

Agenda Item	11.
Report No	COG 20/18

Committee: Community Planning Partnership Chief Officers Group

Date: 09 November 2018

Report Title: **The Fairer Scotland (Socio-economic) Duty**

Report By: Acting Head of Policy, Highland Council

Recommendations:

Members of COG are asked to:

- Note the implementation of the new Duty on listed bodies.
- Consider adopting the definition of socio-economic disadvantage across the CPP (in section 4.2).
- Consider how Partners can apply the Scottish Government's interim guidance to partnership activities.

1. Background

1.1 The Fairer Scotland Duty came into force on 01 April 2018 and places a legal responsibility on listed public bodies in Scotland to actively consider (pay 'due regard' to) how they can reduce inequalities of outcome caused by socioeconomic disadvantage when making strategic decisions. The Scottish Government has produced interim guidance on the new duty <http://www.gov.scot/Resource/0053/00533417.pdf>.

2 Socio-economic disadvantage in Scotland and Highland

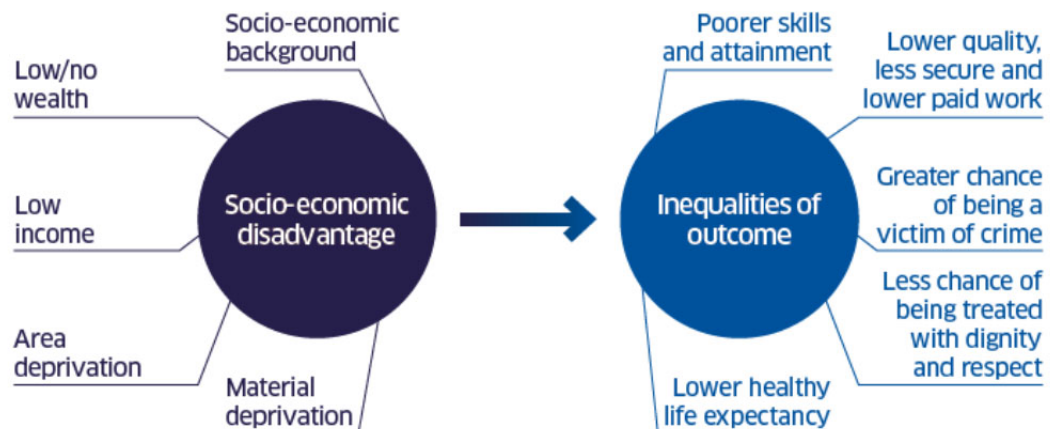
2.1 People in Scotland still experience significant socioeconomic disadvantage and resulting inequalities of outcome. Over a million Scots are living in poverty, including one in four children; and health inequalities and educational attainment gaps are considered to be far too wide. In Highland, wages are below the national Scottish average and in remote and rural areas, in particular, they are below the equivalent of the national living wage. This combines in some areas with an over-reliance on seasonal employment and contributes to 'in-work poverty'. Affordable housing and childcare are significant factors in the cost of living in Highland, and we have seen recent increases in fuel poverty in the region.

3 The Fairer Scotland Duty

3.1 Part 1 of the Equality Act 2010 came into force in Scotland from 01 April 2018 and places a legal responsibility on particular public bodies in Scotland to actively consider

(‘pay due regard’ to) how they can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions. This duty is now known as the Fairer Scotland Duty. The Duty does not cover decisions made before 1 April 2018.

3.2 The Duty is outcome focused and intended to reduce the inequalities of outcome caused by socioeconomic disadvantage (Fig.1), i.e. any measurable differences between those who have experienced socioeconomic disadvantage and the rest of the population – for example, in relation to health and life expectancy or educational attainment.



