

EAST RENFREWSHIRE COUNCILCABINET14 September 2017Report by Deputy Chief ExecutiveSOCIO-ECONOMIC DUTY CONSULTATION RESPONSE**PURPOSE OF REPORT**

1. The purpose of this report is to: raise awareness of the planned introduction of a new socio-economic duty by the end of 2017 for councils and other public agencies; and seek approval for East Renfrewshire Council's response to the Scottish Government's consultation on this duty.

RECOMMENDATION

2. The Cabinet is asked to approve the response to the consultation on the socio-economic duty, attached in Annex 1.

BACKGROUND

3. In July 2017 the Scottish Government published a consultation on the socio-economic duty. This is an aspect of the UK-wide Equality Act 2010 that has not yet been introduced. Under the powers devolved to the Scottish Ministers under the Scotland Act 2016, the Scottish Government intends to bring the Duty into force by the end of 2017.

4. The socio-economic duty as proposed by the consultation paper would create a new requirement on public bodies, when making a decision of a strategic nature, to give due regard the impact of the proposal on inequalities of outcome which result from socio-economic disadvantage. These decisions could include the preparation of the Local Development Plan, the production of housing strategy and City deals or other major investment plans.

5. The consultation paper on the socio-economic duty invites discussion in four key areas:

- defining the key terms;
- which public authorities should the duty apply to;
- what public authorities could do to show they are meeting the duty; and
- links between the duty and other legislation with a socio-economic focus.

6. The introduction of the socio-economic duty will add to the range of legislation with a focus on tackling socio-economic disadvantage, including:

- Children and Young People (Scotland) Act 2014;
- Community Empowerment (Scotland) Act 2015;
- Education (Scotland) Act 2016; and
- The forthcoming Child Poverty (Scotland) Bill.

EAST RENFREWSHIRE COUNCIL'S RESPONSE

7. The proposed socio-economic duty will build on the extensive, existing work that East Renfrewshire Council is already undertaking to tackle inequality. Recent examples of these activities include:

- Our comprehensive, shared understanding of socio-economic circumstances of our area.
- Submission of the first plan required under the Education (Scotland) Act 2016 which details plans to reduce inequalities of outcome linked to socio-economic disadvantage.
- Extensive consultation by the Early Years Collaborative with the community in Auchenback (an area which has amongst the 20% most deprived communities in Scotland) to shape the ongoing work relating to play, attachment, health, money and safety.
- Additional resources that we have made available to mitigate the impact of welfare reform.
- Our role as a key partner in the East Renfrewshire's Community Planning Partnership, where we are key in the development of the Fairer East Ren and Locality Plans which have a specific focus on tackling inequality.

8. Whilst East Renfrewshire Council's response to the socio-economic duty consultation is generally supportive, we have highlighted the following key issues:

- The duty should be extended to cover Further and Higher Education Authorities, Scottish Fire and Rescue Service and regional transport partnerships.
- Whilst we are supportive of proposals to increase information on the socio-economic impact of budgets, these will be tempered by the timescales within our budget setting process.
- Scottish Government Guidance on implementing the duty should be flexible to be able to adapt to the diverse decision making structures of public bodies and clear on how it expects to provide a coherent response to the range of recent and forthcoming legislation with a socio-economic focus.

CONSULTATION AND ENGAGEMENT

9. East Renfrewshire Council's response to the consultation has been compiled with input from Council departments.

FINANCE AND EFFICIENCY

10. There are no direct resource implications with the introduction of the socio-economic duty. However, it will create new processes of assessment when making financial decisions of a strategic nature. Whilst the exact format of this assessment will be subject to final Scottish Government guidance, it is likely to be similar to the requirement to undertake equality impact assessments.

IMPLICATIONS OF THE PROPOSALS

11. The introduction of the socio-economic duty would augment the existing impact assessment processes (such as equality impact assessment) undertaken by East Renfrewshire during the design and approval of new policies, projects or plans.

RECOMMENDATION

12. The Cabinet is asked to approve the response to the consultation on the socio-economic duty, attached in Annex 1.

REPORT AUTHOR

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CABINET CONTACT DETAILS:

Councillor Tony Buchanan
(Leader of the Council)

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- Report Date: 14 September 2017

BACKGROUND PAPERS & RELEVANT LINKS:

Link to Scottish Government Consultation Paper on the Socio-Economic Duty
<http://www.gov.scot/Resource/0052/00522478.pdf>

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The Socio-Economic Duty A Consultation

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

QUESTION 1 – The key terms defined in this section are:

- Socio economic disadvantage
- Inequalities of outcome
- Decisions of a strategic nature
- Due regard

Do you agree that the definitions of these terms are reasonable and should be included within the Scottish Government’s forthcoming guidance on the socio-economic duty?

Yes, the definitions are reasonable and should be included within the guidance

QUESTION 2A – Do you agree that the socio-economic duty should apply to the Scottish public authorities named here? If not, please specify which authority you do not think it should apply to and why?

Yes, the socio-economic duty should apply to the Scottish Public bodies listed.

QUESTION 2B – Do you think the duty should apply to any other public authorities, similar to those listed in the Equality Act 2010? If so, please name them and explain why you think the duty should apply.

