

East Lothian

Duties of Public Authorities in relation to the UNCRC of the Children and Young People (Scotland) Act 2014

Children's Rights reporting 2017-20

Introduction

The Council is committed to making East Lothian the best place for children to grow up and where the rights of children and young people are respected, protected, enabled and fulfilled across our public services and society as a whole. We recognise that children's rights must be a primary consideration whenever decisions are being taken that will affect children and young people.

NHS Lothian adopted a Children's Rights Based approach to Children and Young People's policy, planning and service delivery in 2003 and reinvented its approach in 2009 and incorporated UNCRC awareness raising training as part of the GIRFEC implementation plan both of which are reflected in NHS Lothian's Children and Young People's Health and Wellbeing Strategy 2014-2020. This strategy was commended by the then Cabinet Secretary for Children and Young People and the Scotland Commissioner for Children and Young People at its public launch in November 2014.

This first report on our duty as a public authority is a retrospective summary as a result of the impact of COVID-19 on business continuity. The report provides examples of good practice in respect of the promotion of UNCRC and our commitment to developing the voice of children and young people at the heart of how we deliver services. It includes illustrations of work across a range of council services, aligned to the UNCRC clusters.

Within the current reporting period (2021-2023) we have been developing our knowledge and understanding of what we do well, where we need to improve and how we can demonstrate the impact of our work through establishing a framework for measurement.

Cluster (i) General measures of implementation – structures and resources to implement the UNCRC

- We are committed to the implementation of UNCRC rights, through complying with rights provisions and duties within the 2014 Act and other relevant legislation and policy as identified (Article 4).
- We proactively consider children's rights in service planning, engaging with and undertaking consultation with relevant stakeholders (including children and young people and parents/carers) (Article 4).
- We ensure that the services we provide for children and young people conform to established national standards and provide high quality services and staffing (Article 4).
- We ensure that our visions and values promote the rights of the child and that these are reflected in all our public documents and statements (Article 4).

Illustrations

People & Governance

One of the Licensing Objectives is Protecting Children from Harm and that is embodied within the Statement of Licensing Policy for alcohol licensing

The Data Protection Act gives rights to children over the age of 12 and those rights are incorporated into our practices and procedures

As part of the consultation process for developing the Statement of Licensing Policy the views of children and young people are specifically sought through schools and local community groups. We also encourage participation by young people in the Licensing Forum.

Legal Services

There are a number of legal processes that specifically require us to include children as recognised parties in legal action (as qualifying occupiers in eviction actions if 16 or over for example) or as the focus of actions (in adoption actions for example), or as interested parties in developments we are involved in (consultations in builds or changes to land or buildings for example).

Equality Outcomes Progress Report 2017-19



ELC Equality
Outcomes Progress R

Children's Services Planning arrangements

[Childrens Services Plan 2017 20.pdf](#)

Section 9.4 sets out the range of consultation and engagement methods used to gather the views of children and young people for our plan.

Regulatory service inspection and scrutiny

Registered services for children and young people are routinely inspected by the Care Inspectorate to ensure we meet high standards of service provision and delivery. These include our early year's provisions; fostering and adoption services; residential care for young people.

[InspectionReport-303186.pdf](#)

Integrated Impact Assessments



Joint_East_and_Midlothian_Impact_Assessm

Equalities within schools – Rights Respecting Schools progress

- We aim to have all ELC schools sign up to the RRS programme. Two silver and one gold award. There are plans to support schools further with a bank of resources being developed by the pedagogy team.
- GTCS standards/SSSC
- Professional learning – including learnpro. Time was allocated to staff training on UNCRC and children's rights in the WTA and training materials were sent out to all schools. Education Scotland offered training sessions for the central team and school leads.
- Engagement with partners – We have worked with LGBT Youth Scotland, Show Racism the Red Card and Respect Me (Scotland's leading Anti-Bullying charity).

Cluster (ii) General principles of the UNCRC

Taking decisions in the best interests of children in order to maximise their development and enable them to have their say

- **Children and young people are encouraged and supported to participate in all stages of planning, provision and delivery of our services (Article 12).**

- **We use a range of measures to seek children and young people's views about matters that affect them and always consider the child's views in determining what is in the child's best interests (Articles 3 and 12).**
- **We ensure that communication or learning difficulties are not considered an exception to the requirement to obtain and consider the views of the child or young person (Articles 2 and 12).**
- **Children and young people have access to independent advocacy where they find it more difficult to claim their rights or if their rights have been violated (Article 12).**
- **We signpost children and young people who want to make a complaint, and/or those acting on their behalf, to clear and transparent complaints processes (Article 3 and 12).**
- **We ask children and their parents/carers routinely about matters that affect them and provide feedback on how their views have been acted on (Article 12).**
- **We seek out and use examples of the best approaches to engaging with children and young people in order to support their right to have their voices heard (Article 12).**

Illustrations

Connected Communities

The Connected Communities Service puts children's rights at the heart of our work with communities. Respect for the rights of children and young people is embedded in the work of our professionally qualified CLD staff. Our staff facilitated and supported the nationally recognised (COSLA award nominated) exemplar 'Streets Ahead Tranent' project undertaken with the Children's Parliament and Recharge to promote the rights of the child by engaging local school children in the Tranent Town Centre community planning initiative, taking a Place based approach to learning about its heritage and shaping their future community. Supported by the Fa'side Area Partnership, this project included a life-changing trip for some of the children involved from the Tranent school cluster to visit Geneva to present to the UN. [StreetsAhead Tranent - Children's Parliament \(childrensparliament.org.uk\)](http://childrensparliament.org.uk). We provide ongoing support for the East Lothian members of the Scottish Youth Parliament via Caroline Davis who also facilitates the East Lothian Youth Council which is a forum for elected members to engage directly with school pupils and hear their view on key issues such as climate change. We work closely with the key national youth organisations such as Young Scot and DoE.

Many of our staff are already 'Unfearties'! [Unfearties - Children's Parliament \(childrensparliament.org.uk\)](http://childrensparliament.org.uk)

Good practice example

[StreetsAhead Tranent - Children's Parliament \(childrensparliament.org.uk\)](http://childrensparliament.org.uk)

As part of the Year of Innovation, Architecture and Design 2016 and the Festival of Architecture, StreetsAhead Tranent explored children's views and experiences of their local community and built environment; examining how these factors impact on children's rights and wellbeing.

250 children from Elphinstone, Windygoul, St. Martin's RC, Ormiston and Sanderson's Wynd primaries participated in whole class workshops with a strong emphasis on creativity through an intergenerational and heritage theme. These workshops included inputs from local community members, urban designers, historians and wildlife rangers.

Following nine workshops, a small group of 16 children from across the five schools engaged in an intensive creative process that included visits to historical sites, including Prestongrange Museum, Seton Collegiate Church and the APOGI project, tours of Tranent High Street, and working with artists, drama facilitators and local professionals to create a mural reflecting the views of all 250 children who took part.

This project resulted in a 36' x 4' mural and a series of films that showcase the StreetsAhead journey, from classroom workshops through creation of the mural to a series of exhibitions and events that share StreetsAhead Tranent with community members and stakeholders.

Due to the energy and commitment from stakeholders, StreetsAhead Tranent was invited to the UNCRC Day of General Discussion in Geneva. Children's Parliament, the International Play Association and the Children and Young People's Commissioner for Scotland (CYPCS) worked with Terre des Hommes to develop Under the Same Sky [www.childrensparliament.org.uk/under-the-same-sky], an international constellation of projects that shared children's views on the environments in which they are growing up. This comprised projects from six countries – Mozambique, Australia, Palestine, Zimbabwe, Brazil and Scotland.

Initially, through support from Scottish Government and CYPCS, Children's Parliament aimed to get the mural to Geneva and share a film from the project. However, East Lothian Council and the Fa'side Area Partnership viewed this as an opportunity for increased attainment and raised aspirations for the participating children and contributed funds to allow the children to travel to Geneva to share their work directly with the UN Committee on the Rights of the Child and other children and adults from around the world. This was a huge honour for Children's Parliament and we are so proud of the StreetsAhead children for all their hard work throughout this project.

Children's Voices spheres of influence StreetsAhead Tranent demonstrates the possibilities for how children's voices can be included in local and global dialogue, if adults are willing to invest the time and resources needed to create appropriate and supportive opportunities for children to engage, to listen to and value their contributions. Children's voices should have a ripple effect, influencing life in those spheres closest to them as well as the wider discussions of national and global significance.

Between March 2018 and June 2019, Children's Parliament worked with experienced Members of Children's Parliament to design and deliver *Children as Human Rights Defenders*; the programme explored children's views on what rights they feel need to be defended in Scotland and what support is required from adults to ensure children can be both empowered and protected in their role as human rights defenders.

[Human-Rights-Defenders-toolkit.pdf \(childrensparliament.org.uk\)](#)

Youth council / participation structures in schools

Schools have various ways in which they capture pupil voice and participation. Examples include:

- Ormiston has a number of pupil groups with specific purposes such as digital ninjas, pupil learning group. They have an umbrella leadership programme called 'Leader in me'
- Longniddry has long established practice in pupil involvement in school improvement planning
- More generic opportunities such as Eco-schools, RRS, pupil council, prefects, etc.
- We consulted with CYP and families during recent work on period poverty and are in the process of sending out a survey on issues connected with discrimination in schools. The Radical Redesign project is currently working alongside ELC schools to gather views on transition to high school and communication between home and school from CYP and families.

Routine consultation and engagement with CYP in schools and how it was used

- SEE survey for P6, S2, S4
- HGIOURS – wee HGIOS – variable use across schools

- School Quality Improvement Activity including school focus groups, Quality Improvement visits/reviews/ELCC evaluative visits, Care Inspectorate, HMIE
- Consultation and engagement in planning and reviewing learning
- There are examples of schools consulting CYP on policy such as homework, school uniform, positive relationships.

Children's Social Work

Children's social work has implemented the following formal ways of seeking the views of children and young people:

- Viewpoint – an online computer assisted animated interviewing technology that enables children and young people to share their views on their wellbeing to inform the assessment and plan.
- Independent advocacy for children and young people looked after away from home.
- East Lothian Champions Board enables the collective voice of care experienced young people to inform service improvements.

Views of children and young people are also gathered in more informal ways including:

- Talking mats that enable children and young people with communication difficulties to share their views.
- Signs of safety assessment and planning tools using art/words/pictures.

Feedback questionnaire when young people are no longer accessing support and cases are closed.

Who Cares Scotland – Advocacy for children and young people who are looked after away from home in East Lothian.

Within this reporting period, formal advocacy support was provided to 360 children and young people who were looked after and accommodated.

The key advocacy tasks were

- a) Support to share views in formal processes,
- b) Support with complaints or requests
- c) Making and maintaining contact with YP in secure settings,
- d) Introduction and information about advocacy services,
- e) Family contact

f) Preparation for transition

The service advocated for those unable to speak for themselves by using non instructed advocacy with CYP affected by disability.

Good practice example

The advocacy worker arranged for some young people who had previously accessed the advocacy service to complete a small consultation around their views of the service. This was carried out by East Lothian Champions Board staff and shared with the worker. Here are some quotes from this consultation:

"Sophie helps me with my lac reviews, hearings and meetings. The difference advocacy has is that everyone listens"

"Sophie supports me at LAC reviews, Children's panels, School, Issues with carers and when I am not getting on with social work"

"An advocate is someone that is on your side and someone who can speak my views for me"

"I feel like someone is listening"

"I believe everyone in care should have access to advocacy"

"Social workers should inform young people how they can access advocacy"

"Previously I felt I wasn't listen to, now I feel like my views are taken in by people"

"After years of accessing advocacy I now feel like I can stand up and speak for myself about my life and issues in it"

- The worker has been providing a service to a young person who was accommodated within secure care. The worker and the young person had spent time building a relationship through visits and telephone calls and together planned and prepared for the hearing which was due to be held in East Lothian rather than video link. The young person had never attended a hearing in the East Lothian hearing centre either so was also anxious about the new setting. The young person had never spoken at a hearing herself before. In previous hearings the worker had spoken on behalf of the young person but felt with time dedicated to preparing and tailored support on the day being given, the young person was now capable and confidence to voice their views themselves. The young person shared that she felt that for the first time, she was able to walk away from the meeting proud and happy.
- In addition to providing the advocacy service the worker has been able to provide promotional support to East Lothian's Champions Board. Creating

links between these services has produced several new referrals for these groups, widening their reach and creating more opportunities for the care experienced population within East Lothian. The purpose of the Champions Board is to engage care experienced individuals to participate in identifying areas for improvement and supporting progress for change that is led by our young champions. The worker supported the champion's board residential this quarter.

