

**South Ayrshire Council**

**Report by Director of Strategic Change and Communities  
to Audit and Governance Panel  
of 22 February 2023**

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**Subject: Scrutiny of Improvements Proposed by the  
Equality and Diversity Forum**

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**1. Purpose**

1.1 The purpose of this report is to advise the Audit and Governance Panel of the proposed improvement actions identified by the Equality and Diversity Forum.

**2. Recommendations**

**2.1 It is recommended that the Panel considers the proposed improvement actions detailed in [Appendix 2](#).**

**3. Background**

3.1 The Equality Act 2020 came into force in April 2021 introducing a new Public Sector Equality Duty (PSED) (often referred to as the 'general duty') that requires the Council in the exercise of their functions to have 'due regard' to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
2. Advance equality of opportunity between those who share a protected characteristic and those who do not; and
3. Foster good relations between those who share a protected characteristic and those who do not

3.2 Supplementary legislation was introduced by the Scottish Government in 2012 (the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012). This legislation was introduced with the purpose of enabling better performance of the PSED contained in s149 (1) of the Equality Act 2010.

3.3 The Fairer Scotland Duty, (FSD) Part 1 of the Equality Act 2010, places a legal responsibility on the Council to actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

3.4 The Council established an Equality and Diversity Forum in 2010 comprising Elected Members, stakeholders/ voluntary organisations and Council officers. A network of Equality Champions offer local support and information to their Directorates.

3.5 At a meeting of Audit and Governance Panel in September 2022, members requested that the Equality and Diversity Forum consider improvement actions in relation to the Council's equalities duties and make recommendations for improvement actions.

#### 4. **Proposals**

4.1 The Equality and Diversity Forum met on 15 of November and the minute from the meeting is attached as [Appendix 1](#).

4.2 It was agreed the Cllr Laura Brennan Whitefield would continue to chair the group and that additional elected member representation would be considered.

4.3 The forum considered the ongoing an continuous improvement of equalities related work in South Ayrshire and a summary of agreed improvement actions is attached as [Appendix 2](#). This list is not exhaustive and new actions will be added as the forum develops.

4.4 The forum also agreed to an updated terms of reference that is attached to [Appendix 1](#).

4.5 In addition to the agreed improvement actions, a review of the Policy, Performance and Community Planning service highlighted the risk associated with the equalities function being the responsibility of a single employee. A proposed restructure (due to be considered at Cabinet on 15 February) will spread the responsibility among three officers.

#### 5. **Legal and Procurement Implications**

5.1 There are no legal implications arising from this report

5.2 There are no procurement implications arising from this report

#### 6. **Financial Implications**

6.1 Not applicable.

#### 7. **Human Resources Implications**

7.1 Not applicable.

#### 8. **Risk**

##### 8.1 ***Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

##### 8.2 ***Risk Implications of Rejecting the Recommendations***

8.2.1 Rejecting the recommendations may impact on the reputation of the Council.

## 9. Equalities

- 9.1 An Equalities Impact Assessment has been carried out on the proposals contained in this report which identifies potential positive and negative equality impacts and any required mitigating actions. The EQIA is attached as [Appendix 3](#).

## 10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## 11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to delivery of all of the Council's strategic objectives and all of the strategic outcomes.

## 13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Lee Lyons, Portfolio Holder for Health and Social Care, and the contents of this report reflect any feedback provided.

