

South Ayrshire Council

Report by Director of Strategic Change and Communities
to Cabinet
of 14 March 2023

Subject: Updated Terms of Reference for the Equality and Diversity Forum

1. Purpose

1.1 The purpose of this report is to seek approval for the updated terms of reference for the Equality and Diversity Forum.

2. Recommendation

2.1 It is recommended that the Cabinet approves the updated terms of reference attached as [Appendix 1](#).

3. Background

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

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

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

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

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

Directorates. The previous terms of reference were approved by Leadership Panel in 2017.

4. Proposals

4.1 The terms of reference were updated following a discussion at the Equality and Diversity Forum in November 2022. The Forum agreed that the new terms of reference should include a focus on the Fairer Scotland Duty and reflect the current political and officer structures in place. The updates are highlighted in bold in [Appendix 1](#).

4.2 The Forum agreed that Councillor Laura Brennan Whitefield will continue to chair the group. It was suggested that additional representation from the Labour Group should be requested. This request was agreed at Council on 1 March 2023 and Councillor Cameron Ramsay was added as a member of the Forum.

4.3 It is proposed that the Cabinet approves the terms of reference attached as [Appendix 1](#).

4.4 An update on the Council's planned improvements to its approach to equalities was considered by Audit and Governance Panel on 22 February 2023. The Panel welcomed the improvement actions developed by the Equality and Diversity Forum and made further suggestions, including:

- placing Equality Impact Assessments at the front of Council papers instead of as an Appendix at the back;
- assessing all Equality Impact Assessments and Scoping documents prior to submission; and
- further embedding equalities as part of our everyday practice.

4.5 Officers highlighted that a new cross-cutting impact assessment was being proposed as part of the new Council Plan and that this would offer an opportunity to consider these suggestions. Further discussion will take place at the Equality and Diversity Forum in March 2023 and a report brought to a future Cabinet.

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Not applicable.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 **Risk Implications of Rejecting the Recommendations**

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

9. **Equalities**

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

10. **Sustainable Development Implications**

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

11. **Options Appraisal**

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

12. **Link to Council Plan**

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

13. **Results of Consultation**

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Lee Lyons, Portfolio Holder for Health and Social Care, and the contents of this report reflect any feedback provided.

14. **Next Steps for Decision Tracking**

14.1 If the recommendations above are approved by Members, the Director of Strategic Change and Communities will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Develop new integrated impact assessment	September 2023	Service Lead – Policy, Performance and Community Planning

Background Papers **Report to Leadership Panel of 22 August 2017 – [Equality and Diversity Forum Role and Remit Update](#)**

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Date: 6 March 2023

South Ayrshire Council: Equality and Diversity Forum Terms of Reference

1. Role of the Forum

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

2. Remit of the Forum

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

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

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

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

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

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

3. Composition of the Forum

a. *Elected Members*

The Chairperson of the Equality and Diversity Forum will be chosen from the Elected Member representatives nominated by Council which, from March 2023, comprise: SNP (1), Independent (2), Labour (1) and Conservative (1).

b. *Stakeholders/ Voluntary Organisations*

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

c. *Council Officers*

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

4. Frequency of Meetings

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

**South Ayrshire Council
Equality Impact Assessment
Scoping Template**

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Equality and Diversity Forum – Terms of Reference
Lead Officer (Name/Position/Email)	Kevin Anderson Service Lead – Policy, Performance and Community Planning.

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-

Thematic Groups: Health, Human Rights & Children's Rights	-	-

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent's education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	n/a
Advance equality of opportunity between people who share a protected characteristic and those who do not	n/a
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	n/a
Increase participation of particular communities or groups in public life	n/a
Improve the health and wellbeing of particular communities or groups	n/a
Promote the human rights of particular communities or groups	n/a

Tackle deprivation faced by particular communities or groups	n/a
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5. Summary Assessment

<p>Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)</p>	<p>YES <input type="checkbox"/></p> <p>NO <input checked="" type="checkbox"/></p>
<p>Rationale for decision:</p> <p>This measure has no noted impacts requiring a full assessment.</p>	
<p>Signed : ...Kevin Anderson.....Service Lead</p> <p>Date: 28.2.23</p>	