Play provision:

When our Play Squad is due to install a new play area / play equipment the children in the nearest local primary school always choose the design of new play equipment that they want to see installed in their local play park. Amenity Services ask 3 play provider companies to produce designs for the site, then these 3 design drawings are passed to the local primary school and the children vote on their preferred design (e.g. by sticking coloured sticky dots on the design of their choice), and the school then provides the outcome of the vote to Amenity Services who then progress the installation of the design chosen by majority of local children.

Incorporating the views of children and young people in Amenities strategies:

The results of a Climate Change survey for children and young people undertaken in 2019 highlighted that, out of 10 options for what we can do in East Lothian to tackle climate change, the second most popular choice was "Plant more trees and have more green spaces for nature", and the 5th most popular choice was "Look after our wild places and nature, like woodlands and wildflower meadows". The importance of trees, nature and green spaces to children and young people is being reflected in strategies currently under development in Amenity Services, and the views of young people will continue to be reflected and incorporated in our strategies moving forward.

Tree planting and wildflower growing:

In relation to the above, Amenity Service's Tree Officer and Forestry Squad support tree planting in our school grounds, in which school pupils participate, and support community groups with planting days in which children and young people participate. For example, a tree planting project at the Lodge Grounds in North Berwick which was driven by the school; our Forestry Squad facilitated the actual planting and showed the children how to plant the trees themselves.

Amenity Services staff provide demonstrations to children in our schools of wildflower meadow planting etc., to enable and involve children in improving their local environment for people and nature.

Climate Change Strategy:

The views of children and young people on Climate Change were gathered during the development of ELC's Climate Change Strategy, to influence the key priority areas of the strategy.

During the public consultation on the Draft Climate Change Strategy in 2019, a specific survey aimed at children and young people was included, which asked them: "Helping to tackle Climate Change: What should we do here in East Lothian?" The responses from young people influenced the focus and key outcomes of the final strategy.

Young people's views on Climate Change were also gathered at East Lothian Youth Council meetings, which included workshops where young people gave their views on what we should prioritise in East Lothian to tackle climate change (recorded in writing on post-it notes and compiled during the workshops).

Cluster (iii) Civil rights and freedoms

Do we promote the freedom of association and expression, protect privacy, ensure appropriate access to information and protect from inhumane treatment?

People & Governance

One of the Licensing Objectives is Protecting Children from Harm and that is embodied within the Statement of Licensing Policy for alcohol licensing

The Data Protection Act gives rights to children over the age of 12 and those rights are incorporated into our practices and procedures

Education services

Approach to bullying / protecting CYP from discrimination and prejudice

- The *Respect for All: A Positive Approach to Preventing Bullying* was updated in January 2022. This complemented the school Anti-Bullying competition which gathered the views of children and young people about what makes them feel safe and included in school. Anti-Bullying Week was celebrated in November 2021 across all schools and their work celebrated on Twitter.
- Increased access to CLPL. Show Racism the Red Card training was offered to all school staff in 2021. Secondary schools and the central team signed up to the LGBTQ charter and started the training with a view to a celebration of work to coincide with Anti-Bullying Week 2022.
- RSHP programme is in all schools

Cluster (iv) Violence against children

- **We provide support to promote children and young people's recovery from their experience of violence including abuse and neglect, maltreatment and exploitation (Article 39).**
- **We seek and take account of children and young people's views prior to making decisions in child protection and other processes (Article 12).**
- **Approaches to managing behaviour and discipline in school and in other settings such as residential care and foster care are appropriate and positively support children and young people (Article 28 (2)).**
- **We take measures to ensure that no form of cruel, inhuman or degrading treatment to children is tolerated in our services (Article 37 (a)).**

Illustrations

Education services

Included, Engaged, Involved was a suite of policy documents developed and implemented within the timeframe of this report to ensure equitable allocation of resources for children with additional support needs, preventing and managing school exclusions and managing distressed and challenging behaviours.

Child protection and safeguarding

Local authorities, NHS Boards and Police Scotland are responsible together for the protection of children and adults at risk in their area, and for the assessment and management of risk of harm posed by offenders. Chief executives and divisional police commanders ensure the discharge of these responsibilities through a variety of multi-agency arrangements, typically Child Protection Committees, Violence Against Women Partnerships, Adult Protection Committees and Offender Management Committees, which report to local Chief Officer Groups (known in some areas as Critical Services Oversight Groups). On behalf of these chief officers, the Edinburgh, Lothians and Scottish Borders Strategic Oversight Group provides strategic leadership and vision across all areas of public protection. The five councils, two health boards and Police Scotland divisions covering the Edinburgh, Lothian and Borders area, work together wherever possible, demonstrating improved

efficiency and shared resources. This provides opportunities for synergy and best value. In public protection this approach applies to: - multi-agency training - development and review of multi-agency procedures, protocols and guidance - sharing best practice - raising awareness about public protection issues; and - exerting greater influence over national legislation, policy and guidance. The Inter-agency Child Protection Procedures for Edinburgh and the Lothians are evidence of our commitment to deliver high quality services for our children and young people, and to maintain good professional standards in doing so.

Children's Services - Inspections of regulated care services

In 2017, 2018 and 2019, the council's care home for children and young people was inspected by the Care Inspectorate and awarded grades of "excellent" for the care and support provided and for staffing.

In 2017 and 2019 the council's fostering service was inspected by the Care Inspectorate and evaluated as "very good" for the care and support provided to children living in foster care, for the management and leadership of the service and for staffing.

Cluster (v) Family environment and alternative care

- **We take into account children's evolving capacities, making sure that all younger children are able to access their rights (Article 5).**
- **We seek and take account of children and young people's views prior to making decisions that affect them (Article 12).**
- **Children and young people who are looked after have access to the services they need and have a say in decisions about where they live (Article 9).**
- **Young people who are moving onto independence but continue to require our services, have access to the support they need (e.g. care leavers or disabled young people) (Article 5).**
- **We provide support and services to parents/carers in order that they can care for their children (Article 18).**
- **We provide support to children and young people who experience complex family circumstances (e.g. young carers; children with experience of domestic abuse; children who have a parent in prison) (Article 18).**
- **Our management team is informed of their duties and fulfils their responsibilities as corporate parents (Article 18).**

- **All placements of children and young people who are looked after are subject to regular review (Article 25)**

Children's Services

Good Practice example

ViewPOINT

Viewpoint in East Lothian

Viewpoint is a communication tool to help children and young people share their views, wishes and feelings, and inform their individual plan. Practitioners working with children and young people have a key role in ensuring that they are supported and encouraged to use Viewpoint and in following up responses to inform their individual plan and ongoing work.

In the period 2017 to 2020 Viewpoint was available for use with a wide range of young people aged 5 years and above.

- Looked After Children and child protection from 2006 to 2019 (with revisions)
- All children with a wellbeing need (including Looked After and child protection) from September 2019
- Between 2015 and 2018 a module consulting children when they left care about their care experience was in use.
- Life Skills for Throughcare and Aftercare from 2017
- Young Carers to request a service and create a Statement from 2018
- Care Inspection of Children's Services 2018
- a module has been available for young people involved with youth justice service to enable them to contribute to their individual plans since 2019
- Picture Supported Questionnaire for children with communication difficulties from January 2020

Summary

Viewpoint has been used in East Lothian since 2006, beginning with children **Looked After** aged 5 years and above. Modules for young people subject **child protection plans** were introduced in 2008. The questionnaires used have been revised during this period, with the current versions being introduced in 2019 and being available to **all children and young people with a wellbeing need receiving a service from the department.**

Easy Read modules using symbols for **children with a communication disability** were introduced in 2016 and updated in 2019 in collaboration with Talking Mats speech and language therapists at Stirling University using pictures.

Care Leavers have had the opportunity to use Viewpoint for their Pathway Plan since 2009. The resources developed by the Scottish Throughcare and Aftercare Forum were available using Viewpoint. This included separate questionnaires relating to Health and Wellbeing, Where I live, Lifestyle' Family and Friends, Learning and Work, Money, Rights and Legal Issues and Hopes for the Future. Since 2016 these have been replaced by a Life Skills module.

In 2018 the use of Viewpoint was extended to **young carers** to enable them to create their Statement electronically and have ongoing access to this.

In 2018 Viewpoint was used to enable young people 8 years and above to contribute to the **Care Inspection of children's services**. An app was developed, including videos from young people to provide information and to provide access to Inspectorate questionnaire.

Since 2019 a module has been available for young people involved with **youth justice service** to enable them to contribute to their individual plans.

Pilot with Care Inspectorate

In 2018, East Lothian agreed to pilot a joint approach with the Care Inspectorate to test the use of Viewpoint as a means of consulting with children and young people as part of the new inspection methodology. East Lothian used this feedback to inform decisions about service development, and the structure of children's services within the council.



Care Inspection
presentation.pdf

Illustrations

Children's Services –

Inspections of regulated care services

In 2019, the throughcare and aftercare team that provides statutory support to care leavers to help them make a successful transition to adulthood was inspected by the Care Inspectorate and was evaluated as providing “very good” care and support and staffing.

Reviews for children who are looked after

All children and young people who are looked after have their care plans reviewed within statutory timescales and these reviews are chaired by

reviewing officers who are independent to the management and oversight of the case.

Cluster (vi) Basic health and welfare

- **We provide early learning and childcare services which benefit both children and their parents/carers (Article 18).**
- **We actively promote the right of disabled children to have access to a range of services and have choice and control over the services they receive e.g. education, health care, play and leisure services etc (Article 6 and 23).**
- **We provide resources and support for children and young people in order to meet their mental health needs (Article 24).**
- **We provide support to children and families, where this is within our authority responsibilities, to meet children's essential needs in relation to food, clothing and housing (Article 27)**

Illustrations

NHS Lothian

NHS Lothian provides person-centred approaches in line with UNCRC supporting children, young people and families with their health and wellbeing from conception to adult hood. Services include early intervention and prevention to acute care. NHS Lothian supports a continuity of care with additional tailored support for vulnerable families and families with complex health needs. Examples of provision include: respite support from Sunndach & Calareigh, support for children with complex health needs to reduce the need for hospital admissions and consultation with the family unit to ensure appropriate levels of care are in place.

Strategically NHS Lothian have implemented various pathways and strategies including: NHS Lothian Strategy for Children and Young People, Getting it Right for Every Child, Best Start: maternity and neonatal care plan, the Health Visiting Pathway, the Family Nurse Partnership and the School Nursing Framework.

Approaches across the pathways include the development of programmes that support the UNCRC, such as Baby Friendly accreditation (a holistic, child-rights based pathway for improving care). Immunisation programmes are delivered from birth and support for young people's mental health includes: Let's Introduce Anxiety Management (LIAM) delivered by School Nurses. In partnership with local authorities, NHS Lothian carries out Integrated Impact Assessments when developing policy, strategies or new services. This helps to ensure that when something new is being developed or a major change is happening those involved in the process consider children, young people and their rights.

In the community, NHS Lothian delivers many programmes often in partnership with others, ranging from midwives, health visitors, school nursing, family nurse partnership, Childsmile, education and training, Welfare Advice Services and health improvement programmes – that focus on family attachment and mental health and wellbeing.

The school nurse (SN) role for example, is a significant support for children's rights as it is a universally accessible service provided to children and young people, aged 5–19 years and their families. The Scottish Government committed to redefine the SN role to focus on delivering consistent and more efficient services across Scotland in order to deliver safe, effective and personcentred care based on the principles of Getting It Right for Every Child (GIRFEC) National Practice Model.

Cluster (vii) Education, leisure and culture

- **We aim to ensure that all children do not experience any form of discrimination in their education, regardless of their circumstances (Article 28).**
- **We ensure that all children and young people access their right to an education that develops their abilities to their fullest potential (Article 29).**
- **We ensure that early learning and childcare and school environments support children and young people's participation in all aspects of the Curriculum for Excellence (Article 28).**
- **We provide children and young people with access to play and leisure opportunities and address barriers to inclusive play and leisure. There are sufficient high quality outdoor play and recreation places for children and young people to access including spaces suitable for disabled children and young people (Article 31).**

- **Children and young people have access to and can participate in a range of arts and cultural opportunities (Article 31).**

Illustrations

Education services

- *Respect for All: Anti- Bullying Policy was implemented in June 2017. This policy was reviewed and re-released in January 2021 and lays out ELC's commitment to preventing discrimination in schools. Updated guidelines for reporting incidents of bullying and discrimination via SEEMiS and Sphera were also sent to all schools.*
- PEF has been allocated to schools targeted at closing the poverty-related attainment gap.
- Bespoke support mental health youth work, art and music therapy and occupational therapy is allocated to pupils needing support to access their education because of their mental health.
- There are measures in place to support pupils to be able to attend school including mental health support and the Early Intervention Outreach Team.
- Home education protocols have recently been refreshed supporting parents with their right to educate at home.
- There are contracts in place with providers to support schools in providing play and leisure opportunities that are accessible to all.