**Background Papers**     [Audit and Governance Panel – 7 September 2022 - Minutes \(Item 9, Page 8\)](#)

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**Date:** 8 February 2023



## Equality and Diversity Forum: 15<sup>th</sup> November 2022

### Minute of Meeting

<p><b>In Attendance</b>  Councillor Laura Brennan-Whitefield  Councillor Hugh Hunter  Kevin Anderson – Service Lead, Policy Performance and Community Planning  Susan McCardie – Community Planning Lead Officer</p>	
1	<p><b>Welcome and apologies</b>  Kevin welcomed all to the meeting with apologies received from Councillor Ian Davis.</p>
2	<p><b>Background</b>  Reference was made to the report from Audit and Governance Panel of 7<sup>th</sup> September (previously circulated to members) and actions which have arisen from this meeting. It was agreed that the Equality and Diversity Forum would lead on/consider ways in which to improve the equalities process. It was also agreed that the terms of reference is updated to reflect Fairer Scotland Duty. It was noted that the Equalities Officer is currently off on long-term sick however will support this group going forward.</p>
3	<p><b>Chair of the Equality and Diversity Forum to be confirmed</b>  Councillor Brennan-Whitefield was confirmed as chair of the forum and resumed chair of the meeting.</p>
4	<p><b>Terms of Reference</b>  Discussion took place on the terms of reference previously circulated and attached as <a href="#">Appendix One</a>. Members were comfortable with remit. Need to include Fairer Scotland Duty as highlighted in point 2f and this will be considered as part of the Forum. Composition of forum has changed again – 1 SNP 1 Conservative and 2 Independent.</p> <p>Councillor Brennan-Whitefield would like to extend the membership of the forum and would like Councillor Ramsay to join. Councillor Ramsay is the Youth Champion. Confirmation is sought on the governance procedures on extending the forum membership on whether a paper needs to be submitted to full Council extending members to five members.</p> <p><i>Action: Kevin Anderson will confirm process regarding additional members joining the forum and whether approval needs to be sought from full council.</i></p>

5	<p><b>Improvement Actions</b></p> <p>Members considered the Improvement Actions previously circulated, and the following additional comments were noted:</p> <ul style="list-style-type: none"> <li>• COAST training should be mandatory and must be completed by a certain date (to be agreed).</li> <li>• For staff who don't have access to COAST because of their role, line managers must ensure that accessible training is available.</li> <li>• A programme of webinars will be used as part of training and to raise awareness of equality and diversity issues. These will be recorded to allow wider staff to be able to access. Consideration to be given as to whether the webinars can be made available to the public.</li> <li>• Work will continue to develop the online integrated assessment.</li> </ul> <p>The Equalities Officer now has access to paper at the clearing stage so that consideration can be given to the EQIA and associated paperwork. This will be monitored in terms of time and capacity for the Equalities Officer and it becomes too time-consuming the process will need to be re-considered. The importance of equalities paperwork is vital as the process can be challenged in court if not completed properly.</p> <p>It was noted that some Councils have EQIA at the front of papers – Kevin will pick this up with Eileen Howat and Wynne Carlaw.</p> <p>It was agreed that the first of the webinars will focus on breastfeeding following County Buildings which will become part of the Breastfeeding Friendly Scotland Scheme in January. Whilst the webinar will be hosted by the Equality and Diversity Forum it will also link with the Children's Services Planning Group as breastfeeding is a priority area.</p> <p><i>Action: Susan to make contact with Public Health to identify who would support the webinar. Once programme is agreed a Save The Date will be circulated to Elected Members, SAC and partner staff (once approved by the Chair).</i></p> <p>Other suggested webinar topics included: poverty (particularly the impact that poverty can have to reduce inequalities further), addiction, invisible disabilities and linking in with the annual calendar of events. Reference was made to a trauma informed approach and it was agreed that membership on the group is also extended to the Trauma Informed Practice Officer.</p>
6	<p><b>Training</b></p> <p>This was covered as part of improvement actions</p>
7	<p><b>Agreement on future meeting schedule</b></p> <p>There will be four meetings a year (each quarter). The second meeting, which will be scheduled for February/March will include members of SAC Equalities Champions network.</p>

## Appendix One

### **South Ayrshire Council: Equality and Diversity Forum Arrangements**

#### **1. Role of the Forum**

To support the Council to deliver on its equality and diversity responsibilities by providing a consultative and inclusive link to the diverse communities of South Ayrshire, and through the work of the Forum, promote equality and diversity and encourage good relations throughout South Ayrshire. The Forum is not a Committee of the Council and has no decision-making powers.

#### **2. Remit of the Forum**

a. To support the Council to meet its Public Sector Equality Duty responsibilities, including the Specific Duties to progress the Council's Equality Outcomes and to Mainstream Equalities.

b. To support the development of the Council's policies and procedures relating to equality and diversity.

c. To promote inclusion and participation of the diverse communities and hard to reach and under-represented minority interests in South Ayrshire.

d. To raise awareness of the needs and priorities of the diverse communities in South Ayrshire.

e. To provide a link to the voluntary sector and organisations representing the diverse communities within South Ayrshire.

f. To support the development of the Council's policies and procedures relating to Fairer Scotland Duty

#### **3. Composition of the Forum**

##### **a. *Elected Members***

The Chairperson of the Equality and Diversity Forum will be chosen from the four elected member representatives nominated by Council, which from November 2022 comprises SNP (1), Independent (2), Labour (TBC) and Conservative (1).

