

Appointment of Elected Member Equality Champion

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to invite Council to appoint an Elected Member as Equality Champion for Midlothian Council.

2 Background

- 2.1** The Equality Act 2010 was introduced to help make Britain a fairer society.
- 2.2** The Act places particular duties on public authorities such as local authorities to reflect the pivotal role they can play in dismantling inequality and driving up positive outcomes for all.
- 2.3** The Public Sector Equality Duty (referred to as the General Equality Duty (GED)) came into force on 05 April 2011 and covers the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 2.4** Those bodies subject to the GED are required to demonstrate 'due regard' to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and those who do not share it
- 2.4** To assist public bodies in meeting the GED, further Scottish specific duties came into force on 27 May 2012 and require listed authorities to carry out the following activities:
- Report on the mainstreaming the equality duty;
 - Publish equality Outcomes and report progress;
 - Assess and review policies and practices;
 - Gather and use employee information;
 - Publish gender pay gap information;
 - Publish statements on equal pay; and
 - Consider award criteria and conditions in relation to public procurement

- 2.5** All local authorities and Education authorities are covered by the general and specific duties, and Council approved the Midlothian Equality Outcome & Mainstreaming Report 2013 – 2017 on 14 May 2013.
- 2.6** A progress report on the above is due by 30 April 2015 and the Equality & Human Rights Commission (EHRC) is keen to see that public authorities are making good progress in embedding the equality duties in all their day-to-day work. The public sector duty represents a positive opportunity for Elected Members as public authority leaders to ensure that they make better decisions based on robust evidence.
- 2.7** Accordingly, Elected Members have an important role to play in championing equality within Councils, as well as a scrutiny role to ensure that equality considerations are included in the decision making and governance of the Council.
- 2.8** Further, Elected Member Equality Champions demonstrates senior leadership and support for equality and diversity matters and initiatives.

3 Current Position Scotland-wide

- 3.1** In January 2014 the Scottish Councils' Equality Network (SCEN) initiated a survey of local authority lead officers to establish how many Scottish local authorities had in place Elected Member Equality Champions.
- 3.2** The survey closed with 19 responses from a possible 31, (the authority conducting the research did not participate), representing a response rate of 61%. The main findings of the survey were that:
- 42% of authorities had a formally Elected Member Equality Champion (EMEC)/(s); and
 - 25% of those had a formal role description
- 3.3** Key activities for the 25% EMECs who had a role description were:
- 100% attend equality related community events;
 - 88% act as the key contact or spokesperson for equality related communications for the council;
 - 75% attend equality management or equality steering group meetings for the authority;
 - 63% provide leadership with regard to the implementation of equality legislation within the council; and
 - 38% are involved in equality issues for the authority as an employer
- 3.4** There is strong support for local authorities to have Equality Champions by the Equality & Human Rights Commission.

4 Report Implications

4.1 Resource

Resource required would be Elected Member time to carry out the following duties:

- Attending equality related community events (approximately 4 to 6 per annum);
- Elected member spokesperson for equality related communications (as required); and
- Promoting equality issues within the council and external community (as required)

Full support and guidance for these duties would be provided by the Council's Corporate Policy Officer (Equality, Diversity & Human Rights)

4.2 Risk

The Council has a statutory duty to comply with the Equality Act 2012 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Appointment of an Elected Member Equality Champion is considered good practice by the Equality and Human Rights Commission as Equality Champions demonstrate senior leadership and support for equality and diversity matters and initiatives within an organisation. Appointment of an Equality Champion would demonstrate good practice in this field.

4.3 Single Midlothian Plan and Business Transformation

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

4.4 Key Priorities within the Single Midlothian Plan

The three key priorities within the Single Midlothian Plan are: Economic Recovery and Growth; Employment (especially youth employment); and Early Years. Equality and diversity underpins all three priorities.

4.5 Impact on Performance and Outcomes

Not applicable

4.6 Adopting a Preventative Approach

Not applicable

4.7 Involving Communities and Other Stakeholders

The recommendation within this report would benefit all those within Midlothian.

4.8 Ensuring Equalities

The recommendation within this report relates to an appointment that would ensure best practice and compliance with the Equality Act 2012 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

4.9 Supporting Sustainable Development

Not applicable

5. IT Issues

There are no IT issues arising from this report.

6 Recommendations

The Council is invited to:-

- 6.1** Appoint an Elected Member to be the Midlothian Council Equality Champion;
- 6.2** Agree the role for the Equality Champion as set out under item 4.1 of this report.

Date 04 March 2014

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Background Papers:

Declaration Box

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Title of Report: Election of Elected Member Equality Champion

Meeting Presented to: Council, 25 March 2014

Author of Report: Lesley N Crozier

I confirm that I have undertaken the following actions before submitting this report to the Council Secretariat (Check boxes to confirm):-

- ☒ *All resource implications have been addressed. Any financial and HR implications have been approved by the Head of Finance and Integrated Service Support.*
- ☒ *All risk implications have been addressed.*
- ☒ *All other report implications have been addressed.*
- ☒ *My Director has endorsed the report for submission to the Council Secretariat.*

For Cabinet reports, please advise the Council Secretariat if the report has an education interest. This will allow the report to be located on the Cabinet agenda among the items in which the Religious Representatives are entitled to participate.

Likewise, please advise the Council Secretariat if any report for Midlothian Council has an education interest. The Religious Representatives are currently entitled to attend meetings of the Council in a non-voting observer capacity, but with the right to speak (but not vote) on any education matter under consideration, subject always to observing the authority of the Chair.