Cluster (viii) Special protection measures

- **We assess the numbers and situation of children and young people and their families who are asylum seeking and are migrants in order to provide them with services and support (Article 22).**
- **We ensure that children and young people at risk of sexual exploitation or drug use have access to the child protection and specialist support and services they require (Articles 33 and 34).**

- **We provide support to children and young people in response to their needs so that they do not enter the criminal justice system, as far as possible (Articles 37 and 40).**
- **We ensure that children and young people who enter the criminal justice system have the right to legal representation and fair treatment (Article 40).**

Illustrations

Children's services – support for unaccompanied asylum seeking children and young people

Within the reporting timeframe, five young people presented as spontaneous arrivals within East Lothian. All were considered to have looked after status and were accommodated. Staff from the throughcare and aftercare team led the support arrangements to safeguard and help the young people integrate into our communities.

Older young people at risk of harm

Our child protection procedures ensure we take a consistent, multi-agency approach to identifying, assessing and managing the risks of sexual exploitation.

Future steps

As acknowledged at the beginning of this report, we recognise the need to develop measures that can evidence and demonstrate not only what we are doing but what difference the promotion of children's rights is making to the services we deliver and to the lives of the children and young people of East Lothian.

East Lothian Council has established a UNCRC working group and we have opportunities with the new Council plan to ensure that children's rights are at the heart of how we do our business. The alignment with becoming trauma informed, how we keep the Promise and how we strengthen equalities for children is essential. The children's strategic partnership will be developing its new plan for April 2023 and this will take into account the learning from the CRIA and our work with the Children's Parliament and the Children's Commissioner and Together.

NHSL has an established core team of Senior Managers working in each of the 4 Lothian Children's Community Planning Partnerships who will lead reinvigoration of UNCRC and associated policy and legislative changes once these are agreed. Awareness raising across all staff groups including Adult

Services is required and this work has started and will continue. Sessions have recently been delivered to the CAMHS Senior Management Team and the NHSL GP sub-committee. NES are working with Education Scotland and other partners in relation to training needs analysis and reviewing existing competency frameworks.

Reporting on the progress in reinvigorating UNCRC and implementing the revised Bill requirements will be monitored by the NHSL Children and Young People Programme Board that is chaired by The Director of Public Health and Health Policy.

NHSL are currently working on a refreshed Children and Young People's Health & Wellbeing Strategy that will be UNCRC and Child Rights focussed - as was the 2014-20 strategy - and as such will engage with the Scotland Children's Parliament and Youth Parliament and wider communities as part of this work while taking account of future legislative requirements. The Draft strategy will be subject to a CRWIA.

Judith Tait

Chair of East Lothian's Children's Strategic Partnership

June 2022

East Lothian Council

Equality Outcomes &
Mainstreaming
Progress Report

2017 - 2019

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East Lothian Council Equality Outcomes and Mainstreaming Progress Report 2017 – 2019

Foreword by the Chief Executive, East Lothian Council

Welcome to the East Lothian Council Equality Outcomes Progress Report for the period 2017 - 2019.

Over the past two years, the Council has continued to work towards developing our approach to equality and fairness. We have set out an ambitious programme of work through the East Lothian Partnership to build an East Lothian which is built on fairness and prosperity.

It is my opinion that this principle of equality must underpin all of the work the Council. We must continue to challenge ourselves to tackle the inequality that exists in our communities, working together with our partners to improve outcomes for equality groups and wider populations experiencing inequality.

The work and recommendations of the East Lothian Poverty Commission in 2017 put a spotlight on the impact of poverty and inequality. Their work and the work already underway to reduce inequality, helps the Council to be in a good position to respond to the requirements of the Fairer Scotland Duty which came into force in April 2018. We will shortly launch a new focus on Child Poverty and also launch a new British Sign Language Plan and Gaelic Language Plan. As our communities continue to grow and diversify we will work to ensure that our services continue to meet the needs of the community and are proactive in our approach to equal opportunities.

I am proud of the work that the Council has done to raise awareness of Mental Health amongst our employees and the network of 'Listening Ears' we have developed across our organisations. Initiatives such as this are tangible examples of equality work within our organisation and the benefits reach into our local communities. I look forward to all employees embracing the new values and behaviours of 'enabling, leading and caring' which will help us to build a workplace based on equality and respect for all employees.

I look forward to continuing our work over the coming years to achieve our vision of a fairer and more equal East Lothian.

Angela Leitch

Chief Executive

East Lothian Council

East Lothian Council Equality Outcomes and Mainstreaming Progress Report 2017 – 2019

1.0 Purpose of Report

- 1.1 The purpose of this report is to demonstrate current progress against equality outcomes detailed in East Lothian Council Equality Plan 2017 – 2021. The report also outlines how the Council has taken forward work to mainstream equality across the Council both in its role as a service provider and as an employer.
- 1.2 This report uses the terms ‘East Lothian Council/Council’ as shorthand for the Council, Education Authority and Licensing Board (all three bodies).

2.0 Background

- 2.1 In October 2010 the Equality Act 2010 (the Act) came into force. This was a consolidating piece of legislation gathering together 40 years plus of previous discrimination legislation.
- 2.2 On 05 April 2011 the Public Sector Equality Duty (PSED) came into force. The PSED replaced the separate duties on public bodies relating to race, disability and gender equality.
- 2.3 The new PSED extended the scope of equality legislation to include not only race, disability and gender but also age, gender re-assignment, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation.
- 2.4 These nine categories are now known as the protected characteristics.
- 2.5 In April 2018 the Scottish Government enacted the socio economic duty. The Equality Act requires us to actively consider how we can reduce the inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. This is known as the Fairer Scotland Duty. The work of the East Lothian Poverty Commission highlighted that poverty can be a compounding factor in peoples negative experiences and lead to significant inequality in health, education attainment and employment.
- 2.6 The PSED as set out in the Act is known as the ‘general equality duty’ (GED).
- 2.7 The GED requires public listed authorities in the planning and exercising of their public duties and functions to have ‘due regard’ to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and

East Lothian Council Equality Outcomes and Mainstreaming Progress Report 2017 – 2019

- Foster good relations between people who share a relevant protected characteristic and those who do not
- 2.8 These three areas are sometimes known as the ‘three needs’.
- 2.9 Having ‘due regard’ in relation to advancing equality of opportunity includes:
- Removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic;
 - Taking steps to meet the needs of persons with protected characteristics that are different from persons who do not share it; and
 - Encouraging participation in public life and other areas where representation is disproportionately low
- 2.10 Having ‘due regard’ in relation to the need to foster good relations includes:
- Tackling prejudice; and
 - Promoting understanding
- 2.11 As previously noted there are nine protected characteristics and there is no hierarchy to those nine. In alphabetical order they are:
- Age
 - Disability (learning difficulties, mental health, physical and sensory)
 - Gender re-assignment
 - Marriage and civil partnership (restricted to elimination of unlawful discrimination in employment)
 - Pregnancy and Maternity
 - Race
 - Religion or Belief
 - Sex
 - Sexual orientation
- 2.12 On 27 May 2012 the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force.

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- 2.13 These Regulations imposed duties on listed public bodies for the purpose of enabling the better performance by the listed authority of the duty imposed by section 149(1) of the Equality Act 2010, the PSED.
- 2.14 These duties are to:
- Report progress on 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, etc.;
 - Consider award criteria and conditions in relation to public procurement;
 - Publish in a manner that is accessible, etc.;
 - Consider other matters; and
 - Scottish Ministers to publish proposals to enable better performance
- 2.15 The 2012 Regulations dictate when reports and progress reports have to be published (outcome reports every four years, progress reports every two years starting on 30 April 2013). The Regulations also state that all new and/or revised policies must be impact assessed against the needs of the GED, and that workforce profiling, gender pay gap and equal pay statements should form part of the mainstreaming report for organisations who have more than 150 employees at prescribed times. Finally, the Regulations look for listed bodies to improve their procurement activities and to publish all materials in a manner that is accessible to all.
- 2.16 On 11 June 2015 the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 came into force.
- 2.17 This set of Regulations increased the number of listed bodies who are required to adhere to the Act and includes Integration Joint Boards established by order under section 9(2) of the Public Bodies (Joint Working) (Scotland) Act 2014 (3).
- 2.18 This means that the East Lothian Integration Joint Board (ELIJB) is now subject to the duties and responsibilities of the Equality Act 2010 and its subsequent Regulations.

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The ELIJB has its own Equality Outcomes Report and is therefore out with the scope of this report.

2.19 On 18 March 2016 the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2016 came into force.

2.20 This new set of Regulations:

- Introduced a new requirement on some listed public authorities to publish the gender composition of their Boards, and to produce succession plans to increase the diversity (across all protected characteristics) of their Boards; and to
- Lower the threshold for listed bodies to publish information on their gender pay gap and equal pay statements, from those authorities with more than 150 employees to those with more than 20 employees

2.21 Local authorities, licencing boards, and education authorities are not considered 'relevant listed authorities' in respect of the first bullet point in 2.20 above.

3.0 Mainstreaming Equality 2017-2019

3.1 In the Council's Equality Plan 2017 – 2021 it was considered that:

- Mainstreaming equality meant making equality part of the day to day business of the Council, Education Authority & Licensing Board both as service planners, providers and employers, rather than a 'bolt-on' at the end of projects and other programmes of work;
- By mainstreaming equality, the Council, Education Authority & Licensing Board could ensure that equality of opportunity was part of the culture of the organisations, and that both employees and customers could benefit from organisations where they felt valued and their interests and issues on a level par with all others' issues and values;
- Further, by mainstreaming equality the Council, Education Authority & Licensing Board could demonstrate its commitment to the general duty by publicly demonstrating that they would not condone unlawful discrimination, victimisation and harassment; and that
- The Council, Education Authority & Licensing Board could also demonstrate that they would work to advance equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not

within their own organisations and through partnership and joint working practices with neighbours and community planning partners.

The Council, Education Authority & Licensing Board remain committed to these considerations, and during the period 2017 – 2019 have worked hard to embed each of the needs of the General Equality Duty for each protected characteristic throughout all of its work.

4.0 Progress made 2017 – 2019 to mainstream equality throughout all three bodies (Council, Education Authority & Licensing Board)

4.1 Ensuring genuine commitment to equality through all levels of the Council structures and planning procedures

The service planning structure of the Council includes the East Lothian Partnership, Council Plan and supporting plans including business plans.

In East Lothian, partners work together through East Lothian Partnership (ELP), which is the overarching partnership for this local authority area. ELP brings together public services, the third sector, the business community, and community organisations that are based, or working in East Lothian - at present 22 organisations and networks.

East Lothian Partnership's Statement of Intent for East Lothian, which sets out what partners aim to achieve in the long term, states:

“We will work in partnership to achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.”

A full copy of the East Lothian Partnership’s Local Outcome Improvement Plan can be found [here](#).

The Council Plan continues to have a prominent commitment to Equal Opportunities and to the requirements of the Equality Act 2010. A copy of the Council Plan can be found [here](#).

4.2 Understanding the impact of our work – the new Integrated Impact Assessment (IIA)

Since 2016, the Council has implemented an Integrated Impact Assessment Tool to ensure that we consider equality and the impact of our decisions on those with protected characteristics. The Council considers that our decision making process needs to consider a bigger picture and therefore the IIA also considers socio-

economic inequality, health inequalities, environmental and sustainability matters thereby giving service providers the bigger picture that allows them to identify priorities now and in the future.

In early 2019 we began a further refresh of the IIA process, considering the need to include further focus on human rights and a greater emphasis on ensuring we consider the impact of our policies on care experienced young people.

Completed impact assessments are published on the Council website as required by the Act and can be found [here](#).

4.3 Equalities Monitoring

The Council continues to use equalities monitoring to gather and analyse information about service users. The Council's Guide 'A Guide to Monitoring Equalities in Council Services'. Over the coming year we plan to update the guide and continue to develop our approach to equality monitoring and data collection to ensure we meet the requirements of GDPR and also ensure that any information collected reflects the most up to date approach to monitoring and gives us the information we need to develop responsive services

4.4 Self Evaluation

'How Good is our Council' (HGIOC) is used across East Lothian Council to assist services and the Council as a whole to evaluate how well it is doing in a robust and systematic way. HGIOC is implemented on a phased approach offering the opportunity to focus on specific areas of work and time for improvement between evaluations.