##### **b. *Stakeholders/ Voluntary Organisations***

The Forum will work in partnership with a network of local voluntary organisations and national voluntary organisations as appropriate, as well as individuals with particular expertise in equality and diversity.

##### **c. *Council Officers***

The Forum will be supported by the Service Lead: Policy, Performance and Community Planning, Equalities Officer and Trauma Informed Practice Officer. A network of Equalities Champions will offer local support and information to their Directorates.

#### **4. Frequency of Meetings**

The Forum will meet four times a year: two meetings with Policy, Performance and Community Planning Service representatives and two meetings with Equality Champions. All Council services are invited to nominate Equality Champions.

## Appendix 2

<b>EQUALITY AND DIVERSITY FORUM: IMPROVEMENT ACTIONS (as agreed November 2022)</b>				
<b>PRIORITY AREA</b>	<b>ACTION</b>	<b>LEAD</b>	<b>TIMESCALE</b>	<b>PROJECT UPDATE</b>
<b>Training</b>	Staff <b>must</b> complete the mandatory Equality and Diversity Training on COAST <b>by a certain date - tbc?</b>	Service Leads supported by Equalities Officer	June 2023	
	For those staff who don't have access to COAST because of their role, line managers must ensure that accessible training is available.			
	Development of a short video for staff on how complete an EQIA Scoping and full EQIA and highlighting risk of not being completed properly.	Equalities Officer	April 2023	
	Training for elected members on how to scrutinise equality impact assessments.	Equalities Officer	May 2023	
	Develop a series of equality and diversity webinars for staff and elected members	Equalities Officer	Ongoing	
<b>Integrated Assessment</b>	Development of online integrated equalities assessment	Equalities Officer (with assistance from ICT)		Considered as part of new Council Plan development
<b>Equalities Impact Assessment</b>	Create a database logging system for EQIAs and ensure that EQIAs not published as part of committee reports are published on the SAC website (Equality and Diversity page)	Community Planning and Equalities Assistant	April 2023	
<b>Equality and Diversity Forum</b>	Extend membership of group to include Trauma Informed Practice Officer	Service Lead – Policy, Performance and Community Planning	Complete	
<b>Equality Champions</b>	Make an appeal across the Council for new equality champions to come forward.	Equality and Diversity Forum	March 2023	



**South Ayrshire Council  
Equality Impact Assessment including Fairer Scotland Duty**

**Section One: Policy Details\***

Name of Policy	Scrutiny of Improvements proposed by the Equality and Diversity Forum
Lead Officer (Name/Position)	Kevin Anderson Service Lead Policy, Performance and Community Planning
Support Team (Names/Positions) including Critical Friend	Susan McCardie, Community Planning Lead Officer Macy Biggar, Community Planning and Equalities Assistant

\*The term Policy is used throughout the assessment to embrace the full range of policies, procedures, strategies, projects, applications for funding or financial decisions.

What are the main <b>aims</b> of the policy?	To ensure that South Ayrshire Council Equality work programme ensures continuous improvement to meet the public sector equality duty and Fairer Scotland Duty.
What are the intended <b>outcomes</b> of the policy?	To ensure that improvement actions, set by the Equality and Diversity Forum are implemented.

## Section Two: What are the Likely Impacts of the Policy?

<p>Will the policy impact upon the whole population of South Ayrshire and/or particular groups within the population? (please specify)</p>	<p>It will ensure that South Ayrshire Council considers the requirements of the Equality Act 2020 (public sector equality duty) and the legal responsibility to actively consider the Fairer Scotland Duty.</p>
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Considering the following Protected Characteristics and themes, what likely impacts or issues does the policy have for the group or community?

List any likely positive and/or negative impacts.

Protected Characteristics	Positive and/or Negative Impacts
<p><b>Age:</b> Issues relating to different age groups e.g. older people or children and young people</p>	<p><b>Positive Impact</b></p>
<p><b>Disability:</b> Issues relating to disabled people</p>	<p><b>Positive Impact</b></p>
<p><b>Gender Reassignment – Trans/Transgender:</b> Issues relating to people who have proposed, started or completed a process to change his or her sex</p>	<p><b>Positive Impact</b></p>
<p><b>Marriage and Civil Partnership:</b> Issues relating to people who are married or are in a civil partnership</p>	<p><b>Positive Impact</b></p>
<p><b>Pregnancy and Maternity:</b> Issues relating to woman who are pregnant and/or on maternity leave</p>	<p><b>Positive Impact</b></p>

