

REPORT TO: POLICY AND RESOURCES COMMITTEE - 26 OCTOBER 2009

REPORT ON: UK EQUALITY BILL - CONSULTATION ON SPECIFIC PUBLIC SECTOR DUTY RELATING TO SOCIO-ECONOMIC INEQUALITIES

REPORT BY: ASSISTANT CHIEF EXECUTIVE

REPORT NO: 505-2009

1. PURPOSE OF REPORT

To advise Committee of the national consultation on the UK Equality Bill and the specific consultation on a public sector duty relating to socio-economic inequalities. To inform the Committee of COSLA's position in respect of the consultation.

2. RECOMMENDATIONS

It is recommended that the Committee:

- notes the current consultation in respect of the UK Equality Bill
- notes the position of COSLA in respect of the consultation
- approves the consultation response in paragraph 4.7

3. FINANCIAL IMPLICATIONS

None.

4. BACKGROUND

- 4.1 The Equality Bill was introduced in the UK Parliament in April this year. The Bill seeks to consolidate existing equalities legislation (there are currently nine major pieces of discrimination legislation) and creates a new single public sector Equality Duty which will continue to cover race, gender and disability but will be extended to cover age, sexual orientation, religion or belief, pregnancy and maternity explicitly, and gender-reassignment in full.
- 4.2 The Bill also introduces a separate duty on Government Ministers and Departments (UK) and relevant public bodies (including Local Authorities and NHS bodies) to consider what action they can take to reduce the socio-economic inequalities people face and to place this objective at the core of their policies and programmes.
- 4.3 Currently the proposed duty extends only to public bodies in England and Wales, but an amendment to the Bill could extend this duty to Scotland. The Scottish consultation, published on 3 August 2009 is seeking views on whether this duty should be extended to Scotland and what form it should take. A separate consultation document on the other duties in the Equality Bill will be published later in 2009.
- 4.4 Prior to the decision to consult on the extension of the socio-economic duty to Scotland, COSLA was asked for views on this possibility in advance of a Ministerial appearance at the UK Equal Opportunities Committee. The current position is that the Concordat, Single Outcome Agreements, and three social frameworks of Achieving Our Potential, Early Years and Equally Well, provide a very different approach to tackling socio-economic disadvantage in Scotland to that which exists south of the border. Several national outcomes to which COSLA and the Scottish Government have jointly committed make explicit reference to inequalities and socio-economic disadvantage including: "we realise our full economic potential with more and better employment opportunities for our people", and "we have tackled the significant inequalities in Scottish society".

- 4.5 Within this context, COSLA conveyed the following to the Scottish Government:-

"COSLA does not feel that a new duty is necessary at this time. A new way of working has recently been embarked on in Scotland and Scotland's local authorities through the Single Outcome Agreements, routed in shared responsibilities for national outcomes which include outcomes aimed at addressing inequalities. There is much good work going on in Scottish Council to lessen the effects of the economic downturn on communities, from increases in the provision of advice to re-organising the delivery of services to better suit current needs. In addition, COSLA and the Scottish Government have developed in partnership three key social frameworks - Achieving our Potential, Equally Well and Early Years - which seek to address the need for a more strategic prevention based approach to tackling inequalities. Now is the time to concentrate on mainstreaming the outcomes approach into Council practices rather than to add another bureaucratic duty. We would be open to discussions in future on a duty to address socio-economic disadvantage if in the fullness of time it is found that the current approach has been ineffective."

- 4.6 A report was presented to the COSLA Wellbeing and Safety Executive Group in August where the COSLA position as set out above was discussed and endorsed. It was also agreed at the meeting that a duty on Councils to consider socio-economic disadvantage could indeed have a negative effect on efforts to address inequalities, as there is a danger of Council staff becoming embroiled in a new bureaucracy and possible judicial review cases. This is counter-productive in a climate of stretched resources when Scotland's local authorities have already committed themselves to address the significant inequalities in our society.
- 4.7 It is recommended that Dundee City Council responds to the national consultation. It is recommended that the Council does not support extending the public sector duty on socio-economic inequalities, in the UK Equality Bill, to cover public bodies in Scotland at this time. Now is the time to concentrate on mainstreaming the outcomes approach into Council practices rather than to add another bureaucratic duty. It is recommended that the Council should be open to discussions in future on a duty to address socio-economic disadvantage if in the fullness of time it is found that the current approach has been ineffective. The Council response is attached as Appendix 1.