HGIOC is being revised and relaunched as 'How Good Is Our Service' and the next self-evaluation process which will include equalities consideration is in 2019/20.

Examples of the self-evaluation questions for all Service Managers include:

- How well are minority groups and individuals consulted by the service?
- How effectively does the service understand the diversity and inequality within its communities?
- How well is the commitment to improving outcomes reflected in policies, objectives and actions?
- How effectively can the service demonstrate improved outcomes for diverse communities?



The Council was received the **European Foundation for Quality Management 'Recognised for Excellence' 4-STAR Award (out of 5) in June 2018.**

Recognised for Excellence (R4E) is an international recognition scheme for organisations that demonstrate high levels of performance against the nine criteria of the [EFQM Excellence Model](#).

One of the criterion is *'Leaders reinforce a culture of excellence with the organisation's people'*.

Feedback from the Assessors states;

- *'ELC shows a strong commitment to promoting and supporting equal opportunities. Clear learning has taken place in understanding how the Equalities Act 2010 will impact on the Council. An Equality in Employment Monitoring Report 2015/6 gave insight into ELC's profile against the nine protected characteristics and a 2017-2022 Equalities Plan has been developed to track progress against defined equality outcomes.'*

A further *'People are rewarded, recognised and cared for'* criterion recognises that:

- *'In response to the 2010 Equalities Act, ELC recognised the need to develop an approach to managing and measuring equalities outcomes. Clear learning has taken place in understanding how this Act would impact on other activities and services across the Council, both internally and externally. For example, the introduction of impact assessments now inform equality requirements and needs and the findings of the Equality in Employment Monitoring Report 2015/6 gives insight into ELC's profile against the nine protected characteristics.'*
- *'A 2017-2022 Equalities Plan has been developed from the Equalities Outcome Progress Report 2015-2017 to identify and track progress against defined equality outcomes'*.

4.5 **Gathering information about the experiences of equality groups**

The Council continues to recognise that gathering information/ evidence about the needs and experiences of those with protected characteristics is an important way for the Council to deliver services that meet the needs of the community. The Council does this in different ways including community engagement, participation and desk based research. Since the publication of the Equality Plan in 2013 a number of key developments have strengthen the knowledge we have about our communities:

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- Continued development and growth of six Area Partnerships which provide opportunities for local people to engage with local issues and improvements for their local communities. The Local Area Plan developed by each area are focused on reducing inequality and offering opportunities for participation and good community relations.
- Development of the Community Planning Forum events giving local communities the opportunity to hear more about and get involved in broader community planning work.
- Continued support for East Lothian Community Councils
- Development of the East Lothian Citizen's Panel as a mechanism to gather the views of local people on key issues.
- Continued use of 'People's Voice' – East Lothian partnerships framework for engaging people and communities
- Development of the 'The Champions' Board' whose remit is to provide a platform for looked after children to engage with their corporate parent and make their needs known.
- Successful working relationships with regional and national equality groups to provide information / evidence about particular groups that have no local representation
- Use of National Resources including 'Equality Evidence Finder' developed by the Scottish Government/ Improvement Service.

4.6 Fostering Good Relations and celebrating our communities



Pride Saltire

East Lothian Council supported the newly established East Lothian Pride to host their first launch event at Cockenzie House. In May 2019, a large scale Pride event will take place, supporting and engaging local LGBT+ communities alongside their neighbours and friends.

LGBT Young People in School

Ross High School, Dunbar Grammar and Knox Academy all have established and very active LGBT Pupil groups who are working to raise awareness and understanding of LGBT equality throughout their schools and into their communities. Pupils are keen to work towards achieving the LGBT Charter in recognition of their commitment to LGBT Equality.

For example, pupils at Knox Academy held a cake sale to raise awareness of International Day of Homophobia, and delivered a talk to all teachers about the importance of LGBT+ equality.

In Dunbar Grammar, pupils held a 'Happy Fest' featuring music and dance from pupils. They also showed the film Pride during lunch times.

In Musselburgh Grammar School pupil/staff Equalities group arranged the following activities:

- LGBT display in the library
- LGBT History Month display outside the assembly hall
- LGBT History month assemblies to all pupils highlighting our journey towards the LGBT Youth charter.
- LGBT PSE lesson to all pupils highlighting our campaign to stamp out homophobic, biphobic and transphobic language in school



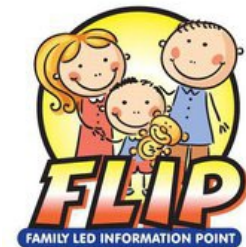
Fa'side Women & International Women's Day

Fa'side Women's Group continue to grow and develop. In 2019 they organised event in conjunction with Ross High School and the Children's Parliament focusing on human rights and gender equality.



Family Lead Information Point Information Snapfax

Children's Services continue to work proactively with families with disabled children to ensure that peer support is available to them. In 2019 they relaunched their successful FLIP Snapfax with support from the Equality Budget. This allows families to have easy access to all the information about local services that they need.



Euan's Guide



East Lothian Council is working to develop a new partnership with Euan's Guide. Local parents want a way to be able to review and recommend places and services that they find to be accessible, fun and of benefit to families and individuals with disabilities. The new partnership with Euan's Guide will allow families to review local places and services for the benefit of other local residents and visitors to East Lothian. The Council will also be working with local attractions to raise their awareness of the importance of accessibility and inclusion.



Holocaust Memorial Day

East Lothian Primary Schools took part in the Joe's Boxes project to learn more about the Jewish way of life and the Holocaust. They came together to attend a special event at Queen Margaret University, taking time to consider the impact of the Holocaust on the lives of future generations.

4.7 East Lothian Council as an Employer

East Lothian is committed to being an employer which provides a positive workplace for all its employees. The Equality in Employment monitoring report highlights the activity which supports equality in the workplace and provides all relevant statistical information about our employees. The report is presented as Appendix 1 to this report.

Raising Awareness of Mental Health in the Workplace

In 2018/2019 Health Working Lives took forward a focus on mental health in the workplace. The aims of this programme of activities are to:

- Improve employee access and awareness of mental health and wellbeing support that is available to them via the EAP and within the local community
- Normalise conversations about mental health at work by providing training to employees, managers, HR and union shop stewards on mental health
- Encourage early help seeking by providing a network of Listening Ears. These are volunteer employees trained in mental health first aid
- Reduce stigma by running a series of communications and awareness campaigns with a branding of Mind's? Aye!

To date the programme has delivered:

- A trained network of 30 Listening Ears who are able to support employees who are in emotional distress or struggling with work or out of work issues. This is continuing to grow
- A web portal with information and links for employees and managers about mental health and accessing appropriate support
- A series of workshops on personal resilience, mental health awareness, mental health first aid and the NHS Mentally Healthy workplace course delivered to employees across the Council



- Provided information to over 1000 employees in Education about mental wellbeing support available to them

- A mental wellbeing procedure so managers know what to do in the case of employees having suicidal thoughts

- A series of communications and events related to UK charity awareness campaigns including See Me's Time to Talk Day and The Power of Ok



4.8 Building Organisational Capacity

Equality and Diversity Training continues to be an important method of mainstreaming equality and diversity. The Council has an Equality Training Plan 2015 - 2018 and its aims continue to be to:

- Ensure that East Lothian Council is able to meet its general and specific duties under equalities and human rights legislation.
- Provide employees with opportunities for learning and awareness of their role and responsibilities under equality and human rights legislation.
- Develop a skilled, motivated and culturally capable workforce that can bring about changes that will improve services and tackle inequalities.

Examples of Equality and Diversity Training have included:

- Development of a series of bespoke training sessions for individual service areas e.g. Equality Awareness sessions for all employees in Waste Management Services
- Development of online E-learning modules allowing employees to learn at their own pace including an Introduction to Islam. To date 1346 employees have completed the Introduction to Equal Opportunities E-Learning Module. 171 have completed the Integrated Impact Assessment E Learning Module.
- Inclusion of equality information as part of the Council's Induction for new employees

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Over the last two years all staff have been encouraged to undergo refresher equality and diversity training, and those involved in developing service planning and delivery more detailed training in the need for and use of the new Integrated Impact Assessment tool.

In 2019, the Council will launch a revised '**East Lothian Way**' which sets out our new values 'Enabling, Leading and Caring' and a set of behaviours which reflect this. The Equality Training Plan will be revised to ensure that all elements are complimentary.

We will also consider the learning and development requirements arising from the British Sign Language Plan and the Gaelic Language Plan.

Our plans also link with the Council's Child Poverty Action Plan 2019/2020 which includes a clear focus on raising awareness of the impact of child poverty. Elements will include the 'Cost of the School Day' training and an online child poverty module.



4.8 Procurement

In 2017 East Lothian Council launched a revised Corporate Procurement Strategy covering the period 2017-2022 which sets out the following vision for procurement *“to achieve the highest possible standards in procurement practice ensuring that the Council always achieves Best Value in procurement and commissioning related activities”*.

Consideration of the award of contracts includes equality considerations as part of the assessment process. In 2019 we are developing a new approach to community benefits which aims to focus contributions into key projects/ initiatives which seek to reduce inequality.

5. East Lothian Licensing Board

East Lothian Licensing Board have made progress against their priorities and in 2018 they developed a new Statement of Licensing Policy which cover 2018-2023.

5.1 Developing the Licensing Application process to ensure fair access, including the development of electronic applications – all applications now need to include a disabled access and facilities statement and a statement of supplementary information. Electronic applications are still under development. There are ongoing systems issues regarding penetration testing.

5.2 Licensing Board works in partnership with a range of stakeholders to ensure the most effective decisions are made to meet the aims of the Board, Police Scotland and the LSO (Licensing Standards Officer) continue to be standard consultees for all alcohol licence applications. NHS Lothian receive papers for all Licensing Board meetings and are regular attendees/contributors at Board meetings. The annual statutory joint Licensing Board and Local Licensing Forum meeting takes place every September. Community Councils receive the link to all papers for Licensing Board meetings. Licensing Board meetings are held in public. Alcohol Focus Scotland have presented to the Board to help inform the content of the Alcohol Policy 2018-2023.

5.3 The Licensing Board works with license holders and other Council services to support positive behaviour on and around license premises. The LSO regularly visits licensed premises, provides advice to current and prospective licensees and acts as a liaison between licensees and neighbours.

6 Progress on Equality Outcomes set in the East Lothian Equality Plan 2017- 2021

- 6.1 In the Council's Equality Plan 2017 – 2021 it was noted that: *'An equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and be.'* UK Equalities Review 2007. During the period 2017-2019 East Lothian Council has been working to achieve this fairness of opportunity and existence through the Equality Plan.
- 6.2 The Council has been doing this through the 2017 agreed equality outcomes and submits for noting its progress over the last two year period. The tables in Appendix 1 outline the progress made towards achieving our targets where this information is available.

7.0 Next Steps and priorities for 2019-2021

- 7.1 A priority for 2019- 2021 is to consider the implications of the Fairer Scotland Duty and how the Council, Education Authority and Licensing Board can ensure that we meet the requirements of this new aspect of the Equality Act. This will require us to update the Council's Equality Plan to incorporate the requirements of the Fairer Scotland Duty and to refocus our efforts on achieving our aims.
- 7.2 We will update the Equality Learning Plan to ensure that all training offered reflects the socio economic duty. We will also work to ensure we focus on key policy areas and new legal requirements including the BSL Plan, the Gaelic Language Plan and also reflects the new East Lothian Council staff values.
- 7.3 We will also implement the revised Integrated Impact Assessment Toolkit and Guidance to ensure that we can take forward a strong focus on human rights and improve policy making through the use of the tool.
- 7.4 The Council will be building our capacity and learning in the area of human rights and children's rights to ensure we understand our obligations and can take a human rights based approach to our work where appropriate.
- 7.5 Build on existing relationships with individuals and organisations and foster new relationships to ensure that our engagement with equality communities give us the insight we need into the issues affecting these communities across the county. We need

to ensure that we can work with minority communities to celebrate all cultures and promote good relations between groups.

7.6 Meet with managers and other stakeholders within the Council who can assist the Equality & Diversity Officer in mainstreaming progress and plans for the future;

7.7 Continue to develop our approach to equality monitoring and data collection to ensure we meet the requirements of GDPR and also ensure that any information collected reflects the most up to date approach to monitoring and gives us the information we need to develop responsive services.

