proposals, implementing, reflecting and learning. Resource implications i.e. skilled staff must also be understood and supported</p>		