<b>Race:</b> Issues relating to people from different racial groups,(BME) ethnic minorities, including Gypsy/Travellers	<b>Positive Impact</b>
<b>Religion or Belief:</b> Issues relating to a person's religion or belief (including non-belief)	<b>Positive Impact</b>
<b>Sex:</b> Issues specific to women and men/or girls and boys	<b>Positive Impact</b>
<b>Sexual Orientation:</b> Issues relating to a person's sexual orientation i.e. LGBT+, heterosexual/straight	<b>Positive Impact</b>

<b>Equality and Diversity Themes Relevant to South Ayrshire Council</b>	<b>Positive and/or Negative Impacts</b>
<b>Health</b> Issues and impacts affecting people's health	<b>Positive Impact</b>
<b>Human Rights:</b> Issues and impacts affecting people's human rights such as being treated with dignity and respect, the right to education, the right to respect for private and family life, and the right to free elections.	<b>Positive Impact</b>

<b>Socio-Economic Disadvantage</b>	<b>Positive and/or Negative Impacts</b>
<b>Low Income/Income Poverty:</b> Issues: cannot afford to maintain regular payments such as bills, food and clothing.	<b>Positive Impact</b>
<b>Low and/or no wealth:</b> Issues: enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	<b>Positive Impact</b>
<b>Material Deprivation:</b> Issues: being unable to access basic	<b>Positive Impact</b>

goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	
<b>Area Deprivation:</b> Issues: where you live (rural areas), where you work (accessibility of transport)	<b>Positive Impact</b>

### Section Three: Evidence Used in Developing the Policy

<b>Involvement and Consultation</b> In assessing the impact(s) set out above what evidence has been collected from involvement, engagement or consultation? <b>Who</b> did you involve, <b>when</b> and <b>how</b> ?	Consultation on the improvement actions have taken place with the Equality and Diversity Forum.
<b>Data and Research</b> In assessing the impact set out above what evidence has been collected from research or other data. Please specify <b>what</b> research was carried out or data collected, <b>when</b> and <b>how</b> this was done.	Not applicable at the moment as this sets out improvement actions only.
<b>Partners data and research</b> In assessing the impact(s) set out in Section 2 what evidence has been provided by partners?  Please specify partners	Not applicable at the moment as this sets out improvement actions only.
<b>Gaps and Uncertainties</b> Have you identified any gaps or uncertainties in your understanding of the issues or impacts that need to be explored further?	Gaps have been identified around training and this has been incorporated into the improvement plan.  There is a need to ensure that we highlight the risk of not completing the EQIA paperwork properly.

### Section Four: Detailed Action Plan to address identified gaps in:

a) evidence and

b) to mitigate negative impacts

No.	Action	Responsible Officer(s)	Timescale
1	<b>Development of a series of Equality and Diversity Webinars for staff and Elected Members</b>	x	Ongoing
2	<b>Development of a short video for staff on how to complete an EQIA Scoping and full EQIA.</b>	x	
3			

4			

**Note: Please add more rows as required.**

**Section Five - Performance monitoring and reporting**

Considering the policy as a whole, including its equality and diversity implications:

When is the policy intended to come into effect?	<input checked="" type="checkbox"/>
When will the policy be reviewed?	<input checked="" type="checkbox"/>
Which Panel will have oversight of the policy?	Equality and Diversity Forum

**Section 6**

**South Ayrshire Council**

**Appendix .....**

**Summary Equality Impact Assessment Implications & Mitigating Actions**

**Name of Policy:** .....Equality and Diversity Forum Improvement Actions..

This policy will assist or inhibit the Council's ability to eliminate discrimination; advance equality of opportunity; and foster good relations as follows:

<b>Eliminate discrimination</b> Continuous improvement to meet the Council's Equality duties.
<b>Advance equality of opportunity</b> Continuous improvement to meet the Council's Equality duties
<b>Foster good relations</b> Continuous improvement to meet the Council's Equality duties
<b>Consider Socio-Economic Disadvantage (Fairer Scotland Duty)</b> Continuous improvement to meet the Council's Equality duties

<b>Summary of Key Action to Mitigate Negative Impacts</b>	
<b>Actions</b>	<b>Timescale</b>
<b>Equality and Diversity Forum Improvement Actions</b>	ongoing

**Signed: ...Kevin Anderson.....Service Lead**

**Date: .....02/2/23.....**