7.8 Ensure that the Equal Pay Statement and the Gender Pay Gap information covers all the requirements of the Act

8.0 Contact Details

8.1 Should you wish to get in touch regarding this report, the equality mainstreaming progress report or the Equality Plan 2017 – 2021 please do so by post to:

Equality Officer
Policy & Performance Team
East Lothian Council
John Muir House
Brewery Park
HADDINGTON
EH41 3HA
Email to: equalities@eastlothian.gov.uk

Telephone: 01620 827134

9.0 Alternative Formats

9.1 This document is available in different formats and in different languages. If you would like a copy in another language or format, please email equalities@eastlothian.gov.uk or phone 01620 827134

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Appendix 1

Long term SOA Outcome	East Lothian Council is a positive workplace for all employees					
Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
1. East Lothian Council is a workplace free of harassment and discrimination	Implement the Equality in Employment Action Plan	2013 – 2016 Revised 2017	Number of cases of harassment reported to HR annually	All	None on the grounds of EPC 2015/17	None of the grounds of EC 2017-2019
			% of employee who feel that the Council is a great place to work	All		77.6% Feb 2017 76.7% October 2018
			% of employees who agree with the statement 'I have	All	Question not asked during this period.	Question not asked during this period.

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			been bullied in the past 12 months'				
			% of employees who agree with the statement 'I am treated fairly at work'			88.1% (2015) 86.26% (2016) 86.78% (2017)	86.778% (2017) 84% (2018)
			% of employees who agree with the statement 'I feel able to disclose personal information such as religious belief, sexuality or any disability	All		90.6% (2015)	Question not asked during this period.
			Rank in the Stonewall	All		2012:170/ 363 2011: 219/ 378	No longer member of Stonewall

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			Workplace Equality Index		2010: 174 2009: 184 /317 2015/17 Stonewall membership under review	Diversity Champions Programme
2. East Lothian Council is a workplace free of harassment and discrimination			Number of employees with caring responsibilities sustaining employment	All	This indicator proving difficult to measure	In 2017/18 there were no grievances on equality and diversity issues.
3. East Lothian Council will continue to monitor and review pay grades to ensure any pay differentials are fair and	Implement the Equal Pay Statement Development of Flexible working options	Ongoing Ongoing	ELC Gender Pay Gap Number of employees working flexibly (male/female)	Sex (Gender)	Check hr report	

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appropriate in terms of work undertaken			% of applications for flexible working successfully granted			
4. East Lothian will continue to promote a range of flexible employment practices that affords our employees a better work life balance and choices whilst meeting business needs	Develop / review workplace suite of inclusive policies to encourage a more diverse workforce. These include the Flexible Working Policy, Recruitment and Selection Policy, Managing Attendance Policy.	August 2019 for policy, but ongoing for actions	Number of employees working flexibly (male/female)	All	N/A	Measurement process to be developed.
5. East Lothian strives to ensure through positive	Positive action campaigns e.g. youth	2019	Employment demographic more closely aligns with	All	N/A	Ongoing Amenity Services positive

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<p>action our workforce reflects the local community demographics</p>	<p>employment, ethnic employment</p> <p>Develop a hiring strategy to reflect the community demographic linking with Recruitment and Selection work stream in Workforce Development Plan</p> <p>Review where we advertise vacancies ensuring we reflect and attract applicants according to our demographic by considering targeted advertising</p>		<p>county demographic</p> <p>Evidence increase in employment of groups with protected characteristics</p>			<p>action campaign March 2019.</p> <p>Waste services approached to consider positive action- no progress to date.</p> <p>Education approached to consider diversity of 1140 hours workforce.</p>
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East Lothian Council Equality Outcomes Progress Report 2017 – 2019

	Review recruitment practices e.g. make the job more compelling to job hunters by emphasising details that will attract a more diverse candidate pool, be culturally sensitive when describing what makes ELC a good place to work – promote environmental and support factors in the workplace too					
6. East Lothian will strive to develop and promote employment opportunities for young people of East Lothian both within the	Understand gender split for STEM with data from East Lothian Works to identify target group	2019		All	N/A	ELC attended Jobs roadshow at Corn Exchange 6 th March. Stem Promotion event at

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<p>Council and across the local business community</p>	<p>Continue to develop and promote underrepresented groups into education and employment through East Lothian Works e.g. promoting STEM subjects to girls/women, linking with local schools, Queen Margaret University and Edinburgh College</p>					<p>'Kidzania' type event for P5's at QMU 29th /30th May. Waste Service have agreed to attend.</p> <p>Ongoing internship, paid work experience and MA programmes being offered.</p>
<p>7. East Lothian will have a range of opportunities for employees to develop successful career paths</p>	<p>Widen diversity in the senior management talent pool to ensure succession planning</p> <p>Analysis of existing data to understand demographic of</p>	<p>2019</p>			<p>N/A</p>	

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	management cohort to establish targets reflecting the demographic.					
Long term SOA Outcome	All of East Lothian’s young people are successful learners, confident individuals, effective contributors and responsible citizens					
Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
8. Close the gap in literacy rates between boys and girls in primary schools	East Lothian Literacy Action Plan	2013 - 2014	% of young people whose performance in reading and maths is in line with expectations given their developed ability (PIPs P3, P5, P7	Sex Looked After Children (LAC)	Indicator retired in 2016/17	N/A

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	<p><i>secondary schools plan flexible S4-S6 senior phase pathways, which include studying for qualifications over S4/S5. This measure does not reflect the different curriculum and presentation models operating in our schools. In particular Preston Lodge High School.</i></p>		<p>positive destinations</p> <p>In terms of closing the gap for those East Lothian school leavers living in SIMD Quintile 1 (20% most deprived areas) and entering positive destinations compared with those living in SIMD Quintile 5 (20% least deprived areas), the percentage point gap is reducing</p>		<p>16/17 = 85.2%</p> <p>14/15 = 24.3%</p> <p>15/16 = 10.2%</p> <p>16/17 = 11.9%</p>	<p>17/18 = 4.5%</p>
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Improve the health and wellbeing of children and young people with protected characteristics			Indicator under development	All	N/A	% of looked after children who feel settled where they live 49% % of eligible 3 and 4 year olds accessing 600 hours of early learning and childcare 99%
Long term SOA Outcome	In East Lothian we live healthier, more active and independent lives					
Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
See East Lothian Health and Social Care Partnership Equality Outcomes	Out with the scope of this report. Refer to East Lothian Health & Social Care Partnership Plans					

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

Long term SOA Outcome	Everyone in East Lothian has access to quality sustainable housing					
Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
Homelessness is prevented as far as possible, with appropriate support in place to promote positive health outcomes and tenancy sustainment	Local Housing Strategy Rapid Rehousing Transition Plan	2017-23 2019 – 2024	Number of people assessed as homeless % Tenancy Sustainment of applicants who were assessed as statutory homeless Number of people accessing prevention service Housing Options cases	All	1,452 91.5% (2017-18) 947 567	TBC May 2019

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

A wider range of specialist housing is provided to enable independent living where appropriate	Local Housing Strategy Housing Contribution Statement Health and Social Care Strategic Plan	2017-2023 2019-2021 2019-2021	Target % of accessible homes % of approved applications specialist equipment and adaptations	Disability Age Sex	10% of all new developments 2015/16 – 89% 2016/17 – 79%	10% of all new developments
Long term SOA Outcome	Fewer people are the victims of crime, disorder or abuse in East Lothian					
Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
Improved levels of safety for women and children experiencing domestic abuse	Implement the East Lothian Hate Crime Action Plan	2012 -2014	Number of those involved in committing antisocial behaviour	Sexual Orientation Race		Number of anti-social behaviour complaints reported to Police Scotland and the Council

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

			% young people reporting 'I feel safe to go out in my local neighbourhood during the evening' Incidence of hate crime	Religion and belief Disability	13/14 = 77.7% 14/15 = 79.2% 15/16 = 78.6% 16/17 = 76.3%	6850 2018/19 Police have changed our reporting mechanisms making this data unreliable. A new indicator will be developed from 2019.
Reduced incidence of hate crime and increase confidence in reporting hate crime	Implement the East Lothian Hate Crime Action Plan	2012 - 2014	Levels of confidence in reporting hate crime Number of incidents reporting via third party reporting	Sexual Orientation Race Religion and belief Disability		Police have changed our reporting mechanisms making this data unreliable. A new indicator will be developed from 2019.

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

Long term SOA Outcome	East Lothian has strong, vibrant communities where residents have a sense of belonging					
Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
East Lothian equalities communities can meet to celebrate or raise awareness of cultural heritage or specific issues affecting them	Develop the East Lothian Diversity Network Community Learning and Development Action Plan (to be updated to reflect the Education Scotland Strategic Guidance) East Lothian Culture Service Business Plan	2013 – 2014 2013 - 2014	% of residents who agree their local area is a place where people from different backgrounds get on well together (source for this information to be identified) Incidents of hate crime Number of people attending East	Religion and belief Age Race Sexual Orientation	Indicator retired Network no longer functioning	N/A N/A

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

			Lothian Diversity Network events			
East Lothian communities are well informed and can influence decisions that matter in their local areas	Development of Local Community Planning which is inclusive of all members of the community	2014	<p>% of residents reporting that they agree they can influence decisions affecting their local area</p> <p>% of P6 & S2 pupils agreeing that young people's views are listened to in their local neighbourhood</p>	All	<p>38% of citizens agree that the Council is good at listening to people's views before it makes decisions (Feb 2017)</p> <p>65.6% (2014/15) 64.7% (2015/16) 64.4% (2016/17) 64.5% (2017/18) 64.4% (2018/19)</p>	Next survey scheduled for May 2019

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
Local communities are empowered to tackle poverty	Implement the Tackling Poverty Strategy Carer and Young Carer Strategy	2013 - 2015	No of households in fuel poverty/extreme fuel poverty Number of carer assessments undertaken where financial inclusion/income maximisation is included % of P6 and S2 with a bank account	Age Disability Sex Race Maternity	This is not currently measured	

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

			% of P6 and S2 who have access to the internet in their own home		15/16 = 60.9 16/17 = 60.6 15/16 = 98.1	
The causes of poverty are tackled and the impact of poverty is reduced or mitigated against	Implementation of the recommendations of the Poverty Commission and related activity including food poverty, period poverty, rights and advice based work etc.		% of children in families with limited resources % of children living in households with less than 60% of average income after housing costs		5% (2014-2017) 18.9% Jul-September 2017	

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

Long term SOA Outcome	East Lothian Council services meet the needs of all members of the community					
Short term outcome	Action	Timescale	Indicator	Equality Protected Characteristic (EPC)	Progress Made 2015 - 2017	Progress Made 2017 - 2019
Equality and socio economic disadvantage is taken into account when planning and designing services and when making decisions	Deliver the Welfare Reform Action Plan	2013 onwards	% of the population who are income deprived	Age Disability Sex		2.4% March 2017
East Lothian Council has increased knowledge and capacity about equality, diversity and poverty	Implement the Tackling Poverty Strategy	Ongoing 2013 - 2015		All	A new Understanding Poverty E Learning Module has been developed.	