(Fig. 1)

3.3 *Who does the duty apply to?*

The following public bodies are covered by the Fairer Scotland Duty:

- Scottish Ministers
- Local Authorities
- Regional Health Boards
- Special Health Boards
- Integration Joint Boards
- The Scottish Police Authority
- Highlands and Islands Enterprise
- Scottish Enterprise
- Revenue Scotland
- Food Standards Scotland
- The Keeper of the Records of Scotland
- The Keeper of the Registers of Scotland
- The Scottish Courts and Tribunals Service

3.4 *Meeting the Duty*

To fulfil their obligations under the Duty, public bodies must be able to meet key requirements in each case:

- to actively consider how they could reduce inequalities of outcome in any major strategic decision they make;
- and to publish a written assessment, showing how they’ve done this.

4. Scottish Government guidance and support

- 4.1 The Scottish Government has produced interim guidance on the new duty <http://www.gov.scot/Resource/0053/00533417.pdf>. The sections of the guidance cover:
- **Defining ‘socio-economic disadvantage’** - In broad terms, the guidance defines socio-economic disadvantage as - *living on a low income compared to others in Scotland, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services. Socio-economic disadvantage can be experienced in both places and communities of interest, leading to further negative outcomes such as social exclusion.*
 - **Definitions of:** *inequality of outcome; strategic level; and giving due regard.*
 - **The links between new responsibilities in relation to child poverty** and the opportunities to focus on reducing child and family poverty, and with the Human Rights Act, and the Public Sector Equality Duty (PSED) – applying the Fairer Scotland Duty complements the PSED, but it doesn’t supersede or replace it.
 - **Preparing to meet the new Duty** and meeting it on a day-to-day basis; and
 - **Case studies** and other resources
- 4.2 In preparing to meeting the new Duty and meeting it on a day-to-day basis, the guidance suggests that public bodies can prepare for the new Duty by considering:
- Adopting or adapting the definition of socio-economic disadvantage, **for example across local community planning partnerships**
 - determining what the key inequalities of outcome are, from the public body’s perspective.
 - identify which strategic decisions are taken as a matter of course.
- Through the preparatory stages, there is an expectation to involve relevant communities particularly people with direct experience of poverty and disadvantage.
- 4.3 The suggested steps to meeting the Duty on a day-to-day basis are intended to be similar to those used by many public bodies for equality impact assessment (EQIA).
- 4.4 In addition to guidance the Scottish Government will also provide support through a new funding stream offering small sums of money to help bring the diverse voices of people with direct experience of poverty and disadvantage more directly into strategic decision-making. Joint bids from groups of local public bodies are particularly welcome.
- ## 5. What does the Fairer Scotland Duty mean for the CPP?
- 5.1 Each Partner will already have requirements to meet the Public Sector Equality Duty which should apply to any new or reviewed policies or decision making. The Fairer Scotland Duty applies to strategic decisions, and only to certain listed bodies. However, the similarities in the recommended processes for the two duties provides an opportunity to review approaches to carrying out impact assessments and to potentially integrate the

requirement to carry out equality impact assessments with the Fairer Scotland Duty. This should aim to ensure that serious consideration 'due regard' is given as early in the decision-making process as possible.

- 5.2 The Fairer Scotland Duty applies to strategic decisions such as:
- Preparation of the Local Development Plans
 - City deals or other major investment plans
 - Development of new strategic frameworks
 - Development of significant new policies or proposals
 - Preparation of an annual budget
 - Major procurement exercises or commissioning services
 - Decisions about the shape, size and location of the estate
 - Plan as part of CPP, e.g. preparing a Local Outcomes Improvement/ locality plans
 - Preparation of a Corporate Plan
- 5.3 Like the PSED, the Fairer Scotland Duty applies to individual bodies however CPP plans are specifically noted in the guidance as strategic decisions. Partners are therefore asked to:
- Agree that the delivery plans for the Highland Outcome Improvement Plan are assessed not only for equality impacts but socio-economic impacts;
 - Agree that Locality Plans are assessed for equality and socio-economic impact (this builds on the guidance and approach already developed for Community Partnerships);
 - Consider adopting the recommended definition of Socio-economic disadvantage across the partnership as set out in paragraph 4.1.

Designation: Acting Head of Policy

Date: 06 April 2018

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Background Papers: Interim Guidance on the Fairer Scotland Duty
<http://www.gov.scot/Resource/0053/00533417.pdf>.