In addition to the public bodies suggested, the following bodies should also be subject to the socio-economic duty:

- Further and Higher Education Authorities – due to the significant role of education in closing the socio-economic gap between individuals and communities
- The Scottish Fire and Rescue Service- under section 13 of the Community Empowerment (Scotland) Act 2015 SFRS are one of the five public bodies with a Duty to facilitate Community Planning –community empowerment act as it applies to partners has a significant focus on tackling socio-economic disadvantage and to ensure consistency of approach the socio-economic duty should also apply to all statutory partners.
- Regional Transport Partnerships- On page 12 the paper states that a regional transport strategy may have socio-economic impacts. The duty therefore should also apply to regional transport partnerships.

QUESTION 3A – Do you have any comments on the steps set out in SECTION 3?

There are an increasing number of duties being placed on local authorities in relation to tackling inequality and disadvantage and the Scottish government should have regard to integrating the socio-economic duty as far as possible within existing processes

While we believe these steps are appropriate for generating evidence of compliance with the duty, activities will build on the extensive, existing work ongoing to tackling inequality by Local Authorities.

In East Renfrewshire reports go to Cabinet/Council setting out rationale and evidence for decisions. East Renfrewshire Council has good understanding of the area and the people in East Renfrewshire and identifies socio economic issues based on data and evidence that are used when developing strategies/plans, e.g. Local Housing Strategy, Local Development Plan, Single Outcome Agreement, Economic Development Strategy, HSCP and Education strategies. The high level strategic actions within these plans are included in the corporate Outcome Delivery Plan and are monitored through the performance management framework. This understanding continues to influence our LOIP and locality plans development and is a shared understanding across our Community Planning Partnership.

We agree the need for monitoring impact over the longer term because many poverty outcomes will have realisation periods of 5/10/15-plus years and it is unlikely to see any immediate impact.

QUESTION 3B - What other actions could public authorities take to demonstrate that they are meeting the duty?

Public authorities should integrate reporting the impact of the socio-economic duty into existing reporting processes.

QUESTION 3C – Could you offer suggestions as to how public authorities could improve budgetary analysis and reporting so as to take better account of inequalities related to socio-economic disadvantage?

Local Authority budget setting processes already happen in extremely tight timescales due to external factors, this will limit the level and consistency of socio-economic analysis that can be applied to budgets. This challenge should be reflected within any guidance that is produced.

However the Joseph Roundtree Foundation's Social Impact Tool provides an interesting approach that could be further explored.

QUESTION 3D – Can you offer examples of how public authorities and others have made best use of the expertise of people with direct experience of poverty?

East Renfrewshire has a long standing commitment to engaging our residents, encouraging public participation in decision making and co-producing services with our communities.

We are working closely with communities in our phase one localities to co-produce the Locality Plans required by the Community Empowerment Act. We have supported a group of 20 core volunteers to engage with 850 residents and agree a set of community priorities for the Locality Plans.

Since 2013 our Early Years Collaborative undertook extensive consultation with the community in Auchenback (an area which has amongst the 20% most deprived communities in Scotland) to shape the ongoing work relating to play, attachment, health, financial inclusion and safety.

As we continue to finalise and implement our Local Outcomes Improvement Plan we will explore multiple options to ensure that the voice of those with direct experience of poverty is reflected, including the learning from the Poverty/Fairness Commissions in other authority areas and the work of the national Poverty Truth Commission.

QUESTION 3E - What kind of guidance and support on meeting the duty would be most useful for public authorities?

Guidance on meeting the Duty should be clear but flexible to ensure that applying the due can be adapted to fit the differing decision making processes of the public bodies listed.

Guidance should be prepared with the understanding that the introduction of the socio-economic duty will require analysis and support within existing resources.

QUESTION 3F – Do you have a view on whether public authorities should use existing monitoring frameworks to track whether the socio-economic duty is making a difference to outcomes over the longer term?

With the range of additional reporting requirements linked to new legislation (discussed further in Section Four of our response) expected to come into force in the next 12 months, tracking of the socio-economic duty should be integrated into the existing reporting structures of these requirements.

QUESTION 4A - Once the socio-economic duty is introduced, the Scottish Government is keen for public authorities to look strategically across all planning processes in place to maximise their impact. What could public authorities and the Scottish Government do to make sure that the links between the different duties are managed effectively within organisations?

Considering the existing requirements of the Equality Act 2010, the more recent requirements from the Community Empowerment Act 2015, Children and Young

People Act 2014, Education Act 2016 and the forthcoming Child Poverty Bill requirements, the Scottish Government should ensure that guidance on implementing the socio-economic duty is clear about how it expects public bodies, particularly local authorities, to provide a coherent response.

Coordinated reporting would enable a level of visibility which shows all contributions towards common aims around poverty and socio-economic disadvantage.

QUESTION 4B – Can you offer examples of good practice in taking an integrated approach to issues such as poverty, equality, and human rights?

The progress that East Renfrewshire Community Planning Partnership (CPP) has made in developing our Local Outcomes Improvement Plan and Locality Plans is a strong example of developing this integrated approach.

Working in partnership is key to ensuring that the objectives of this aspiration are realised, with the ability to work collaboratively and not in silos, and focussed on what communities are telling us from extensive community engagement and key trends from socio-economic data analysis.

The voice of our communities will be central as we continue to develop Locality Plans, ensuring that planned actions to tackle disadvantage are supported by communities.

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