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

East Lothian Council is meeting its responsibilities and duties under the Equality Act 2010	<p>All and relevant policies, plans and services are impact assessed</p> <p>Equalities Monitoring is undertaken where relevant, including workforce monitoring</p> <p>Engage with equality groups in service re-design and decision making when relevant and appropriate</p>	2013 – 2016 onwards	Number of Integrated Impact Assessments Published	All	<p>13 (2016)</p> <p>17 (2017)</p> <p>Equalities Monitoring Report 2016/17 published</p>	<p>24 (2018)</p> <p>Equalities Monitoring Report 2017/18 published</p>
East Lothian Council has increased knowledge and	Continue to gather information about the needs and experiences	2013 – 2016 onward				

East Lothian Council Equality Outcomes Progress Report 2017 – 2019

<p>capacity about equality and diversity</p>	<p>of those with protected characteristics in East Lothian (6 Ward area profiles now available incorporating equalities information)</p> <p>Revise and deliver the East Lothian Equality Training Plan</p>		<p>Number of people who undertake the E-Learning Equality Module</p> <p>% of people who undertake 'Equality in Early Years' training that agree with the statement 'the training made me think differently about inclusion'.</p>	<p>All</p>	<p>Jan 15-Dec 16= 340</p>	<p>Jan 17- May 19 1006</p>
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East Lothian Council Equality Outcomes Progress Report 2017 – 2019

<p>East Lothian Council Procurement Practices ensure equality is a core part of service delivery and employment</p>	<p>Implement 'Buy Smart' (Council Procurement Strategy)</p> <p>Investigate the establishment of a 'supported business' as a social enterprise in East Lothian (in support of Article 19)</p>	<p>2013 – 2016 onward</p>	<p>To be developed</p>	<p>All</p>		<p>A new Procurement Strategy was developed in 2018</p>
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Integrated Impact Assessment
Guidance
Promoting Equality, Human Rights and
Sustainability

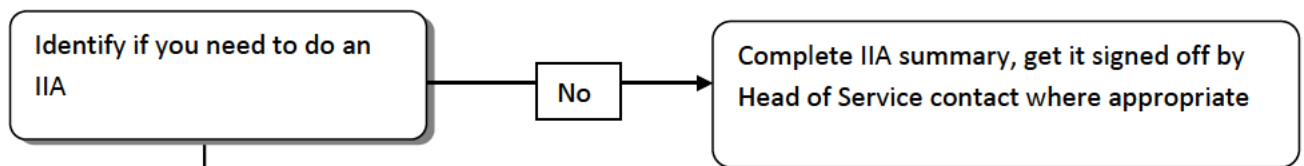
March 2016

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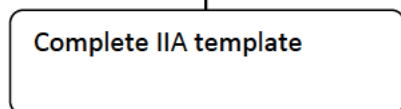
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Integrated Impact Assessment - Flowchart

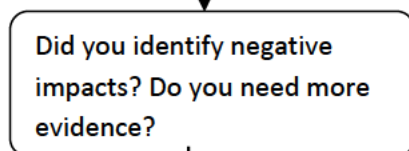
Stage 1: Identify if a Integrated Impact is needed



Stage 2: Undertake Impact assessment

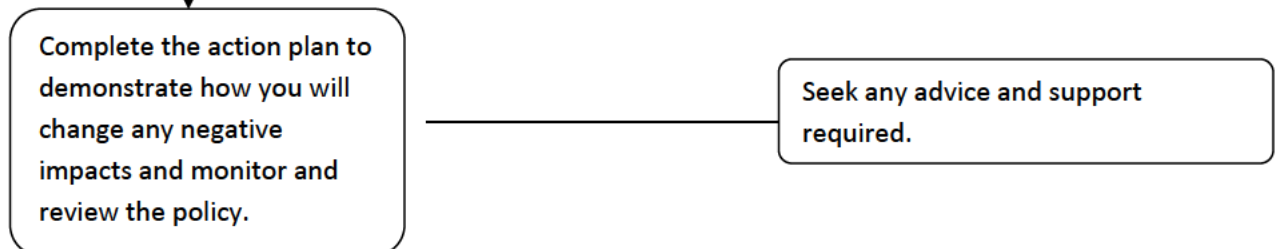


Stage 3: Consider the results of your assessment

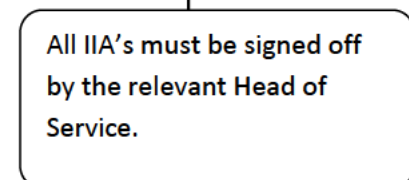


Yes/no

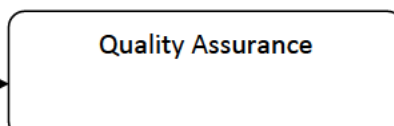
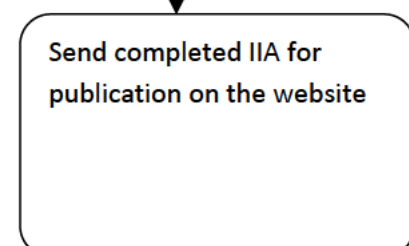
Stage 4: Act upon the results of the IIA



Stage 5: Sign Off



Stage 6: Publication



Ensure any reports to committees include relevant IIA information.

Section 1 Introduction

Chief Executives, Elected Members, Directors, Heads of Service, managers and all staff need to recognise that what they do and the decisions they make every day profoundly influences the health and wellbeing of our diverse community in Lothian.

Integrated Impact Assessment (IIA) aims to enable the partners¹ to meet the legal duties to consider equality, human rights, sustainability and the environment² in planning decisions. It also creates an opportunity to identify and tackle unanticipated impacts on wider causes of poor outcomes in our communities, such as inadequate housing, low educational achievement, low income, transport and pollution, poverty, stigma and social inequality.

This guidance to completing the Integrated Impact Assessment has been developed in collaboration between the four local Lothian authorities and NHS Lothian. It takes you through the process of undertaking an IIA.

1.1 The Process

Completing an Integrated Impact Assessment (IIA) is a three stage process. This guidance will take you through the process of undertaking an IIA and taking account of the results of your assessment.

1. Gather information about the needs and experiences of equality groups and those vulnerable to experiencing poverty and ill health in the context of the work you are undertaking.
2. Together with key colleagues, use the IIA template to think critically about how your proposal will *meet the needs of and impact on* people with protected characteristics³ and other key population groups.
3. Review the results of your assessment and take action to address any issues identified.

1.2 What is an Integrated Impact Assessment?

Assessing impact is an important part of the partnership's decision making process. It is important in developing any proposal or policy to understand how the needs of different groups in the population may differ. Integrated Impact Assessment (IIA) is a tool which enables you to consider the needs of different groups. It enables us to:

¹ Partners include the Councils, NHS and other public and voluntary sector agencies in Lothian.

² The IIA enables consideration of whether there is a requirement for an Environmental Impact Assessment as defined by the Environmental Impact Assessment (Scotland) Act 2005

³ Protected characteristics are: age, gender, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation and sex

- Develop better policies and practices, based on evidence
- Prevent or mitigate negative impacts on determinants of social and health inequality
- Take effective action on key social policy areas including equality and human rights, poverty and the economy
- Meet legal requirements in relation to equality, sustainability and the environment and the need to promote human rights in all areas of life
- Consider the potential to advance/hinder the wellbeing of children and young people⁴
- Be more transparent and accountable.

We are required by legislation to assess our proposals for equality impact to ensure that we do not unlawfully discriminate. As partners we have agreed that all new policies, plans or strategies should have an integrated impact assessment which can be used in East and Midlothian and by the Integrated Health and Social Care Boards across the Lothians.

In addition, we are committed to **3 core objectives**:

- To plan services and policies which wherever possible promote equality of opportunity; eliminate discrimination and harassment and; promote good relations between those with protected characteristics⁵ and those with none.
- To address broader inequalities. This means we want to ensure that policies meet the needs of all people, especially those from population groups that are known to have poorer outcomes.
- A commitment to identifying and addressing wider impacts on poverty, health and health inequalities of its policies, plans and strategies. For example employment, transport, the built environment, purchasing policies, waste disposal all have wider impacts on determining people's health, well being and life experience.

Once the IIA is completed and made available to the public you will have met your legal requirements to:

- Undertake an Impact Assessment on equality, human rights including the rights of children and young people, the environment and climate change
- Consider sustainability as part of the decision making process
- Identify whether a Strategic Environmental Assessment (SEA) is required

⁴ The Children and Young People's (Scotland) Act 2014 places a duty on the public sector to promote the rights of children and young people

⁵ Protected characteristics are: age; disability; gender re-assignment; marriage & civil partnership; pregnancy & maternity; race, religion or belief; sexual orientation; and sex

- Ensure that public services and economic decisions promote human dignity for all⁶
- Identify and mitigate against some of the socio-economic factors that have the largest impact on the health and well-being of the local community.

1.3 Terminology

This guidance uses the term ‘policy’ as shorthand for any activity that you undertake as part of the work you do. It should be understood broadly to embrace the full range of your plans, programmes, strategies, policies, provisions, criteria, functions, practices and activities, including the delivery of services.

⁶ A human rights based approach emphasises participation, accountability, non-discrimination, empowerment and legality. This has several benefits: upholding the rights of everyone, supporting person-centred services, helping good decision making, improving institutional culture and relationships, ensuring legal compliance and promoting best practice. For children and young people’s rights include participation, provision and protection.

Section 2 Undertaking an Integrated Impact Assessment

2.1 What should I impact assess?

Stage 1 of the IIA asks you to consider whether a full assessment is required. If you answer yes to any question in the high relevance category, then an IIA is required. If you identify that an IIA is not required then you need to explain why/how you have reached this decision.

High Relevance	Yes/no
1. The policy/ proposal has consequences for or affects people	
2. The policy/proposal has potential to make a significant impact on equality	
3. The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	
4. The policy/proposal is likely to have a significant environmental impact	
Low Relevance	
5. The policy/proposal has little relevance to equality	
6. The policy/proposal has negligible impact on the economy	
7. The policy/proposal has no/ minimal impact on the environment	
If you have identified low relevance please give a brief description of your reasoning here and send it to your Head of Service to record.	

If you have answered yes to 1, 2, or 3 above, please proceed to complete the Integrated Impact Assessment.

If you have identified that your project will have a significant environmental impact (4), you will need to consider whether you need to complete a Strategic Environmental Assessment.

You should also consider the **cumulative impact** on your services or service reviews. E.g. what is the impact if you make a number of changes across different policy areas?

Examples of what are likely to require an Impact Assessment:

- major strategies and action plans
- area/partnership wide plans
- financial decisions
- service redesign
- plans, programmes or strategies that set the framework for future development consents (for SEA purposes)

What should not need to be impact assessed (but equality still considered):

- Reports of surveys
- Results of research
- Meeting minutes
- Minor contracts that do not impact on the wellbeing of the public
- Press releases (though these should consider equalities issues)

2.2 When should I impact assess?

Assessing the impact is not an end in itself but should be an integral part of policy development and decision making. The regulations emphasise that it is the **impact** of applying a proposed new or revised policy that must be impact assessed.

- This means that the assessment process must happen **before** a policy is decided. The assessment cannot be retrospective, or undertaken near the end of the process, but instead should be integral to the earliest stage of the development of policies and practices and in the revision of existing policies or practices.
- For existing policies or strategies, impact assessment should be undertaken at the point when the policy is being reviewed or amended. Again the IIA should be undertaken **before** any changes are agreed.

2.3 Who is responsible for doing an Integrated Impact Assessment?

The people responsible for developing a new policy or strategy, or delivering a service are responsible for undertaking the assessment. Recent legal cases highlights that the duty cannot be delegated – it must be considered by the person with the ultimate responsibility for the policy or the service and for the decision to implement the policy. Therefore the relevant Head of Service or NHS Project Lead needs to be aware that the IIA is being undertaken and **must sign off the final document**.

2.4 How to undertake an Integrated Impact Assessment.

An integrated impact assessment should be undertaken by those involved in developing the plan or strategy. It should be a group exercise that brings together different perspectives on the topic being discussed. A sound understanding of what is proposed is essential to allow the IIA to be completed successfully. At least one member of the group should have undertaken training on how to undertake an impact assessment. Ideally the group should include:

- the person who wrote the plan, proposal or strategy
- the person who has strategic responsibility for it
- a person who will implement it
- a person with an operational or front line perspective

plus:

- it is good practice to invite an employee representative, or HR colleagues particularly where the proposal will have an impact on service delivery or will impact on staffing arrangements or other workforce issues
- Where possible the group should consist of at least four people to bring a broad perspective

2.5 Participation/Involvement and Evidence

It is important to have as much up to date and reliable evidence as possible about the needs and experiences of different groups that the policy is likely to affect and the impact that it is likely to have on the environment. Evidence is required of community involvement in the development of the policy. You have probably already collated some data and evidence in developing your policy and you should briefly review this when undertaking your assessment.

For advice on planning engagement activity please refer to [‘People’s Voice’](#) a framework for engaging people and communities developed by East Lothian Partnership.

Evidence	Available?	Comments: what does the evidence tell you?
Data on Populations in need?		
Data on service uptake/access		
Data on quality/outcomes		
Research literature evidence		
Public/patient information		
Evidence of inclusive engagement of service users and involvement findings		
Good practice guidelines		
Environmental data		
Other (please specify)		

You may find that there is more information available about the experiences of particular groups than others. You may find it useful to work with partners to fill these gaps or you may find that partners have information that you could use.

Where it is not possible to gather new information in time to inform the assessment, you should consider including actions in your plans to monitor and review the policy. A lack of evidence should never be used as a reason for inaction.

Key sources of information include (see appendix for other sources): can be found in appendix 1.

2.6 Assessing the impact

Questions in the template are intended to help you to critically consider the possible impacts on different groups in the community. Your comments should focus on how the policy will **meet the needs of and impact on** of different groups.

The template asks you to critically consider the impact of the policy on key social, environmental and economic objectives.

A service provided to all people will not necessarily address inequality. It is important to remember that some people will fall into multiple groups e.g. many people will have more than one protected characteristic e.g. age, disability, ethnicity and sex. Some other groups will share the same concerns or barriers to services or participation.

The checklist includes factors that influence people's health, wellbeing and human rights. Health is not only affected by people's lifestyles but also by their social circumstances and the environment in which they live and work and the amount of control they have over decision making.

The list is not exhaustive – if you can identify others who will be impacted – they should be considered here also.