5. **POLICY IMPLICATIONS**

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6. **CONSULTATIONS**

The Chief Executive, Depute Chief Executive (Support Services) and Director of Finance have been consulted and are in agreement with the contents of this report.

7. **BACKGROUND PAPERS**

Achieving Our Potential: A Framework to Tackle Poverty and Income Inequality in Scotland

The Early Years Framework, the Scottish Government, 2009

The Equally Well Implementation Plan, the Scottish Government, 2008

Single Outcome Agreement for Dundee 2009-2012, Dundee City Council and the Dundee Partnership, 2009

8. This report was approved by the Assistant Chief Executive in consultation with the undernoted because the consultation response has to be with the Scottish Government prior to the Policy and Resources Committee meeting on 26th October.

Chris Ward

Assistant Chief Executive

_____ Date 21/10/2009

UK EQUALITY BILL SPECIFIC PUBLIC SECTOR DUTIES TO PROMOTE EQUALITY AND SOCIO ECONOMIC DUTY

CONSULTATION QUESTIONS

- Q1. Do you think that the socio economic duty as it appears in the UK Bill should be applied to public authorities in Scotland.

No.

The socio-economic duty as it appears in the UK Bill should not be applied to public authorities in Scotland at this time. The current position is that the Concordat, Single Outcome Agreements, and three social frameworks of Achieving Our Potential, Early Years and Equally Well, provide a very different approach to tackling socio-economic disadvantage in Scotland to that which exists south of the border.

Several national outcomes to which local authorities and the Scottish Government have jointly committed make explicit reference to inequalities and socio-economic disadvantage including: "we realise our full economic potential with more and better employment opportunities for our people", and "we have tackled the significant inequalities in Scottish society".

Now is the time to concentrate on mainstreaming the outcomes approach into Council practices rather than to add another bureaucratic duty. We would be open to discussions in future on a duty to address socio-economic disadvantage if in the fullness of time it is found that the current approach has been ineffective".

- Q2. Which public authorities do you think the duty should apply to in Scotland?

See answer to Question 1.

- Q3. Do you think what the Scottish Government are currently doing to tackle poverty and socio-economic disadvantage would be helped by the introduction of a statutory duty?

No.

Several National outcomes to which local authorities and the Scottish Government have jointly committed make explicit reference to inequalities and socio-economic disadvantage.

- Q4. Do you think that this socio-economic duty could cut across or undermine existing local and/or national policy and practice?

Yes.

The introduction of this socio-economic duty could have a negative effect on efforts to address inequalities as there is a danger of Council staff becoming embroiled in a new bureaucracy and possible judicial review cases. This is counter-productive in a climate of stretched resources when Scotland's local authorities have already committed themselves to address the significant inequalities in our society.

- Q5. Do you think this duty would impact on Single Outcome Agreements (for Community Planning Partnerships) in relation to:

Yes.

The current position is that the Concordat, Single Outcome Agreements and three social frameworks of Achieving our Potential, Early Years and Equally Well provide an approach to tackling socio-economic disadvantage in Scotland.

Now is the time to concentrate on mainstreaming the outcomes approach into Council practices rather than to add another bureaucratic duty.

- Q6. Do you think this duty would impact on the implementation of other statutory duties?

Yes.

There is a danger of Council staff becoming embroiled in a new bureaucracy and possible review cases. This is counter-productive in a climate of stretched resources within local authorities..

- Q7. Do you think the proposed arrangements for monitoring, reporting, accountability and enforcement of the socio-economic duty would be appropriate?

No.

See answer to Question 6.

8.

- (a) Do you think the data currently collected and analysed by public authorities would be sufficient for the purposes of the socio-economic duty?

No.

Data on Healthy Life Expectancy, across local authority areas, was developed nationally around six years ago. No further national work has been undertaken. There is a strong association between poor health outcomes and socio-economic disadvantage. Within this context, further and ongoing national work around healthy life expectancy would support delivery of Single Outcome Agreements.