Think about:

- Who is likely to be directly affected by the proposal/ policy?
- Who is likely to be indirectly affected by the proposal/policy?
- Is it likely that some people might be excluded from the proposal/policy?
- How will you communicate with people about what is being proposed?

- **Positive Impact**

An impact that could improve or support work towards the objectives listed. The positive impact may be different for people with one or more protected characteristic. This is permissible but you must always be able to demonstrate that positive impacts are justifiable in law and do not amount to discrimination, direct or indirect. You can also identify how the work will contribute to advancing equality.

For example: A targeted health improvement campaign for young men between the ages 16 to 24 would have a positive impact on this age group, compared with its impact on other age groups. It would not however have a negative impact on other age groups or women.

- **Negative Impact**

An impact that does not support or hinders the achievement against the objectives identified.

For example: Holding a public meeting as a part of a consultation exercise in a building that does not contain an induction loop system will have a negative impact on attendees who use hearing aids.

2.7 Services Delivered on behalf of the Public Bodies

Public bodies cannot abdicate or delegate their responsibility for meeting the public sector equality duty by 'contracting out' its functions. Where a partner's functions will be carried out by an external supplier, both the partner and the contractor have joint responsibility for meeting the duty. If an external organisation is carrying out functions on behalf of the partnership, then you need to make sure that equality is given due regard⁷. The IIA process asked you to identify if any part of the service will be delivered externally and if so, asks how equality and human rights have been considered as part of the procurement process.

2.8 Action Plan

Having considered the evidence and **critically considered** the likely impacts, the group should identify ways in which the proposal should be amended or other action taken to **maximise positive and minimise negative impacts**.

The reality is that, in times of financial constraint, public sector partners will have to make difficult and often unpopular decisions regarding funding and service provision. The Public Sector Equality Duties do not prevent the partners making these decisions. Through the impact assessment process, potential for adverse impact or missed opportunities will be identified to address any inequitable loss of service. In this instance the Equality and Human Rights Commission will be looking for steps you have taken or considered to mitigate any adverse impacts. Some useful questions to consider:

- What actions are required to improve the policy as a result of the IIA?
- Do you think the proposal/ policy should be piloted before full implementation, to check for adverse impact?
- How will the policy be monitored after full implementation?

⁷ Those organisations subject to the duty must have due regard to the three aims of the equality duty in all aspects of carrying out their business decisions and their day-to-day activities. In other words we must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

- Have you planned reviews of the policy? If so, how often and who will be responsible?
- Will you carry out a further impact assessment and consultation to check if the policy is not resulting in adverse impact? If so, when is this likely?
- Will you consider how to improve the policy, particularly in respect of promoting equal opportunity and good relations?

Remember, if the policy shows actual or potential unlawful discrimination you will only be able to meet your legal obligations under the duties by stopping, removing or changing the policy.

Example: In order to reduce overall costs it was proposed that a branch practice of a GP surgery in an area of moderate deprivation in the Lothians be closed. An equalities impact assessment of this proposed change was carried out which showed that this would create significant disadvantage to older people, couples with young children and disabled people in particular who would in the future require to take two buses or a taxi to the nearest available practice. This was considered to be a barrier to primary care services with potential to create significant disadvantage. It was probable that without the branch practice the adjacent pharmacy would be likely to close causing a further negative impact on an already vulnerable community at risk of poor health outcomes. As a result of the significant negative impacts identified through the equality impact assessment process the proposal to close the branch practice was withdrawn.

Follow up

Integrated Impact Assessment should not be seen as a one off exercise. The true impact of a policy may only become clear once it is implemented or operating in practice. Existing and normal monitoring practices need to be adapted to include the monitoring of impact on people with protected characteristics, other vulnerable groups and meeting the general equality duties, the environment and the economy.

2.9 Sign Off, Paperwork and Publication

The Integrated Impact Assessment template should be used when undertaking impact assessments. Please complete the form electronically. Remember that all Integrated Impact Assessments are required to be published by each of the partners and therefore authors must ensure that the information is presented clearly and in language that can be easily understood by the general public.

Recent legal cases highlight that the duty cannot be delegated – it must be considered by the person with the ultimate responsibility for the policy or the service and for the decision to implement the policy. Therefore the relevant Head of Service or Project Lead needs to be aware that the IIA is being undertaken and **must sign off the final document**.

- **East Lothian Council**

Please send a completed copy of the IIA to equalities@eastlothian.gov.uk and it will be published on the Council website shortly afterwards.

- **Midlothian Council**

Please send a completed copy of the IIA to midlothian.gov.uk and it will be published on the Council website shortly afterwards.

2.10 Quality Assurance

All IIA's are checked to ensure that they are completed to an appropriate standard and are fit for purpose. Occasionally a sample of IIA's will be checked by a IIA group which includes colleagues working on equality, sustainability, health inequality and tackling poverty. This will help to ensure that IIA's are completed to a suitable and consistent standard and identify areas where improvements can be made to the information, support or training available to officers and staff.

Criteria	Comment
Overall, the IIA is understandable and set in context	
The need for a IIA was identified appropriately	
There is evidence that all relevant populations were considered	
There is evidence that all parts of the IIA were completed appropriately	
There are no obvious impacts that were not identified	
There is an action plan to implement any	

recommendations arising from the IIA and it specifies how these will be monitored	
The appropriate person has signed off the IIA	
Any relevant reports to committee contain the appropriate reference to IIA	
Any further considerations	

Feedback will be given to the lead person for the IIA document. This may include the need for minor adjustments, follow up action or other recommendations.

Section 3: Considering Human Rights

Human rights are the fundamental freedoms and rights to which everyone is entitled. They are built on values such as dignity, equality, freedom, autonomy and respect. They were first set down in the Universal Declaration of Human Rights and are now grounded in international laws.

Scotland’s National Action Plan for Human Rights (SNAP) presents a vision for Scotland in which everyone is able to live with human dignity. SNAP is also a framework through which public bodies can work to realise human rights. The integration of human rights considerations into decision-making processes will lead to a fairer and more equal society. Human rights can also provide an objective framework to ensure the prioritisation of limited resources.

SNAP is built on 3 broad outcomes:

- 1) Better culture: people understand and can affirm human rights and organisations are enabled and accountable to put rights into practice
- 2) Better Lives: Scotland effectively tackles injustice and exclusion, improving lives
- 3) Better World: Scotland gives effect to its international obligations at home and internationally.

Consideration of human rights impacts and the contribution to delivering on the SNAP Outcomes have been built into the IIA process. The overall process contributes to Outcome 1 Better Culture by increasing our accountability and supporting people’s understanding of human rights within the context of their work.

IIA consideration	Outcome 2: SNAP Priorities: ‘Enhance respect, protection and fulfilment of human rights to.....
Social: Equality, Health and wellbeing	
Promotes equality of opportunity e.g. improves access to and quality of	SNAP Priority 4: achieve high quality health and social care

services	
Promotes good relations within and between groups and tackles harassment	SNAP Priority 6: achieve justice and safety for all
Promotes participation, inclusion and self control over decisions	SNAP Priority 6: achieve justice and safety for all
Reduces crime and fear of crime	SNAP Priority 6: achieve justice and safety for all
Promotes healthier lifestyles including diet and nutrition, sexual health, substance misuse and exercise and physical activity.	SNAP Priority 4: achieve high quality health and social care
Environmental	
Pollution: air/ water/ soil/ noise	SNAP Priority 6: achieve justice and safety for all
Public Safety: Minimise waste generation/ infection control/ accidental injury	SNAP Priority 6: achieve justice and safety for all
Improves the physical environment e.g. housing quality, public and green space	SNAP Priority 5: achieve adequate standard of living for all
Economic	
Helps young people into positive destinations	SNAP Priority 5: achieve adequate standard of living for all
Helps people to access jobs (both paid and unpaid)	SNAP priority 5: achieve adequate standard of living for all
Improving literacy and numeracy	SNAP priority 5: achieve adequate standard of living for all
Improves working conditions, including equal pay	SNAP Priority 5: achieve adequate standard of living for all

Section 4 Supporting Information

4.1 The Policy Context

4.1.1 What is the Equality Act 2010 and who does it protect?

The purpose of the **Equality Act** is to ensure that everyone, whether at work or in using a service has the right to be treated fairly. It protects people from discrimination on the basis of certain characteristics. These are known as protected characteristics and they vary slightly according to whether a person is at work or using a service.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity (the law provides protection in the area of employment and vocational training only)
- Race
- Religion and Belief
- Sexual Orientation
- Sex
- Marriage and civil partnership (the law provides protection in the area of employment and vocational training only)

The specific duty of the Equality Act requires the Council/ NHS to assess the impact of a policy on the general duty, namely:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

4.1.2 Climate Change (Scotland) Act 2009

The [Climate Change \(Scotland\) Act 2009](#) places a *statutory obligation* on public bodies to:

1. Contribute to the delivery of national greenhouse gas (GHG) emissions reduction targets;
2. Support the Scottish Government's framework for adapting to climate change; and
3. Incorporate the principles of sustainability into their decisions and actions.

4.1.3 The Environmental Impact Assessment (Scotland) Act 2005

[The Environmental Impact Assessment \(Scotland\) Act 2005](#) (the Act) is designed to gauge the likely impact and the pressures on the environment from any plans, programmes or projects which are likely to affect it. The legislation introduced the requirement to undertake Strategic Environmental Assessment (SEA). The purpose of SEA is to ensure that information on the significant environmental effects of a plan, programme or strategy (PPS) of a public body is gathered and made available to decision-makers.

4.2 Recent Legal Cases for Equality Impact Assessment

Recent legal cases have highlighted the need for elected members and other decision makers to actively consider the general equality duty⁸ when deciding whether to approve a new or revised policy or practice. Key points to remember are:

- The duty to assess impact is mandatory and it must be fulfilled prior to the adoption or implementation of the decision, function or policy in question.
- The duty cannot be delegated – it must be considered by the person with the ultimate responsibility for the policy or the service and for the decision to implement the policy.
- Good evidence is required for the decision maker to show 'due regard' ; an inadequate analysis in an assessment may itself mean a failure to meet the general duty
- The decision maker's process of giving due regard should be clear and transparent and be properly recorded.

-
- ⁸ Promote equality of opportunity
 - Eliminate discrimination and harassment and
 - Promote good relations between those with protected characteristics and those with none

Example: Kaur -v- London Borough of Ealing

This case dealt with the issue of whether a race impact assessment should have been carried out before the council decided to cut funding to a voluntary organisation, Southall Black Sisters (SBS). It provided services to Asian and Afro-Caribbean women who experience domestic abuse. In 2007-2008 they were partly funded by Ealing Borough Council. The council decided in September 2007 that it would only fund borough-wide services provided to everyone experiencing domestic violence irrespective of gender, sexual orientation, race, faith, age, or disability.

SBS said that this would have a disproportionate adverse impact on black and minority ethnic (BME) women and pointed out that the council had not done a race equality impact assessment. The council then undertook a “draft equality impact assessment”, which indicated that the impact on BME women would be monitored when the new arrangements were in place.

However, it did not carry out a full equality impact assessment. A few months later, the council confirmed its earlier decision to fund a single borough-wide service provider. The claimants, service users of SBS, successfully applied to judicially review this decision.

The court quashed the council’s decision and reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before formulating policy.

There are a number of **other examples** of successful cases that have resulted in the courts’ quashing the decisions of public authorities. These include:

- cutting the funding of voluntary organisations in Chavda -v- Harrow LBC
- refusing to allow a Sikh girl to wear a kara through the rigid application of a school uniform policy in Watkins-Singh -v- Governing Body of Aberdare Girls High School
- refusing to license a particular model of taxi for use as a hackney cab despite disabled groups making representations that many wheelchair users could not travel safely in Lunt and another -v- Liverpool City Council
- approving planning permission for a development of chain stores and luxury flats on a site overwhelmingly occupied by BME businesses and tenants in Harris -v- London Borough of Haringey.

Appendix 1: Sources of Evidence

- **Scottish Government Equality Evidence Finder**
<http://www.scotland.gov.uk/Topics/People/Equality/Equalities>

- **Census** <http://www.gro-scotland.gov.uk/census/index.html>

Indicative list of types of plans and programmes subject to Strategic Environmental Assessment

<http://www.scotland.gov.uk/Resource/Doc/921/0018361.pdf>

- **SEA Toolkit (Scottish Government)**
<http://www.scotland.gov.uk/Publications/2006/09/13104943/45>
- **Scottish Index of Multiple Deprivation**
<http://www.scotland.gov.uk/Topics/Statistics/SIMD>
- **Scottish Neighbourhood Statistics**
<http://www.sns.gov.uk/>

Joint Inspection of Children's Services

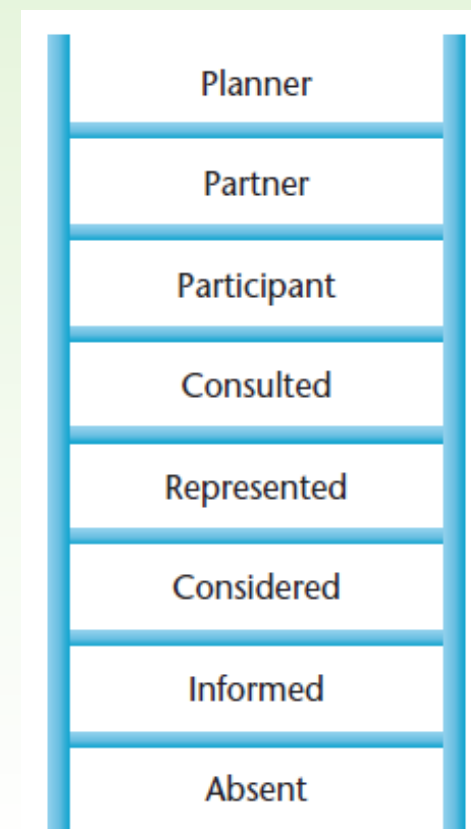
*View*POINT

Inspections of Children's Services from 2018 include a survey of care experienced children and young people.

- **The Care Inspectorate explain that the results will be used to find out what is working well and where things can be improved**
- **In developing the questionnaire and in the inspection process the Inspectorate have been supported by Young Inspection Volunteers***

***Young people aged 18 to 26 years with experience of care services**

So, aiming for the planner level ' young people involved in practice evaluation and influencing the service provided



*View*POINT

Inspection process is aiming for the planner level ' young people involved in practice evaluation and influencing the service provided'

But maximising the participation of young people in the completion of the survey is down to local organisations.

To what extent will local organisations offer the survey to all young people?



*View*POINT

The survey focuses on two main areas:

'How you have been feeling (your wellbeing)

Your experience of the services working with you and your family'

So, the emphasis is self-assessment by the young person



*View*POINT

In the survey:

Two questionnaires: 8 to 15 years and 16 years plus

Each survey focuses on areas of key importance to young people:

- **Listened to and understood**
- **Getting the right help**
- **Relationship with adults (those providing services for example social workers)**
- **Supported into adulthood (for 16 plus)**
- **Wellbeing**



ViewPOINT

Wellbeing

Stirling University SCWBS

12-item scale proving to be a robust, reliable and valid measurement for emotional and psychological wellbeing

(Scale range is 12 to 60. Mean average is 44)



*View*POINT

Wellbeing

Warwick Edinburgh (WEMWBS)

14 item scale of mental wellbeing covering subjective well-being and psychological functioning

Scores range from 14 to 70 Validated for use with young people 16 years and over

Scottish population mean score is 50.7



ViewPOINT

Aim to enable the young person survey to be completed electronically using Viewpoint ACASI

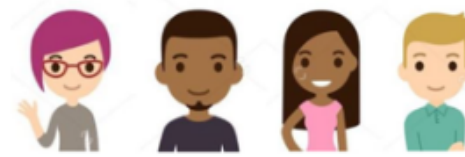
- Offers a more engaging medium for young people: on phone, tablet, laptop
- Individual responses can be aggregated for authority wide reports and analysed by placement type, time in care, ethnicity, disability
- Well-being scores automatically generated.

East Lothian Pilot



ViewPOINT

Children's Services Inspection East Lothian



+ What is an inspection?


+ What is the Care Inspectorate?

+ Your views matter

- Giving your views

It is easy to give your views. Simply go to the My Feedback section below and click on the link. It will take about 10 minutes to complete. There are no trick questions or wrong answers. Questions will appear spoken by avatars. You can select responses and add extra comments. There are even games to play.

Resources

 Giving your views

+ Your views are confidential

+ What happens to what you say?

+ Give your feedback here

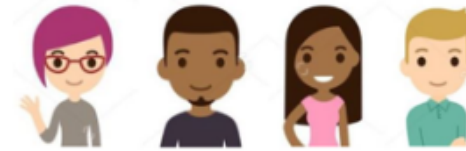
East Lothian Pilot

Introductory and explanatory information supported by video clips is easily accessible from an app or a web page

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Children's Services Inspection East Lothian



East Lothian Pilot

- + What is an inspection?
- + What is the Care Inspectorate?
- + Your views matter
- + Giving your views
- + Your views are confidential
- + What happens to what you say?

- Give your feedback here

Please remember your views are important and will help to ensure that care experienced young people get the best services. To give your feedback just click on the My Feedback link below and then choose to give feedback for your age.

Click on this link [My Feedback](#)

The app and webpage provide a link to the [questionnaire care inspection](#)

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- Link to web page provided on tablets for use by young people
- Workers visiting young people with a tablet or laptop provides encouragement
- Link can be sent in email or text for young people to complete







ViewPOINT

What young people say

Has anyone talked to you about the help you need to make things better?
(8 to 15 years)



	0	0.00%	Not at all
	2	28.57%	Not really
	1	14.29%	Yes, but I want to know more
	4	57.14%	Yes, definitely

ViewPOINT

What young people say



Has anyone talked to you about the help you need to make things better?
16 plus years)

Color	Count	Percentage	Response
Blue	0	0.00%	Not at all
Red	1	20.00%	Not really
Green	0	0.00%	Yes, but I want to know more
Yellow	4	80.00%	Yes, definitely

What young people say

Are the things you want included in your Child's Plan?
(8 to 15 years)




Blue	0	0.00%	Not at all
Red	1	14.29%	Not really
Green	3	42.86%	Some, but not all
Yellow	2	28.57%	Yes, definitely
Cyan	1	14.29%	I don't know what this is

ViewPOINT

What young people say

Are you in the right place to get the care and help you need?
(8 to 15 years)



	0	0.00%	Not at all
	1	16.67%	Not really
	3	50.00%	Yes, for some things
	2	33.33%	Yes, definitely

What young people say

Are you in the right place to get the care and help you need?
(16 plus years)



Blue	0	0.00%	Not at all
Red	0	0.00%	Not really
Green	2	40.00%	Yes, for some things
Yellow	3	60.00%	Yes, definitely

What young people say

Are your views and opinions listened to?
(8 to 15 years)



	0	0.00%	Not at all
	2	33.33%	Not really
	2	33.33%	Sometimes
	2	33.33%	Yes, always

What young people say

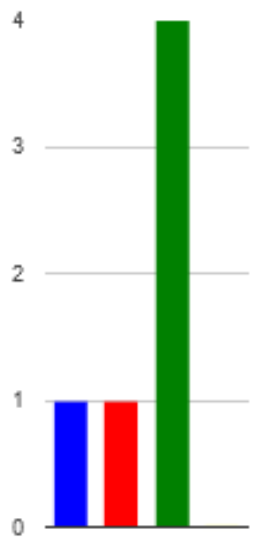
Are your views and opinions listened to?
(16 plus years)



	0	0.00%	Not at all
	1	20.00%	Not really
	2	40.00%	Sometimes
	2	40.00%	Yes, always

What young people say

Are things getting better for you?
(8 to 15 years)



	1	16.67%	Not at all
	1	16.67%	Not really
	4	66.67%	Yes, for some things
	0	0.00%	Yes, definitely

What young people say

Count Table.

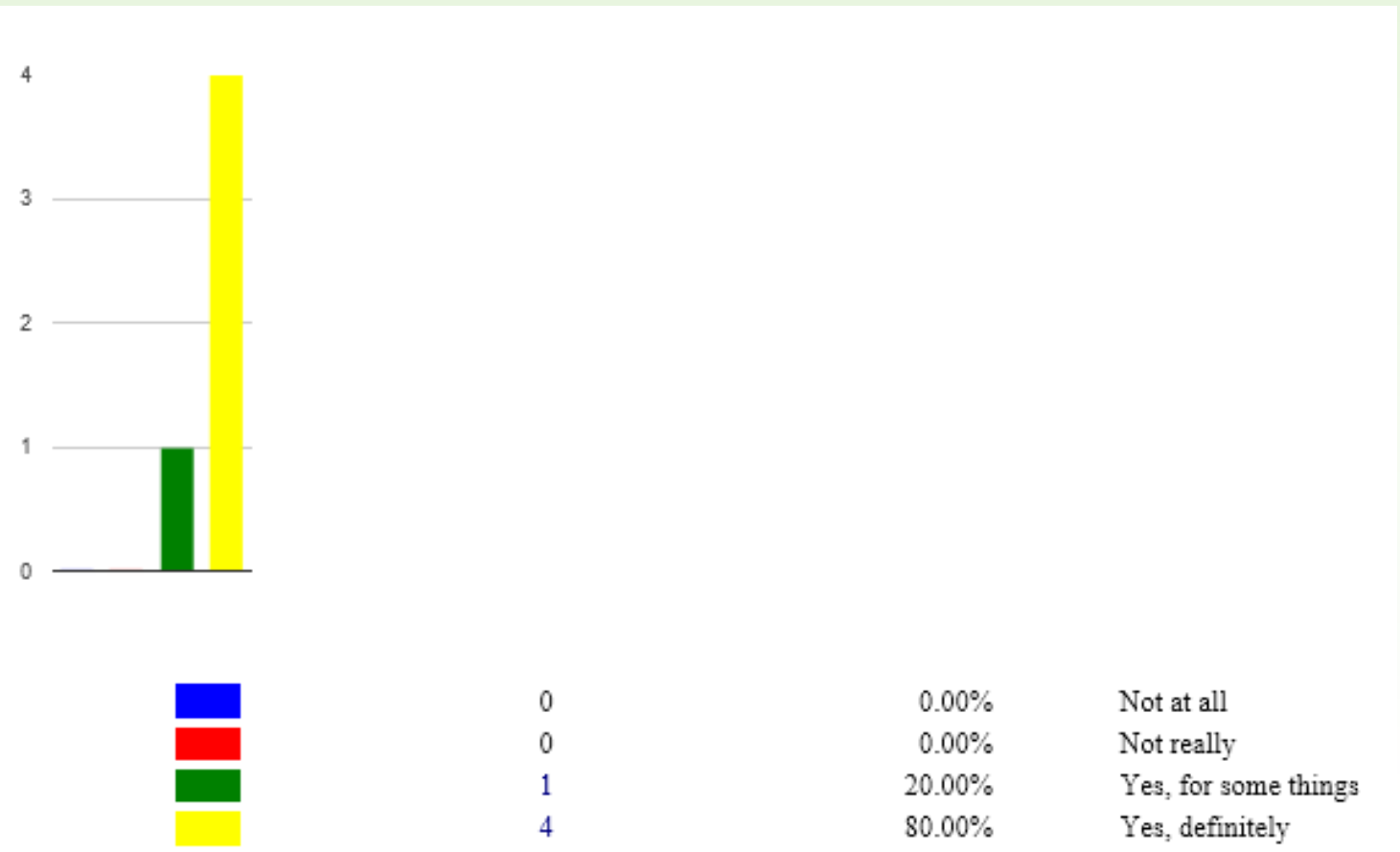
	Less than 1 year	1 year to 2 years	3 years to 5 years	More than 5 years	skipped	Not Answered	Totals
Not at all		1					1
Not really		1					1
Yes, for some things	2	1		1			4
Yes, definitely							
skipped							
Not Answered				1			1
Totals	2	3		2			7

Are things getting
better for you?
(8 to 15 years)

*View*POINT

What young people say

Are things getting better for you?
(16 plus years)



What young people say

Are things getting better for you?
(16 plus years)

ViewPOINT

Count Table.

	Less than 1 year	1 year to 2 years	3 years to 5 years	More than 5 years	skipped	Not Answered	Totals
Not at all							
Not really							
Yes, for some things				1			1
Yes, definitely		1	2	1			4
skipped							
Not Answered							
Totals		1	2	2			5

Wellbeing Scores

SCWBS (mean 44)	WEMWBS (mean 51)
19*	63
36	33***
19**	68
47	61
24	45
23	

SCWBS max 60
WEMWBS max 70

*Things not getting better. Be at home. Poor worker relationship

** Things not getting better. Poor worker relationship

***Things not getting better

ViewPOINT

The value of self-assessments?

Inspection themes:

'How you have been feeling (your wellbeing)

Your experience of the services working with you and your family'

- Young people's reported experience of services closely linked to their wellbeing
- Important to value young people's self-assessments



ViewPOINT

Joint Inspection of Children's Services

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